



**Friends of
the Earth
Europe**

GREENPEACE

EU Environment Council December 2006 GMO safeguard clauses

Speech to Environment Ministers

Fouad Hamdan, Director, Friends of the Earth Europe
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Minister Enestam, Ministers, Commissioner Dimas,
Ladies and gentlemen,

The European Commission is proposing, again, to overturn National GMO safeguard clauses.

Since the Commission's first attempt in 2005, the World Trade Organisation (WTO) has reached a decision on the GMO dispute.

I would like, on behalf of Friends of the Earth Europe and Greenpeace, to raise three key issues.

Firstly, on the WTO ruling:

On the basis of the information available at the time, the WTO Panel judged that the Austrian ban was unjustified as it did not meet all the requirements of the WTO Sanitary and Phytosanitary (SPS) Agreement.

The WTO panel did not question the right for EU member states to ban GMOs;

Let me briefly remind you of another case at the WTO: that of beef hormones. As you know, the EU lost the case, also on the basis of the SPS agreement. But, the EU maintains the ban in place.

The Commission justifies this action by bringing new scientific research results to the WTO, insisting, rightly in our opinion, that new evidence on risk must be taken into account.

If this is done for hormone beef, it can, and should, be done for GMOs:

When considering a new technology, one can at the very least appreciate that new evidence and scientific uncertainties are part of the process, and argue that these need to be taken into account.

May I remind you that the EU's scientific arguments, presented to the Panel in 2005, found that crops – such as one of the ones you will vote on tomorrow – should not be grown commercially whilst gaps exist in our knowledge of the long term impacts¹.

The WTO panel did not find fault with this.

My second point concerns the conflict between trade agreements, such as the WTO, and international agreements to protect the environment, such as the UN's Biosafety Protocol, both of which you have signed up to.

The WTO panel decided not to take the Biosafety Protocol into account as the complainants were not signatories. This was, in our view, a very narrow interpretation which is not helpful to solving this tricky issue of balancing trade commitments with commitments to protect the environment.

It therefore becomes a political decision. Member States have to decide what level of risk is acceptable to their citizens and weigh this against their trade commitments. Tomorrow's vote is therefore about whether democratically elected sovereign states are allowed to make that decision or not.

My third and final point concerns EU risk assessments:

If a GMO has undergone a risk assessment at the EU level, the WTO considers that any argument of insufficient information on the risk of that GMO, is invalid.

This position works on an assumption of quality, independent risk assessment.

The European Food Safety Authority (EFSA) has issued Opinions against the National bans, but as you yourselves found last March, the European Food Safety Authority's work on GMOs has a number of shortcomings.

These criticisms stem from the fact that they have ignored every single concern raised by member states since its creation in 2002. In addition their risk assessments continually side with the industry's view and hence every single application by the industry has so far received a green light.

¹ Comments by the European Communities on the Scientific and Technical Advice to the Panel, Geneva, 28 January 2005; and Further scientific or technical evidence in response to the other parties' comments by the European Communities, Geneva, 10 February 2005

To conclude then,

The EU can, and does, challenge the WTO to take new scientific evidence on board in relation to rulings. To strengthen the EU's position in this respect, risk assessment and the work of EFSA must be truly reformed and not reduced to a problem of communication.

We also emphasize that tomorrow's vote at the Environment Council is not a vote about trade: it is about environmental and health safety, and about Members States' right to decide what level of risk is acceptable for their citizens.

We therefore strongly urge you to vote to keep the safeguard clauses in place, and to adopt the Council Decision rejecting the Commission's proposal.

Thank you

Copies of this speech are available as a handout

Further reading:

Friends of the Earth International analysis of the WTO ruling, February 2006
http://www.foeeurope.org/publications/2006/WTO_briefing.pdf