

# Biotech Mailout

Information from the Biotechnology Programme of Friends of the Earth Europe

July 2006



**Friends of  
the Earth  
Europe**

## EU Biotech strategy - mid term review turns into mid-life crisis

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*The EU's biotechnology strategy is up for review. In an attempt to save public face and stave off concerns of industry bias, the Commission's Secretariat General has stepped in to announce a hastily drawn up public consultation of the strategy. The pro-biotech and industry-friendly Barroso Commission wants to keep this process on track at all costs, justifying its support for GM food and crops with unsubstantiated arguments that the sector will create jobs in Europe.*

The EU Biotech Strategy<sup>1</sup>, adopted in 2002 for a period of 8 years promotes biotechnology based on the idea that it is a "frontier" technology that can provide a "major contribution" to reaching the EU Lisbon Agenda goals of competitiveness and job creation. No evidence for how this sector will achieve more and better jobs is in fact provided. Although the strategy acknowledges that the debate on GMOs has led to "concrete improvements on important issues", it threatens Europe with being left behind unless it whole-heartedly adopts this new technology. Public concern on GMOs has apparently "stifled our competitive position, weakened our research capability, and could limit our policy options in the longer term".

The strategy sets out 30 action points, which roughly grouped, set targets for jobs and education, research including intellectual property rights (IPRs); finance; communication and networking; governance; implementation of legislation; and development. On GM food and crops, the strategy makes highly questionable statements on GMOs' "improved food quality" and "environmental benefits".

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## Mid term review

The biotech strategy is halfway through its 8 year programme and comes up for a mid-term review (MTR) by the end of this year. Unless there are delays, the Commission will issue a Communication at the end of 2006, which will be sent to the European Parliament and Member States, to be adopted at the 2007 Spring EU Competitiveness Council.

The MTR will include:

1. A Commission review of the biotech strategy's progress since 2002, under the lead of DG Enterprise Industry
2. Contributions from a network made up of Member States, Commission and Industry
3. A Commission study, carried out by its Joint Research Centre (JRC-IPTS)<sup>1</sup>, on the impacts of biotechnology in the EU which was requested by the Budgets Committee of the European Parliament

Until now public interest groups could only participate through the JRC study. This in itself has been heavily criticized by NGOs (see following article). Industry, on the other hand, is not confined to inputting just through the JRC study. The Commissioner for Enterprise Industry, Gunter Verheugen has made this very clear: "[the Biotech strategy MTR] *will involve closer cooperation with industry through the Competitiveness in Biotechnology Advisory Group and a regular annual triangular dialogue with industry and Member states in order to help identify problems, propose priorities, and make recommendations for actions*"<sup>2</sup>

In fact the role of industry is written in to the Biotech Strategy, strangely enough as a way of ensuring a "*proactive role for public authorities*"<sup>3</sup>. The Competitiveness in Biotechnology Advisory Group (CBAG) was set up in 2002 as part of the

biotech strategy. The Commission initially refused to publish which companies and academia were in the group but was then forced to do so following a legal request by Friends of the Earth Europe. Unsurprisingly 21 out of 26 members are companies, including Monsanto, Syngenta, Bayer and their lobby group, EuropaBio.<sup>4</sup>

Just how important a role industry has whilst other stakeholders have been excluded was made very clear when the MTR kicked off with a "Biotech Policy Round Table" in Helsinki last month. Member States, the Commission, industry and a few academia attended. Environmental NGOs were not invited and when Friends of the Earth asked to attend we were falsely told it was already full. An anonymous call earlier had confirmed that registration was still possible and the conference venue also confirmed the availability of space! Friends of the Earth Finland was then refused entry on the actual day. Industry on the other hand accounted for at least one third of participants and was even sending out official invitations through its EU lobby group, EuropaBio.

## Commission backs down

Stung into action to defend themselves, the Secretariat General of the Commission informed Friends of the Earth within hours of the Helsinki meeting, that there would now be a stakeholder consultation. In a meeting a few days later, the Director of Strategic Objective Security and External Responsibility informed us that they had now taken over the responsibility of the review from DG Enterprise and that President Barroso had "personally" communicated his wish for the review to be "neutral". No doubt this was an attempt to regain public trust and to avoid the derailing of a key Commission priority for the coming months.

An internet consultation has now started and runs until September 30th.<sup>5</sup> Friends of the Earth Europe welcomes this initiative although a consultation over the summer break, especially one for which there has been no advance warning, will prove difficult for many stakeholders to fully participate. Furthermore, the internet consultation requires comments on the 30 action points of the Biotech Strategy but does not leave room for more general comments, nor does it invite comments on the Biotech Strategy's 4 introductory components: strategic challenges, the potential of biotechnology, how to harvest that potential, and governance.

It also seems that industry will continue to have privileged access behind closed doors with DG Enterprise refusing to make public the work of the CBAG. Friends of the Earth Europe and other NGOs are demanding that agendas, minutes and working documents of the CBAG be posted on the Commission website. After all, the Commission publishes submissions to its internet consultations on its website so why not the inputs of the CBAG and its members?

### **Can the review be saved?**

Taking the review away from the industry-friendly DG Enterprise at least raises the possibility of

rescuing the mid term review. However in order to gain public trust the Commission has to ambitiously increase its efforts to show that it is listening to all stakeholders and that this is a fair process. The close involvement of industry, at the expense of real public involvement, is symptomatic of a Commission that, despite acknowledging that there are public concerns on GMOs, continues to push GM food and crops as crucial for EU competitiveness. The biotech strategy is hopelessly out of date. The GM food and crops sector has not substantially created jobs in the EU. Public opinion thoroughly rejects GM foods and does not look likely to change in the near or medium future. In addition, the industry has failed to deliver on any of its promises with only two GMOs (herbicide and insect tolerance) brought to the market in the last 10 years. It is time to review not just the strategy's action points, but more importantly, the rationale of why Europe and its citizen's should continue to support an under-performing and unwanted industry.

### **References:**

- 1 <http://bio4eu.jrc.es>
- 2 [http://ec.europa.eu/biotechnology/index\\_en.htm](http://ec.europa.eu/biotechnology/index_en.htm) The EU Biotech Strategy includes all types of biotechnology therefore including genetically modified food and crops. This article is written in the context of green biotechnology and does not target other sectors covered in the strategy.
- 3 Speech by Commissioner Verheugen, September 2005. See Biotech Mailout December 2005 for more information
- 4 Action point 10 of the Biotech Strategy 2002, [http://ec.europa.eu/biotechnology/index\\_en.htm](http://ec.europa.eu/biotechnology/index_en.htm)
- 5 [http://ec.europa.eu/enterprise/phabiocom/docs/cbag\\_members\\_20060106.pdf](http://ec.europa.eu/enterprise/phabiocom/docs/cbag_members_20060106.pdf)
- 6 The consultation questionnaire and all related EU documents are at:  
[http://ec.europa.eu/biotechnology/index\\_en.htm](http://ec.europa.eu/biotechnology/index_en.htm)

# The 'Biotechnology for Europe' study

A significant contribution to the mid-term review of the EU Biotechnology Strategy will be made by the *Biotechnology for Europe study*, being carried out by the European Commission's Joint Research Centre (JRC) and Institute for Prospective Technological Studies (IPTS). The study aims to provide a cost-benefit analysis of modern biotechnology in terms of its contribution to major policy goals.

Friends of the Earth Europe has serious concerns about both the methodology and process of this study. We have been involved as a stakeholder from the outset, attending meetings in January and May 2006. All stakeholders were invited to put forward a submission illustrating the impacts of modern biotechnology from their point of view, and present a summary of their points at the May meeting - we used this opportunity to highlight our concerns about the study itself. Our submission expands on these points, and includes detailed references and studies we feel the JRC-IPTS must take into account during the study. All stakeholder submissions can be downloaded from <http://bio4eu.jrc.es/submissions.html>.

## Summary of our concerns

### *Assumptions/lack of evidence*

The study is framed within the objectives of the Lisbon agenda, the sustainable development strategy and Agenda 21. These strategies have considerable goals to achieve, including "*more and better jobs and greater social cohesion*"; linkage of economic growth, social cohesion and environmental protection; and enhancement of the contribu-

tion of all EU policies to sustainable development. The study assumes that modern biotechnology can help to achieve this, but fails to provide any detailed analysis or evidence as to how. There is also no consideration of links to other related policies.

There is an assumption running throughout the study outline and related documents that modern biotechnology has enormous benefits to offer, but no evidence is offered to back this up. It is claimed that biotechnology will be the "*key enabling technology of the 21st century*", and "*could consequently serve as a major contributor in achieving EU policy goals on economic growth and job creation, public health, environmental protection and sustainable development*".

When the study does identify weaknesses, it fails to provide any explanation or suggest further analysis. The study states that "*biotechnology is an immature technology*", but does not consider why. It points out that it "*might have been successful primarily in niches where economically competitive alternatives do not exist*", and progress has been "*consolidation rather than growth*" and the "*actual adoption... may be lower than anticipated*". Such shortcomings could be interpreted as a lack of real progress or indeed failure from an investor's point of view.

### *Limited indicators/questionable data use*

The 'impact indicators' (used to gauge the impacts of various aspects of modern biotechnology) are very limited. There is no mention of impact on biodiversity, despite the clear evidence from the UK Farm Scale Evaluations of the

impacts of particular GM crops. There is no consideration of GM contamination of conventional and organic crops, despite the significant impacts this will have. At the January 2006 stakeholder meeting, it was stated that 'public acceptability' would be included under 'barriers' - a clear assumption of benefits. There was no stakeholder involvement in the development of the indicators.

There are also concerns about the data used in the study documentation - figures for global GM crop acreages are taken from the ISAAA - an organisation that has been heavily criticised regarding the accuracy of their figures, including allegations of inflation of figures for South Africa, India and the USA.

#### *Consideration of alternatives/scientific uncertainties*

The study also fails to give a full consideration to the alternatives to modern biotechnology and the contribution they could make to reaching policy goals. Organic farming systems create more jobs, stimulate local rural economies<sup>1</sup> and provide benefits for biodiversity<sup>2</sup>, yet non-adoption of modern biotechnology is regarded as an entirely negative possibility.

It is also vital that the study takes into account the scientific uncertainties surrounding GM crops and food. The European Commission's defence to the WTO on the GMO dispute<sup>3</sup> admits to substantial scientific concerns, concerns over the quality of biotech company applications and reservations about EFSA's risk assessments.

#### *Independence/stakeholder consultation process*

For the study's finding to be legitimate, the independence of the research needs to be guaranteed. Transparency of representatives on the various committees overseeing the research must be ensured. Full details of the membership of the Advisory Committee have been provided, but we

would also like to see disclosure of the membership and role for all other bodies involved. Our request for inclusion of an ecologist on the Advisory Committee was granted, but the postholder's specialisations do not seem to be directly relevant to the study. Criteria used to identify experts used for provision of scientific/technical advice must also be made publicly available.

The study's website (<http://bio4eu.jrc.es/>) is not easy to find, so contributes little to wider stakeholder discussion. The timing of the study and the limited opportunities for meetings are also a cause for concern. The stakeholder process was commenced after the first stage of the study had been completed, so stakeholders were not able to contribute to the selection of indicators - the core of the study. No information is available regarding how the invited stakeholders were selected - there is no involvement of NGOs that could contribute to medical biotechnology issues, for example.

#### *What happens next?*

Following Friends of the Earth's complaints about being barred from the Helsinki Biotech Round Table meeting (see above), the JRC-IPTS agreed to hold an extra stakeholder meeting on 24th July where they presented the information given at the Helsinki meeting. They have also responded to NGO criticisms saying that checks will be carried out on the reliability of data sources (ISAAA) and that the study will in its trial stage, take alternatives to biotech applications into account. However the IRC refuses to acknowledge the assumptions made in the study. After this, the next opportunity for stakeholder involvement will be the February 2007 meeting where there will be the opportunity to comment on the final study results before their publication in April. Friends of the Earth Europe has requested that the final study report includes stakeholder submissions.

Our concerns regarding the independence, transparency and ultimately legitimacy of the study must be taken seriously. A failure to act will reflect negatively on the study results, the biotechnology mid-term review which they feed

into, and indeed the JRC-IPTS's reputation for independence and quality research. It will also call into question the ability of the European Commission to deal with issues of public concern in a balanced and transparent manner.

**References:**

1 Morison J, Hine R & Pretty J (2005). Survey and analysis of labour on organic farms in the UK and Republic of Ireland. *International Journal of Agricultural Sustainability* 3(1):24-43, and Maynard R & Green M (2006). *Organic works: Providing more jobs through organic farming and local food supply*. Soil Association, Bristol.

2 Hole DG, Perkins AJ, Wilson JD, Alexander IH, Grice PV and Evans AD (2004). Does organic farming benefit biodiversity? *Biological Conservation* 122:113-130

3 [http://www.foeeurope.org/publications/2006/hidden\\_uncertainties.pdf](http://www.foeeurope.org/publications/2006/hidden_uncertainties.pdf)

## Austrian region of Styria adopts landmark GMO law

In May 2006 the Austrian provincial parliament of Styria adopted precautionary legal provisions on co-existence, requiring the prevention of any GMO contamination in neighbouring fields down to the level of 0.1%. The "Styrian Genetic Engineering Precautionary Measures Act" is the most recent and most stringent co-existence law in Austria, bar the Upper Austrian demand for a total ban, and it's a slap in the face for the European Commission's position that co-existence measures should not be stricter than those needed to ensure prevention of 0.9% contamination. Under Austrian law co-existence laws are being set at the regional level.

Under the new law, cultivation of GM crops also requires approval from the authorities. This is much stronger than a simple notification requirement, because it involves a full approvals process, in which NGOs may be able to get involved. Authorisation will only be granted if GM-free cultivation and areas protected under

nature conservation law are safeguarded via precautionary measures such as isolation distances and pollen barriers. Approval is also dependent on liability insurance or similar securities, which will make things difficult for the biotech industry - which insurance companies will be willing to take on this risk?

But the main point of contention will be the 0.1% threshold. The Styrians have taken a stronger position than the European Commission and have (rightly) taken into account that any 0.9% labelling threshold is for the end food product and not an agricultural production threshold. This is a fundamental issue that the Commission has refused to concede (although its recent report on contamination seemed to indicate that it is weakening its position). Setting coexistence measures to the detection limit also sets the standard for seed production and inevitably, the possibility of a GM free future in Europe.

# Still no decision for EU wide law on contamination and liability

*Coexistence was back on the EU political agenda during the first half of 2006. The Commission reported on progress since its 2003 Recommendations, a major EU conference was scheduled, and coexistence was up for discussion at the EU Environment Council. What could have been an opportunity for the European Commission and Member States to face the problems of genetic pollution, instead led to a strengthening of the "wait-and-contaminate" approach.*

The European Commission's "Report on the implementation of national measures on the coexistence of genetically modified crops with conventional and organic farming", summarized the progress since 2003 at Member State level in putting in place national 'coexistence' strategies, and outlined the Commission's response to these strategies.<sup>1</sup>

The report is weak, opening the door to contamination and delaying a decision on an EU-wide law on coexistence for a further 2 years. It ignores evidence in Spain - the only country in the EU to have grown GMOs commercially - of contamination problems and loss of farmers' livelihoods. The Commission report:<sup>2</sup>

## **Favours non mandatory measures**

- non-mandatory coexistence measures are sufficient
- insurance schemes for contamination should not be mandatory

- crop segregation should not be mandatory
- case by case approval/notification procedures rejected
- EU-wide law rejected, "wait and contaminate" approach adopted

## **Disregards independent legal advice**

- legal advice that 0.9% threshold is "legally irrelevant" ignored, but does not threaten legal action if Member States fix lower thresholds
- legal opinion on Organic Regulation disregarded

## **Ignores Member States' and EU Regions' wishes**

- 50% of Member States' legal proposals on coexistence rejected
- GMO-free Regions and Member States threatened with legal action
- Member States not allowed to ban GMOs in ecologically sensitive areas
- GMOs authorised under out-of-date legislation and Member State opposition ignored

## **Rejects consideration of health and environmental issues**

- only economic aspects considered
- evidence of environmental damage from growing GMOs is ignored

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## Industry furious and Commissioners disagree at EU Conference

At the beginning of April in Vienna, the Austrian EU Presidency and the European Commission organized a major conference on coexistence with 800 participants and wide press attendance.<sup>3</sup> Whilst the Commission and some member states would have preferred that the coexistence issue be discussed behind closed doors, and with industry allegedly furiously lobbying against the event, the conference did however allow critical voices to be heard. Farmers, environmental groups, consumer groups and retailers argued for strict measures on contamination and liability.<sup>4</sup>

The conference also led to a public disagreement between the EU Commissioners for Environment and Agriculture, showing that even within the Commission, consensus has not been reached. Over 2000 people from all over Europe demonstrated outside the conference centre and handed in a "Vienna Declaration for a GMO free Europe" to EU Commissioners Dimas and Fischer-Boel and the Austrian Minister for Agriculture and Environment.

## Member States Conclusions on coexistence do not go far enough

Following the Vienna conference, coexistence was tabled at the June EU Environment Council where Member States agreed joint Conclusions. The Conclusions are weak and they do not address the concerns raised at the EU coexistence conference. Calls by over 172 European

Regions and 4500 local authorities to be GMO free are ignored, and liability in case of contamination is not made mandatory. Member States call for a decision on GMO contamination of seeds, although latest information suggests that a Commission decision is not planned for the time being.

The Council Conclusions do allow for further discussion of an EU wide law on contamination and liability but this is unlikely before 2008 leaving ample time for genetic pollution to spread unless countries establish strict laws.

For the time being then, coexistence is back at the national level. A "patchwork" of unequal legislation is being created that in the long term will not be tenable. In some countries, the commercial growing of GMOs is creeping in before laws to protect consumers and non GM farmers are even in place: In Spain, coexistence measures are currently non legally binding and do not address liability. This has led to farmers losing their harvests, and most recently, an organic farmer was stripped of his organic certificate after a 12,6% contamination rate was detected in his maize crop.

Other countries and regions are however resisting the European Commission and adopting strict laws. Most recently, the Austrian region of Styria adopted a law based on the detection level coexistence threshold. It is only with such measures that non GM food and farming will be safeguarded in the future.

### References:

- 1 [http://ec.europa.eu/agriculture/coexistence/index\\_en.htm](http://ec.europa.eu/agriculture/coexistence/index_en.htm)
- 2 FoEE position paper "Contaminate or legislate? European Commission policy on "coexistence", April 2006 [http://www.foeeurope.org/publications/2006/contaminate\\_or\\_legislate.pdf](http://www.foeeurope.org/publications/2006/contaminate_or_legislate.pdf)
- 3 [http://ec.europa.eu/agriculture/events/vienna2006/index\\_en.htm](http://ec.europa.eu/agriculture/events/vienna2006/index_en.htm)
- 4 <http://ec.europa.eu/agriculture/events/vienna2006/presentations/holder.pdf>



# Romania- GM soya to be banned, but is that enough?

Officially almost 70% of Romania's 130 000 hectares of soya is genetically modified (GM). In practice however, there is widespread contamination of non GM soya. GMOs have been introduced into Romania without any legal framework and with little or no political will to safeguard non GMO soya, all made easy by a more or less total lack of public information on the issue, including no product labelling. Illegal field trials for GM potatoes and GM plums were discovered by NGOs in 2005, and there may well be other illegal experiments that haven't been tracked down.

Things are however beginning to change. With accession to the European Union just months away, Romania has found itself confronted with the problem of growing a GMO that it not authorized for commercial cultivation in the EU. Furthermore, as public awareness campaigns have begun to gather pace, people are beginning to question what they are eating.

Twenty-six local authorities declared their wish to be GMO free. All of the areas are in a nature protection zones and would have been legally protected against GMOs but for a recent change in the Environment Protection Law removing an article that made protected nature zones GMO free. There are 1000 such zones in Romania that account for up to 85% of Romania's surface.

GMOs laws are now being adopted, and although this comes much too late in the day, it will nevertheless increase transparency and consumer information. The labeling and traceability law

entered into force on June 1st and product labeling is now mandatory, in line with EU laws. However, companies lack the means to ensure segregation and so in practice, GMO free may be very difficult to ensure.

On a more positive note, the Environment Protection Law allows for the setting up of a National Register of GMO producers which can refuse authorization to farmers wishing to grow GMOs. Farmers are also obliged to write to their neighbours and if any of them object, then the GMOs cannot be grown.

The Romanian government is now encouraging organic agriculture by increasing subsidies whilst reducing those for GM crops but the effects of this will not be immediate as many farmers are not currently in the "subsidy scene" plus the traditional practice of seed saving and exchange means that genetic contamination will still occur relatively easily. However, it is positive that in addition to banning GM soya, the government is looking to encourage sustainable farming.

Much more still needs to be done in Romania if GM free agriculture is to be safeguarded. Public awareness activities and civil society participation must be encouraged. The decontamination of land once GM soya ban is in place will also be a big challenge. (This is going to need time, funds and considerable improved political will, in Romania and at the EU level, than has been the case up until now. Inf' OGM Romania with thanks to [www.gmo.ro](http://www.gmo.ro))

# Hidden Uncertainties - Secret WTO papers outline safety concerns

Following a legal request by Friends of the Earth, the European Commission has released new documents that question the safety of genetically modified foods and crops. The papers form the basis of the European Communities' (EC) scientific arguments in the trade dispute at the World Trade Organisation (WTO).

At the same time as the papers were written, the Commission not only broke Europe's six year moratorium on new GM foods, but also made member states vote twice on proposals that would have forced member states to lift their national bans on certain GM products. In addition the Commission has commercialised 31 seed varieties of MON810 GM maize since September 2004 and has approved 7 new GMOs for import. In all cases the Commission informed member states and the public that the GM foods or crops were "completely safe".<sup>1</sup>

These new documents however show a different picture: one of uncertainties, lack of data and subjective judgements that have to be made about the safety of GM crops and food.

Friends of the Earth, together with Greenpeace, has produced a report, Hidden Uncertainties<sup>2</sup>, which examines the Commission's evidence to the WTO dispute panel. The report focuses in particular on the questions over the environmental safety of both herbicide- and insect-tolerant

crops, the only GM crops that the industry has brought to market. Below are some of the more pertinent statements.

## Are GM foods safe?

As opposed to the positive statements we have heard from the industry and the European Commission over the past years, the EC documents state, "*... on the basis of existing research...it is impossible to know whether the introduction of GM food has had any human health effects other than acute toxic reactions...the lack of general surveillance and consequently of any exposure data and assessment, means that there is no data whatsoever available on the consumption of these products - who has eaten what and when. Consequently, one can accept with a high degree of confidence that there is no acute toxicological risk posed by the relevant products, as this would probably not have gone undetected - even if one cannot rule out completely acute anaphylactic exceptional episodes. However, in the absence of exposure data in respect of chronic conditions that are common, such as allergy and cancer, there simply is no way of ascertaining whether the introduction of GM products has had any other effect on human health.*"

## Insect resistant crops

"*It is a reasonable and lawful position to say that no Bt crops can be planted until there is information on all potential non-target organisms in the soil...*"

"*The current state of Bt environmental risk assessment in Europe shows that there were and still are considerable*

*grounds for concern about the toxin Bt, especially non-target effects, which have only been addressed in recent years and which still continue to produce large amount of data."*

### **Herbicide resistant crops**

*"... it can easily be taken for granted that the large scale application of broad spectrum herbicide in farmland area will cause wide-spread and serious disruption of trophic structures and food webs as the food basis of all species feeding on anything but the crop is eliminated at least temporarily and locally. The severity of this effect will be a function of the area sprayed and the frequency of applications..."*

### **Regional differences in risk**

The Commission also acknowledges the enormous difficulties of having a single risk assessment which can be applied to the whole of the EU.

*"It is not scientifically reasonable to simply translate and extrapolate the limited risk assessment results on the toxicity of Bt maize to human and non-target organisms from USA, Australia or some other non-European countries... Even for target pest species from different countries or regions, sensitivities to expressed Bt toxins vary widely. Hence it can be reasonably expected that the same (species-specific and even population-specific variability in sensitivity to Bt toxins) will apply to local non target species that could be affected by this Bt toxin e.g. local butterflies of conservation concern or of heritage value."*

### **At odds with EFSA**

One of the most striking aspects of the EC submissions is that they frequently criticise, or argue an opposite view to, the European Food Safety Authority (EFSA) and its assessments of the safety of GM foods and crops.

In one example, the Commission brings attention to the fact that the Bt toxin can accumulate in the food chain and cause much more complex negative effects than taken into account by the EU advisory bodies so far.

*"...The European Communities considers that it is now clear that Bt toxin could accumulate in Bt resistant herbivores (e.g. caterpillars which are able to ingest the Bt toxin and thus accumulate it and/or its metabolites without dying), and so pass the Bt toxin and/or its metabolites to organisms higher up the food web (e.g. to predators and parasitoids which feed on Bt-resistant herbivores)."*

EFSA's opinions for Bt11 and 1507 maize state that *"No evidence of accumulation of Bt toxins in the food chain has been reported and is not expected as the toxin is an easily degradable protein."*

In another example the Commission criticises EFSA for not requiring further research. *"The publication by Zwahlen et al (2003) on earthworms was apparently criticised by EFSA in July 2004 as not being conclusive and definitive... The cited criticisms by EFSA should at least have required that further follow-on scientific investigations were performed (precautionary approach after some evidence of adverse effects to an important soil NT organism should be dismissed and the potential risk to earthworms ignored."*

The divergent views of the Commission illustrate the very subjective nature of the GM risk assessment system and how the outcome depends on the relative importance that is placed on environmental protection versus the approval of the product. When environmental protection is prioritised, as the Commission had to do in arguing its case at the WTO, the uncertainties, lack of data and methodological limitations of studies

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come to the fore. If more weight is put on commercial interests of industry, environmental protection is marginalised. However it is important to note that under the European legal framework, which is based upon the precautionary principle, the priority for the Commission is the protection

of the environment and health and any attempts by the Commission to push through GMOs whilst sidelining these impacts must be treated with the utmost seriousness.

**References:**

- 1 Eg ".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.
- 2 Hidden Uncertainties can be downloaded for free from [http://www.foeeurope.org/publications/2006/hidden\\_uncertainties.pdf](http://www.foeeurope.org/publications/2006/hidden_uncertainties.pdf)  
The EC's scientific arguments to the WTO can also be downloaded at: [http://www.foeeurope.org/biteback/EC\\_case.htm](http://www.foeeurope.org/biteback/EC_case.htm)
- 3 [http://www.efsa.eu.int/science/gmo/gmo\\_opinions/827\\_en.html](http://www.efsa.eu.int/science/gmo/gmo_opinions/827_en.html)

# Europe's Food Safety Authority comes under fire

The European Commission announced new proposals on 12 April aimed at improving decision-making around GMOs in Europe.<sup>1</sup> The announcement was a blow to the European Food Safety Authority (EFSA), who have faced increasing criticism since Friends of the Earth Europe first criticised them in November 2004 with their report *Throwing Caution to the Wind*.<sup>2</sup>

The Commission supported an approach from Health and Consumer Commissioner Kyprianou and Environment Commissioner Dimas. The proposal, which was also supported by the Environment Council in June, outlines "steps to improve the scientific consistency and transparency" for decisions on GMOs, aiming to "reassure Member States, stakeholders and the general public...". It calls on EFSA to:

- Liaise more fully with national scientific bodies, with a view to resolving possible diverg-

ing scientific opinions;

- Provide more detailed justification for not accepting scientific objections raised by member states;
- Clarify which specific protocols should be used by applicants to carry out scientific studies demonstrating safety.

In addition the Commission will specify the legal framework in which EFSA assessment is to be carried out, and EFSA and the biotech industry will be asked to address more explicitly potential long-term effects and biodiversity issues in their risk assessments.

The move by the Commission followed criticism by Environment Ministers in the March Environment Council where the majority of countries raised objections about EFSA's disregard for their concerns. EFSA has so far given positive

opinions to every application by the biotech industry and has rejected virtually every objection by member states. Friends of the Earth has also been arguing for over a year with the EFSA over its legal obligation under Article 30 of EC Regulation 178/2002 to resolve divergent scientific views. Whilst welcoming the Commission proposal Friends of the Earth is very concerned that it will now be down to the discredited EFSA to decide the testing protocols to be carried out by industry. Friends of the Earth believes that EFSA is biased and cannot be trusted to decide on such an important part of the risk assessments.

The Commission is also proposing new practices for the decision-making phase of the GMO approval process. They will introduce "on a case by case basis additional proportionate risk management measures in draft decisions to place GMO products on the market." They will also suspend the approval procedure if important new scientific questions are raised by the Member States or the Commission.

In the run-up to the June Environment Council the EFSA went on the offensive, issuing press releases and lobbying briefings explaining what it has done so far to co-operate with member states. But the Council supported the Commission proposals, and we will now have to see how they are put into place. What is interesting (and perhaps surprising) is that Dimas and Kyprianou managed to get the College of Commissioners to agree to the proposals in the first place. But with the EU states deadlocked on approvals and the Commission in the uncomfortable position of having to force through new GMOs, this was probably the only positive sug-

gestion on the table. Dimas and Kyprianou believe that if the work of EFSA can be improved then member states will trust their opinions and take a clearer view (for or against) on applications. Whether EFSA changes that much, only time will tell. However the opportunity is there for the taking. The EFSA has a new Executive Director, Catherine Geslain-Lanéelle, to replace the out-going Geoffrey Podger, and has now appointed some new members to its GMO panel (although the majority of the old guard remain).

The real test will come with the upcoming applications for commercial cultivation of two types of GM maize. EFSA issued positive opinions for Pioneer's 1507 maize and Syngenta's Bt11 maize in January and April 2005 respectively, but there have been substantial member state objections, and there has been little political will to take these applications forward. The Commission met with member states and EFSA in June to discuss the dossiers, but it is unclear whether any way forward has been identified and whether member state objections have been overcome. Friends of the Earth Europe produced an annotated version of one of the EFSA opinions before this meeting to indicate the serious shortcomings in these assessments (downloadable from [www.foeeurope.org/gmos](http://www.foeeurope.org/gmos)). EFSA failed to adequately address the long term impacts of the two maize GMOs on Europe's environment, and it is highly questionable whether the applications even meet EU legal standards. To gain any degree of credibility, EFSA must re-evaluate these dossiers, and return them to the industry. Europe has fought hard for its legislation on GMOs, but it is completely meaningless if EFSA and the biotech industry fail to comply with it.

### References:

- 1 Commission press release IP/06/498, 12 April 2006
- 2 <http://www.foeeurope.org/GMOs/publications/EFSAreport.pdf>

# GM food - no thanks!

**A new Eurobarometer survey of public views in the EU has reconfirmed the public's opposition to GM foods. The survey reports that Europeans as a whole embrace new technologies but when it comes to GM foods they simply say "no thanks".**

The Eurobarometer report is the 6th in a series that started in 1991 and surveyed 25,000 people across the EU. The majority of Europeans think that GM food "should not be encouraged" and the survey concludes that "GM food is seen by them as not being useful, as morally unacceptable and as a risk for society."

## Europeans are not anti-technology

Eurobarometer reports that Europeans on the whole support technological progress and are not risk-averse about innovations that are seen to promise tangible benefits. "The lesson for agri-food biotechnology is that unless new crops and products are seen to have consumer benefits, the public will continue to be skeptical."

They state that "resistance to GM food is the exception rather than the rule. There is no evidence that opposition to GM food is a manifestation of a wider disenchantment with science and technology in general." This is in contrast to common accusations that those who oppose GM foods are "Luddites".

## GM should not be encouraged

Of the new technologies analysed by Eurobarometer, GM food is by far the most familiar across the European Member States with an

average of 80% of the public saying they have heard of GM foods before. Only 27% think GM foods should be encouraged and that amongst the 'decided public,' 58 per cent respondents oppose GM food.

With a few exceptions, among the former EU15 countries there has been a steady decline in support between 1996 and 1999, an increase between 1999 and 2002, and a return to a decline in support in 2005. Eurobarometer states that "The decline between 2002 and 2005 is striking; in many countries levels of support drop below those reported in 1996...In 2005 fewer people are prepared to discount the perceived risks of GM food against prospective benefits." For example support for GM foods in 2005 in Greece is only 12% (48% in 1996), Germany 30% (56%), UK 48% (67%) and France 29% (54%). This will be discouraging reading for the biotech industry.

## Price doesn't matter

An interesting result of the survey is that the public would not be convinced to buy GM foods if they were cheaper. This scuppers another often-heard argument that the public would buy them if they were. More persuasive reasons apparently relate to health, the reduction of pesticide residues and environmental impacts.

The reasons for rejecting GM foods varied from country to country. Countries with the highest percentage of rejecters are Austria, Greece, Hungary, Germany and Latvia and with the lowest percentage of rejecters are Malta, Czech Republic, Netherlands, Spain, Belgium and Portugal.

### Transatlantic comparisons

Eurobarometer also compared attitudes in the US, Canada and Europe. They concluded that "It is invalid to claim that European public opinion is a constraint to technological innovation and contributes to the technological gap between the US and Europe. With the exception of nuclear energy, Europeans are more or less as optimistic as people in the US and Canada about computers and IT, biotechnology and nanotechnology. One

exception is GM food for which Europeans and Canadians have rather similar views, while people in the US see it as much more beneficial and less risky."

Europeans and Biotechnology in 2005: Patterns and Trends, Eurobarometer 64.3

<http://www.gmo-compass.org/pdf/documents/eurobarometer2006.pdf>

# GMOs equals jobs myth unmasked

## Less than 500 Jobs in Plant Genetic Engineering in Germany

According to a new study, commissioned by Friends of the Earth Germany (BUND), no more than 500 people are employed in the plant genetic engineering sector in Germany. The study, carried out by Thorsten Helmerichs and Daniel Grundke of the Carl von Ossietzky University Oldenburg, Corporate Chair of Management, further stated that an increase is highly unlikely. This finding is in sharp contrast to assertions by politicians, agro-biotech companies, scientists and biotech lobby groups, that plant genetic engineering creates thousands of jobs.

The study focussed on jobs in the research and development of genetically modified (GM) plants in the private sector. State sponsored research in universities and institutes was excluded on the grounds that massive investment of public money invalidates the 'job machine' claim.

One of the most surprising findings was that reliable data was hard to obtain. The few existing

studies in the field do not distinguish between biotechnology in general and the different sectors within (green, white, red biotechnology) and hence are worthless.

To gain a reliable dataset, the authors asked 70 companies from the sector for comments on their actual employees as well as future prospects. Although anonymity was granted, only 20 per cent replied. It is particularly significant that global players, like KWS and BASF, were not willing to present concrete data.

The authors can confirm only 40 jobs, - far less than the '500 jobs' cited - in a study that is a well-informed projection, based on existing studies of the total number of jobs within German seed companies, as well as on expert interviews. Due to the ongoing concentration process it does not seem likely that the number of jobs in the field will increase in the foreseeable future.

# GMO-free movement grows stronger in Eastern Europe

A flurry of activities over the past months has demonstrated that resistance against GMOs in Eastern Europe is at least as strong as in the west.

In May the Polish President Lech Kaczynski signed a parliamentary act introducing a ban on the trading of genetically modified seeds in Poland. All Polish regions have declared themselves GM-free over the last two years.

Hungary has upheld a ban on the production, use, distribution and import of hybrids derived from the MON 810 maize line. Two large regions and the local governments of a number of smaller areas have passed declarations stating that they wish to remain GMO-free.

In January Romania banned by a Government Ordinance the cultivation and testing of GMOs in protected areas and 15 km around them, covering 80% of Romania's area. And the first two GMO-free regions have been declared in the two EU accession countries Bulgaria and Romania.

Organisations from almost all former USSR countries have formed the CIS Alliance for Biosafety, a unique association of NGOs working jointly on

GMO and biosafety issues in the region of the Commonwealth of Independent States (an area that is home to 80% of pan-European biodiversity). They are working to assist in the creation of efficient biosafety systems, to promote and create GMO-free regions, to protect the consumer's right to choose and to assist with the introduction of organic farming in the area.

They have found an unexpected ally in the Russian President Putin, who recently came out strongly against the WTO's meddling in the GMO issue. Putin was addressed at the July 2006 Civil G8 (the NGO meeting in the run up to the G8 summit) with the international civil society's concerns about GMOs regarding - amongst others - the right of consumers to choose and the fact that the WTO is inappropriate and incompetent as a forum to resolve international disputes regarding GMOs. In his reply Putin revealed that "one of the problems we are facing during the negotiations about Russia joining the WTO is that we are pressed to give up the right of informing our citizens about GM products." But he promised that the Russian Government would "insist upon implementing the norms the NGOs are proposing."

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**Friends of the Earth Europe (FoEE)** campaigns for sustainable and fair societies and for the protection of the environment, unites more than 30 national organisations with thousands of local groups and is part of the world's largest grassroots environmental network, Friends of the Earth International. FoEE gratefully acknowledges EU funding support.

**The Biotech Mailout is printed quarterly and is also available online at [www.foeeurope.org/GMOs/Index.htm](http://www.foeeurope.org/GMOs/Index.htm)**

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FoE Europe gratefully acknowledges EU funding support from the European Commission

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**Friends of the Earth Europe** 15 Rue Blanche • 1050 Brussels • Belgium  
Tel +32 (0)2 54 2 0180 • Fax +32 (0)2 537 55 96 [www.foeeurope.org](http://www.foeeurope.org)