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Report Highlights:

Greece, like all other EU Member States, is legally obligated to enforce EU legislation regarding agricultural biotechnology. Nevertheless, Greece maintains a ban on all biotech cultivation as well as the importation of several biotech products. Recently, Greece extended its ban on all uses of MON 810 corn, a product that the EU specifically approved for food, feed, and cultivation. Greece is among several Member States that routinely ban various EU-approved biotech products.

Greece's EU obligations

The guiding document for agricultural biotechnology in the European Union is Council Directive 2001/18/EC, "On the deliberate release into the environment of genetically modified organisms." Directive 2001/18/EC covers all aspects of biotech regulation, including field trials, cultivation,

importation, and processing, and establishes a common process to approve biotech events for use in the European Union. Member States were required to transpose Directive 2001/18/EC into national law by October 2002. Greece has fully incorporated EU regulations on biotechnology into national law, yet it often fails to comply with EU decisions.

EU regulations, unlike directives, do not need to be adopted into national legislation and immediately become enforceable as law in Member States. Regulation EC No 1829/2003, “Genetically Modified Food and Feed,” obligates individual Member States to accept biotech events that the EU deems safe, and it creates a single application to authorize the release of biotech products into the environment (For more information on EU approval procedures for biotech products, see E49052).

Several Member States have banned specific biotech crops and products by invoking the safeguard clause of Article 23, Directive 2001/18/EC. The safeguard clause allows Member States to ban a biotech product if it finds new scientific information that the product poses a threat to the environment or human health. However, that decision is subject to scientific review within 60 days by the EC’s Scientific Committee. Some Member States, led by Austria and the Netherlands, have proposed that EU countries should be allowed to issue National Cultivation Bans to individually prohibit any use of biotech crops within their borders, either in terms of planting or importation, that would not be subject to review by EU scientific panels. Nevertheless, current legislation requires countries to abide by EU decisions regarding the approval of specific biotech products.

Member States have invoked the safeguard clause nine previous times under the former biotech regulations (Council Directive 90/220/EEC), each of which was ruled by the Scientific Committee to be unjustified. Austria invoked the clause three times, France twice, and once each by Germany, Luxembourg, Greece, and the United Kingdom. In each case, the EC informed the Member State to lift its ban after the European Food Safety Authority (EFSA) ruled it to be scientifically unjustified. More recently, Greece, France, Germany, Austria, Hungary, and Luxembourg banned MON 810 under the safeguard clause of Directive 2001/18/EC.

Commission Decision 98/294/EC of 22 April 1998, in line with Council Directive 90/220/EEC, specifically approves the use of MON 810 corn for food, feed, and cultivation. Approved biotech events must be reauthorized every ten years. MON 810 is currently undergoing reauthorization, but in the meantime, it remains approved until the process is completed. In June 2009, EFSA issued its scientific opinion that “MON 810 is as safe as its conventional counterpart with respect to potential effects on human and animal health.”

Prohibited biotech products in Greece

Greece, in defiance of its EU obligations, banned all uses of MON 810 in 2007 by invoking the safeguard clause of Directive 2001/18/EC. EFSA ruled that “no specific scientific evidences, in terms of risk to human and animal health and the environment, were provided that would justify a prohibition of cultivation of maize MON 810 authorised in Greece.” The European Commission subsequently ordered Greece to lift the ban, as well as its ban on Bayer T25 corn. Until MON 810 is officially re-approved for use in the EU, which is unlikely before the end of 2009, it is unclear what action the European Commission will take against Member States that have banned MON 810.

Greece amended its ban of MON 810, originally known as GOG Min Ag Ministerial Decision No 303061/7505/June 28, 2007, in May 2008. It was further updated on August 4, 2009. The 2009 amendment extended Greece's ban on all biotech strains of corn seed for an additional two years, including all those cited by June 3, 2009 in the 27th version of the Common Variety Catalogue and its supplements. The decision also extended the ban on MON 810 importation and cultivation from 70 to 100 types of seeds.

In addition to banning all uses of MON 810, Greece has banned four other biotech events since 1997. Table 1 shows the particular bans that Greece enforces. Until 2007, all five bans shown were in violation of EU regulation, as the European Commission had approved these products following positive evaluation by scientific committees. However, in March 2007, the EU withdrew approval for Bt-176 corn, Topas 19/2 rapeseed, and Ms1XRf1 rapeseed. The United States, Argentina, and Canada have since brought the case to the WTO to contest the new bans. For these three varieties, Greece is no longer in violation of EU law, but the EU regulations violate WTO agreements. The remaining two bans for Bayer T25 corn and MON 810 corn continue to be in clear violation of EU regulation.

Greece: Table 1. EU-Approved Biotech Products Prohibited in Greece		
Event Banned	Scope	Date of Ban
Bayer MS1XRf1 rapeseed	Cultivation/Import/Processing	1998
Bayer Rapeseed Topas 19/2	Cultivation/Import/Processing	1998
Bayer T25 corn	Cultivation/Import/Processing	1997
Monsanto MON 810 corn	Cultivation/Import/Processing	2001
Syngenta Bt176 corn	Cultivation/Import/Processing	1997

Greece has not approved field release for any biotech crop, either for research or cultivation. Greece maintains a zero-tolerance policy for most transgenic material in cotton seeds for planting, requiring laboratory certification prior to shipment from the United States. For EU-approved biotech corn varieties, the tolerance level is set at 0.5%. Austria, France, Hungary, and Italy are also in violation of EU regulation by maintaining national bans on all biotech cultivation.

The Greek Ministry of Environment is responsible for approving new crops, while the Ministry of Agriculture and the Hellenic Agency for Food Control (EFET) are responsible for approving food ingredients and food items. EFET and the Ministry of Agriculture are both in charge of enforcing compliance with EU legislation. Numerous domestic political constraints prevent the national government from complying with EU decisions on biotechnology. The primary obstacle is strongly anti-biotech public opinion. One study of Greek consumers found that 89% of respondents considered biotechnology to be a potential health risk, higher than any other perceived health risk, such as BSE or mycotoxins.

The WTO ruled in September 2006 that EU biotech policy violated its international obligations. In case WT/DS291, the WTO Dispute Settlement Body ruled in favor of the United States, Canada, and Argentina that the EU had violated Article 8 of the SPS Agreement with its *de facto* moratorium on the approval of biotech products. For background on EU biotech violations, Appendix 1 includes a

list of specific complaints the United States brought against the EU in WT/DS291.

Appendix 1.

Notifications under Directive 2001/18 (and 90/220) – Deliberate Release

Biotech Product	Date Submitted to Member State	Date Received by Commission	Scientific Committee Action	Status in EC under 90/220	Status in EC under 2001/18 ¹
Bayer oilseed rape (MS1/RF1)	Apr. 1995 (France—for import and processing; already approved for seed production)	27 July 1995	N/A	Favorable opinion from Art. 21 Committee, Commission Decision approving product, 6 June 1997. France (notifying member State) refused to implement	N/A
Bayer hybrid oilseed rape (MS1/RF2)	Apr. 1995 (France)	27 July 1995	N/A	Favorable opinion from Art. 21 Committee, Commission Decision approving product, June 6, 1997. France (notifying member State) refused to implement	N/A
Bejo Zaden red-hearted chicory (RM3-3, RM3-4 and RM3-6)	1994 (Netherlands—for food/feed use; already approved for seed production)	20 Sept. 1996	Positive assessment 18 Dec. 1998	Not submitted to Art. 21 Committee	N/A
Bayer oilseed rape (Falcon GS40/90)	1 Apr. 1996 (Germany)	25 Nov. 1996	Positive assessment 14 July 1998	Not submitted to Art. 21 Committee	Submitted to Germany Notification C/DE/96/5 SNIF ² published 14 Feb. 2003
Bayer hybrid oilseed rape (MS8/RF3)	30 Sept. 1996 (Belgium)	Jan. 16, 1997	Positive assessment 19 May 1998	Not submitted to Art. 21 Committee	Submitted to Belgium Notification C/BE/96/01 SNIF published 7 Feb. 2003
Trifolium/	19 Feb. 1997	9 Oct. 1997	Positive	Not submitted to Art. 21 Committee	Submitted to Denmark

Biotech Product	Date Submitted to Member State	Date Received by Commission	Scientific Committee Action	Status in EC under 90/220	Status in EC under 2001/18 ¹
Monsanto/ Danisco Roundup Ready fodder beet (A5/15)	(Denmark)		assessment 23 June 1998		Notification C/DK/97/01 SNIF published 3 Mar. 2003
Monsanto Bt cotton (531)	3 Dec. 1996 (Spain)	24 Nov. 1997	Positive assessment 14 July 1998	Negative opinion from Art. 21 Committee, Feb. 11, 1999; not submitted to Council	Submitted to Spain Notification C/ES/96/02 SNIF published 14 Feb. 2003
Monsanto Roundup Ready cotton (RRC1445)	30 June 1997 (Spain)	24 Nov. 1997	Positive assessment 14 July 1998	Negative opinion from Art. 21 Committee Feb. 11, 1999; not submitted to Council	Submitted to Spain Notification C/ES/97/01 SNIF published 14 Feb. 2003
Amylogene starch potato	6 Aug. 1996 (date notification acknowledged) (Sweden)	20 May 1998	Positive assessment 18 July 2002	Not submitted to Art. 21 Committee	Submitted to Sweden Notification C/SE/96/3501 SNIF Published 3 Feb. 2003
Bayer winter oilseed rape (Liberator pHoe6/Ac)	15 Feb. 1998 (Germany)	29 Oct. 1998	Positive assessment 30 Nov. 2000	Not submitted to Art. 21 Committee	Submitted to Germany Notification C/DE/98/6 SNIF Published 17 Feb. 2003
Syngenta glufosinate tolerant and Bt resistant (Bt-11) com	1996 (France – for cultivation)	12 Apr. 1999	Positive assessment 30 Nov. 2000	Not submitted to Art. 21 Committee	Submitted to France Notification C/F/96/05-10 SNIF Published 30 June 2003 Favorable assessment by French authority published 29 July 2003
Monsanto Roundup Ready com	27 May 1998 (Spain – for cultivation)	20 May 1999	Positive assessment	Not submitted to Art. 21 Committee; scope of application changed 19 Jan.	Submitted to Spain Notification C/ES/98/01

Biotech Product	Date Submitted to Member State	Date Received by Commission	Scientific Committee Action	Status in EC under 90/220	Status in EC under 2001/18 ¹
(GA 21)			22 Sept. 2000	2001, to include import	(import/use only; not cultivation) SNIF published 17 Feb. 2003
Monsanto Roundup Ready oilseed rape (GT73)	21 May 1995 (France – for cultivation; application for import withdrawn 6 July 1998)				[see GT73 below]
Syngenta Bt hybrid corn (Bt-11)	17 June 1996 (France – for cultivation; resubmitted 5 Nov. 1998 at request of French authorities)				N/A
Monsanto Roundup Ready oilseed rape (GT73)	7 July 1998 (Netherlands – for import)				Submitted to Netherlands Notification C/NL/98/11 (import/use only; not cultivation) SNIF published 22 Jan. 2003 Favorable assessment by Dutch authority published 22 Jan. 2003
Bayer Liberty Link soybeans (A2704-12 and A5547-127)	13 Oct. 1998 (Belgium)				Submitted to Belgium Notification C/BE/98/01 (import/use only; not cultivation) SNIF published 7 Feb. 2003

Biotech Product	Date Submitted to Member State	Date Received by Commission	Scientific Committee Action	Status in EC under 90/220	Status in EC under 2001/18 ¹
Monsanto/Syngenta Roundup Ready sugar beet	22 Dec. 1998 (Belgium. Initially submitted in France in 1996 and withdrawn)				Submitted to Belgium Notification C/BE/99/01 SNIF published 7 Feb. 2003
Bayer Liberty Link oilseed rape (T45 & Topas 19/2) (stack)	4 Feb. 1999 (UK)				Submitted to UK Notification C/GB/99/M5/2 (import/use only; not cultivation) SNIF published 10 Feb. 2003 (seeds with the line containing event T45 only; stack with Topas 19/2 has been replaced in the market and no longer commercially relevant)
Stoneville B2N cotton (10215, 10222, 10224) (formerly held by Aventis and Calgene)	29 Apr. 1999 (Spain)				Submitted to Spain Notification C/ES/99/01 SNIF published 21 July 2003
Monsanto MaisGard Roundup Ready (MON 810 & GA21) corn (stack)	3 Sept. 1999 (Spain)				Submitted to Spain Notification C/ES/99/02 (import/use only; not cultivation) SNIF published 17 Feb. 2003
Bayer Liberty Link sugar beet (T120-7)	15 Dec. 1999 (Denmark)				N/A
Pioneer/Dow	23 Nov. 2000				Submitted to Netherlands

Biotech Product	Date Submitted to Member State	Date Received by Commission	Scientific Committee Action	Status in EC under 90/220	Status in EC under 2001/18 ¹
AgroSciences Bt com Cry1F (1507)	(Netherlands – for import)				Notification C/NL/00/10 (import/use only; not cultivation) SNIF published 14 Feb. 2003
Pioneer/Dow AgroSciences Bt com Cry1F (1507)	11 July 2001 (Spain – for cultivation)				Submitted to Spain Notification C/ES/01/01 SNIF published 17 Feb. 2003
Monsanto Roundup Ready com (NK603)	21 Dec. 2000 (Spain)				Submitted to Spain Notification C/ES/00/01 (import/use only; not cultivation) SNIF published 22 Jan. 2003 Favorable assessment by Spanish authority published 22 Jan. 2003

Applications Withdrawn

Product	Date Submitted to Member State	Date Submitted to Commission	Scientific Committee Action	Status in EC under 90/220	Status in EC under 2001/18
Pioneer Bt com (MON 809)	1995 (France)	6 Aug. 1996	Positive assessment 19 May 1998	Negative opinion from Art. 21 Committee in Nov. 1998; not submitted to Council	
Zeneca extended shelf life tomato (TGT7-F)	1996 (Spain)	24 Nov. 1997	Positive assessment 23 June 1998	Negative opinion from Art. 21 Committee in Dec. 1998; not submitted to Council	
Monsanto Roundup Ready corn (GA 21)	6 Nov. 1997 (U.K. – for import)	28 Oct. 1999	Positive assessment 22 Sept. 2000	Not submitted to Art. 21 Committee; application withdrawn 29 Mar. 2001	[see GA21 above]
Pioneer Liberty Link and Bt (T25 & MON 810) com (stack)	26 June 1998 (Netherlands)	29 Apr. 1999	Positive assessment 6 June 2000	Not submitted to Art. 21 Committee; application withdrawn 12 Dec. 2002	
Pioneer/Dupont high-oleic soybean (260-05)	19 June 1998 (Netherlands – for import)			Application withdrawn 12 Dec. 2002	

Requests Under Regulation 258/97 – Novel Foods

Biotech Product	Date Submitted to Member State	Scientific Committee Action	Status in EC
Bejo-Zaden Transgenic Radicchio rosso	8 Apr. 1998 (Netherlands) Positive Member State Assessment	Under assessment	Pending
Bejo-Zaden Transgenic Green hearted chicory	8 Apr. 1998 (Netherlands) Positive Member State Assessment	Under assessment	Pending
Monsanto Roundup Ready corn (GA 21)	24 July 1998 (Netherlands) Positive Member State Assessment	Positive assessment 27 Feb. 2002	Pending
Syngenta Bt-11 sweet corn	11 Feb. 1999 (Netherlands) Positive Member State Assessment	Positive assessment 17 Apr. 2002	Pending
Pioneer/Dupont high-oleic soybean (260-05)	25 July 1998 (Netherlands)		Still with Member State competent authority
Bayer LibertyLink soybeans	2 Feb. 1999 (Belgium)		Still with Member State competent authority
Monsanto MaisGard Roundup Ready corn (GA 21 & MON 810) (stack)	16 Mar. 2000 (Netherlands)		Still with Member State competent authority
Monsanto/Syngenta Roundup Ready sugar beet (77)	3 Nov. 1999 (Netherlands)		Still with Member State competent authority
Pioneer/Dow AgroSciences Bt corn Cry1F (1507)	26 Feb. 2001 (Netherlands)		Still with Member State competent authority
Monsanto Roundup Ready corn (NK603)	June 2001 (Netherlands) Positive Member State Assessment		Pending

Application Withdrawn

Zeneca extended shelf life tomato (TGT7-F)	Positive MS Assessment	Positive assessment 23 Sept. 1999	Application withdrawn
Pioneer Liberty Link and Bt (T25 x MON 810) corn (stack)	20 Apr. 2000 (Netherlands)		Application withdrawn

National Marketing and Import Bans

Member State	Products	National Measures
Austria	Corn: Bt-176, MON 810, T25	<p>Federal Official Journal of 13 Feb. 1997, 45, Regulation of the Federal Ministry for Health and Consumer Protection (Bt-176) (<i>Bundesgesetzblatt</i> of 13/II/1997, 45. <i>Verordnung der Bundesministerien fuer Gesundheit und Konsumentenschutz</i> (Bt-176)).</p> <p>Federal Official Journal of 10 June 1999, 175, Regulation of the Federal Minister for Women and Consumer Protection (MON 810) (<i>Bundesgesetzblatt</i> of 10/VI/1999, 175. <i>Verordnung der Bundesministerin fuer Frauenangelegenheiten und Verbraucherschutz</i> (MON 810))</p> <p>Federal Official Journal of 28 Apr. 2000, 120, Regulation of the Federal Minister for Social Protection and Generations (T25) (<i>Bundesgesetzblatt</i> of 28/IV/2000, 120. <i>Verordnung der Bundesministerin fuer soziale Sicherheit und Generationen</i> (T25))</p>
France	Rapeseed: C/UK/95/M5/1; and C/UK/94/M1/1	Official Journal, No. 200, 18 Nov. 1998, p. 17379; extensions published in Official Journal, No. 267, 30 Aug. 2001, p. 13903
Germany	Corn: Bt-176	Letter from Robert Koch Institute of the Federal Health Office, Center for Gene Technology, to Novartis Seeds AG, Basel, 31 Mar. 2000 (ordering suspension of approval to release corn variety Bt-176)
Greece	Rapeseed: Topas 19/2	Government Gazette [Efimeris Tis Kyverniseos] of the Hellenic Republic, Issue No. 1008, 25 Sept. 1998, p. 3.
Italy	Corn: Bt-11, MON 809, MON 810, T25	Official Gazette of the Italian Republic, Decree of the President of the Council of the Ministers, General series – No. 184, 8 Aug. 2000 (suspending commercialization and use)
Luxembourg	Corn: Bt-176	Official Journal of the Grand-Duchy of Luxembourg, A – No. 10, 28 Feb. 1997, p. 618