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EC SIGNALS TOUGHER LINE AGAINST BLOCKING GMO APPROVALS

The European Commission has signaled it will take a tougher line with member states that refuse to approve new genetically modified organisms by not allowing them to delay approvals until there are new rules curtailing the danger of contamination of non-GMO crops or for assessing liability in such a case.

The Commission will take member states to the European Court of Justice if they continue to block approvals of new GMOs once the Commission adopts new regulations covering labeling and traceability of GMO products, a Commission official said this week. This would happen even if the member states want to continue negotiations on so-called co-existence rules and liability from contamination.

"The Commission has also decided that even if a member state wants to discuss about coexistence and liability, the Commission wants the approval process restarted and will take the member state who opposes to court," said Tony Van der haegen, EU minister counselor for agriculture, fisheries and consumer affairs.

The Commission's position is that member states "should not use co-existence as a pretext to prolonging standstill" on the approval of new GMOs, a Commission source said.

Previously, the Commission has indicated it would take member states that continued to block the process to court once the labeling and traceability regulations are adopted. But it had left open the question of co-existence as too complicated to be decided at the Commission level because of arguments that the geographic situations in different member states could lead to different policies, a Commission source said. This would have left co-existence as a subsidiary issue for member states to decide.

The stronger position on possible legal action was reached a couple of months ago without a formal vote, a Commission source said.

In January, EU Agriculture Commissioner Franz Fischler had said it was an open question whether co-existence rules would require additional legislation or would take the form of less formal recommendations (*Inside U.S. Trade*, Jan. 24, p. 4).

Van der haegen said the new traceability and labeling regulations will be in place as early as July, though he acknowledged this could be pushed to the fall to account for European holidays in August. He repeated that the Commission would not accept delaying tactics on the part of member states once the regulations were adopted.

Van der haegen spoke at a May 6 forum sponsored by the National Foreign Trade Council, at which the NFTC unveiled a paper detailing what it said is the growth of trade barriers that ignore sound science. The NFTC paper is critical of a number of EU policies, including the moratorium on GMOs and the EU's use of the precautionary principle.