

The EU Moratorium - More than a Trade Barrier

- The EU de facto moratorium has resulted in the complete absence to date of commercial plantings of GM crops for all but one GM variety - and even then, in very limited quantities. It is much more than a trade issue.
- The standstill in GMO uptake is largely due to consumer rejection of GM foods in the single market. Many European food processors and retailers have responded by eliminating GM food ingredients from their products, and in some cases, sourcing supplies from non-GM producing countries to avoid potential GM contamination. Food company and retailer standards are often higher than current EU requirements.
- EU Member States responded to the public concern over GMOs in the food chain by proposing traceability and fuller labelling of GM food and feed. They have suspended approvals for new GMOs until such measures are in place.
- The moratorium is non-discriminatory. It applies to European GM developers as well as companies outside the single market.
- Considerable confusion over the status of the EU moratorium has arisen here in part because field trials have been misinterpreted as commercial releases.

Pre-Moratorium Approvals

- The European Union approved around 14 GMOs for commercial release over the period 1996-1998. Since 1998, there has been a de facto moratorium on the processing and approval of applications for commercial release and human consumption.

Moratorium

- The moratorium was officially notified by five European Union Member States in 1999. Denmark, Greece, France, Italy and Luxembourg informed the European Commission that they would “take steps to have any new authorisations for growing and placing on the market suspended” until legislation for the labelling and traceability of GMOs and GMO-derived products was introduced. They also advised that the rules are to be

Actual commercial plantings

- Despite the pre-98 approvals for commercial release, the most widely cited source² on the extent of actual GMO cultivation globally reports that only one crop variety - Bt maize - has been planted in the EU, and over a tiny surface area. Just four countries - Spain, France, Germany and Portugal – have grown the maize. Spain has grown maize annually since 1997. Meanwhile planting has been decreasing in France and Germany while Portugal abandoned cultivation after one year³.

¹ Minutes of the 2194th Council meeting (Environment), Luxembourg, 24-25 June 1999, p. 14

² ISAAA (International Service for the Acquisition of AgriBiotech Applications) publishes an annual review on GM agriculture.

³ ISAAA Global Review of Commercialized Transgenic Crops 1998, 1999, 2000, 2001 and 2002 (preview only)

- Field trials
- GM field trials were not subject to the de facto moratorium. A full list of approvals can be found on the EC Joint Research Centre database⁴. Note that this registry uses the terms experimental release, deliberate release, and field trial interchangeably.⁵
- Misinterpretation of field trials as releases
- It appears that this terminology has led to confusion on the part of some New Zealand Government officials, who have interpreted this registry as a record of commercial release consents. Amongst the suite of Cabinet papers outlining the Government's response to the Royal Commission in 2001, the paper on environmental release and coexistence tallies the number of environmental releases in some European Union countries. The releases cited, however, relate to field trials, not to approvals or actual plantings of GMOs.⁶ Many of the GMOs listed on this database are still in the early experimental phase, and have not been approved for commercial release anywhere in the world.
- New directive
- In October 2002, a new directive governing the deliberate release of GMOs (EU Directive 2001/18) was approved by the EU. The passing of this directive was the first legislative step towards the lifting of the moratorium.
- Applications to date
- Since January, 19 applications for market approval have been filed under the new directive⁷. Ten of the applications are for commercial cultivation in the EU, the remaining nine are for animal and human consumption. These are currently being reviewed.
- Member States repeat conditions for approval
- While applications are now being filed, few Member States have transposed the Directive into national legislation. At a February meeting of the Agriculture and Fisheries Council, the agriculture ministers of Germany, France, Greece, Belgium, Luxembourg and Austria notified the Commission that no new market authorisations for GMOs would be allowed until the new traceability and labelling regime was in place⁸.
 - This position was further confirmed on March 4 by the Council of Environment Ministers:

“A number of delegations expressed their concern on the envisaged authorisation of new GMO products currently under review by the Commission and underscored the need for new authorisations to be given only once the regulations on GMO food and feed, as well as on traceability and labelling are adopted.”⁹
 - It is expected that final decisions on applications will not be made until October of this year.

⁴ Approvals listed at <http://biotech.jrc.it/deliberate/gmo.asp>.

⁵ This wording reflects the now rescinded Directive on the Deliberate Release of GMOS 90/220 that governed the environmental release (field trialling and commercial use) of GMOs.

⁶ The Government's Response to the Report of the Royal Commission on Genetic Modification, 2001, Paper 3: Release to the Environment and Coexistence, p. 4.

⁷ Applications are listed at http://gmoinfo.jrc.it/partc_browser.asp

⁸ Cordis RTD-News. Record Control Number 19771. 24-02-2002.

⁹ 2491st Council meeting, Environment, 4 March 2003, pp 11-12.



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