

Seven reasons to not support the European Commission's proposal to repeal the Austrian safeguard measures on MON810 and T25 genetically modified maize

- Democracy in the EU is at stake

Opinion polls consistently show that 70 - 80% of EU citizens reject GMOs in food and agriculture. This is also reflected by the fact that since the fall of the moratorium on GMO authorisations in 2004, no qualified majority of member states in favour of authorising GMOs has been achieved. However, the EU Commission keeps on giving market access to GM crops, although the Commission itself stated to "act in such a way as to avoid going against any predominant position which might emerge within the Council against the appropriateness of an implementing measure" (Declarations 1999/C 203/01 on Council Decision 1999/468/EC). If no qualified majority supporting the Austrian bans on MON810 and T25 is reached, the Commission will most likely order the lifting of the respective decrees.

This second attempt of the Commission to lift the Austrian bans not only threatens each member states' right to protect themselves against the risks of GMOs, it also chooses to disregard the results of the June 2005 Environment Council. At the June 2005 Environment council, a qualified majority of member states voted against the Commission's proposal to lift the national bans on cultivation of GM crops in Austria, Germany, France, Greece and Luxembourg. This vote set a strong signal for the right of member states to protect their territory against environmental and health risks of GMOs by applying the safeguard clause under Art. 23 of Directive 2001/18.

- New scientific evidence on MON810 and T25 maize

Furthermore, the Austrian ministry of health has recently submitted to your competent authorities a compilation of new and old scientific evidence on environmental and health risks for both MON 810 and T25 maize, including possible unintended effects on non-target organisms, uncertainties concerning resistance management, the likelihood of secondary pests development and the lack of a monitoring plan. Concerning the health safety assessment of MON810 and T25, a number of important shortcomings and weaknesses were revealed.

- Inconsistencies in the Commission's argumentation

In public, the European Commission constantly states, that GMOs with EU-market access are safe: "...no GMOs are allowed on the EU market unless they have been proved to be completely safe." Mariann Fischer Boel, Commissioner for Agriculture and Rural Development, 10 March 2006. "GM sweet corn has been subject to the most rigorous pre-marketing assessment in the world. It has been scientifically assessed as being as safe as any conventional maize. Food safety is therefore not an issue.." David Byrne, Commissioner for Health and Consumer Protection, 19 May 2004.

Behind closed doors, a different argumentation is used. : "It is apparent from the scientific advice now before the Panel, that there is no unique, absolute, scientific cut off threshold available to decide whether a GM product is safe or not (the risk assessment end point)."¹⁰ on the basis of existing research...it is impossible to know whether the introduction of GM food had had any human health effects other than acute toxic reactions." Quote from In the European Communities submission to World Trade Organisation dispute panel on 28th January 2005

Even the European Commission has doubts about the safety of GMOs. Thus, the recent attempt to repeal Austria's safeguard measures, which were put in place to protect citizens from yet unknown negative health and/or environmental impacts of GMOs, is highly questionable.

- WTO-ruling on GMO dispute confirms legality of national safeguard measures

The WTO's Dispute settlement panel found, that the nine safeguard measures imposed by certain EU member States were not based on a risk assessment as required in the WTO's the SPS Agreement. Still, the ruling concludes that GM-restrictions in general are possible. The panel also admits, that European legislation (on GMOs) was not questioned during the panel's work. In addition, with the Biosafety Protocol there already exists a multilateral agreement on trade and handling of GMOs (LMOs).

- Market approval for MON810 and T25 maize were based on outdated legislation

As market approvals for both MON810 and T25 maize were based on outdated legislation, both crops will need to go through a re-approval process in 2007 (see also below). Any attempt to lift the national safeguard clauses on MON810 and T25 maize before a proper reassessment of their environmental and health risks has been conducted is therefore unacceptable. It is likely that MON 810 and T25 maize will not meet the stricter environmental impact assessment requirements of Directive 2001/18. Even the European Commission has admitted that "it is a reasonable and lawful position that no Bt crops (Monsanto's MON 810 maize is a Bt crop) should be planted until all the effects on the soil are known."

- Reform of the European Food Safety Authority pending

In its opinion of March 2006, the European Food Safety Authority (EFSA) stated that "there is no reason to believe that the continued placing on the market of Bt176, T25 and MON810 maize (...) is likely to cause adverse effects for human and animal health or the environment (...)". EFSA's lack of consideration of long term environmental impacts had recently been questioned both at Council and Commission College levels. Only once a real reform of EFSA has been carried out, should its opinions be taken into consideration.

- Re-approval of MON810 and T25 under Food and Feed Regulation is unacceptable

The Commission intends to process the reassessment of GM crops for cultivation purposes under the Food and Feed Regulation 1829/2003. By allowing GMOs to be re-approved for the EU market through a procedure that requires less scrutiny than under Directive 2001/18, the Commission represents a worrying step backwards and effectively cancels years of work that went into ensuring that GMO legislation took both health and environmental impacts into account in a transparent and democratic manner.