

Nobel House
17 Smith Square
London SW1P 3JR

Telephone 08459 335577
Website www.defra.gov.uk



Dr Caroline Lucas MEP
European Parliament
Office 8G103
Rue Wiertz
B-1047 Brussels
Belgium

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From the Minister for Environment & Agri-Environment
Elliot Morley MP

Dear Caroline,

Thank you for your letter of 29 March to Margaret Beckett, on the subject of the application for BT11 maize to be approved under the Novel Food Regulation. I apologise for the delay in replying.

In your letter you set out a number of reasons for why you felt the UK should oppose the BT11 dossier at Agriculture Council on 26/27 April. The Government maintained the position taken at the original regulatory council vote in favour of this dossier at Agriculture Council. However, no qualified majority was reached and the dossier has been passed to the Commission to decide upon it.

The European Commission is of the opinion that all scientific questions arising from the safety assessment of BT11 have been satisfactorily addressed, and the concerns raised by the member states who voted against authorisation do not raise any new scientific issues. The Food Standards Agency (FSA), the competent authority for EC Novel Foods Regulation (258/97) is satisfied that the BT11 dossier has been rigorously scrutinised throughout the safety assessment procedure and the European Commission's Scientific Committee for Food's (SCF) assessment and conclusions have addressed concerns raised by member states.

On the specific points raised in your letter, the toxicity aspects of the dossier were considered as a part of the safety assessment process in which the SCF concluded that BT11 sweet maize is as safe for human food use as its conventional counterparts. The research by the Belgian Authorities has been considered by the independent Advisory Committee on Novel Foods and Processes in the UK, who considered that the results were not reported in sufficient detail to assess the nature of the experiments and the significance of the results. No further information has been provided to date by the Belgian Authorities.

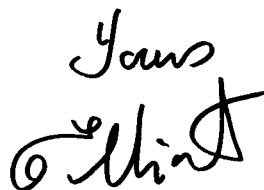
The Austrian Government's report to which you refer related to their general concerns in relation to the safety assessment of GM foods rather than specific concerns in relation to the GM sweet corn. The methodology used for the safety assessment of Bt11 was in line with the guidelines prepared by the Scientific Steering Committee concerning the assessment of GMOs, GM food and GM feed and with the Codex Principles and Guidelines on Foods Derived from Biotechnology.

On your final point the Cartagena Protocol on Biosafety required Parties at their first meeting to adopt "a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of LMOs" and to endeavor to complete the process within four years (by 2008). At this meeting in Kuala Lumpur, Parties decided to establish, and provide a mandate for, an Open Ended Ad Hoc Working Group to take this process forward.

The UK supports the EC's approach of case-by-case, evidence-based, decisions on GMO authorisations (which forms the basis of EC legislation), and the need to pursue cautious but pragmatic and realistic solutions to trade tensions and public antipathy on GM. It is not our view that international rules on "damage resulting from transboundary movements" of GMOs are necessary for the effective functioning of the EU authorisation process, the latter can function in the absence of the former. The UK view is that we have a credible EU regulatory system which prioritises protecting the environment and human health, established after considerable debate.

We recognise that people have concerns about GM crops and take these very seriously. EU labelling rules will provide genuine choice for consumers, and in the UK we anticipate that measures to facilitate the co-existence of GM and non-GM crops will be in place before any commercial cultivation takes place. Our intention is that GM producers should observe a code of practice on co-existence with statutory backing, based on the 0.9% EU labelling threshold for adventitious GM presence. We will consult on this, on whether a lower GM threshold might apply for organic production, and on options for compensating non-GM farmers who suffer financially because a GM presence exceeds statutory thresholds.

Ultimately, it will be for farmers and consumers to decide via the normal operation of the market whether they want to buy GM seeds and finished products. If there is no market for them GM crops will not be grown.

A handwritten signature in black ink, appearing to read "Yours Elliot Morley". The signature is written in a cursive, flowing style.

ELLIOT MORLEY