



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 March 2005

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**ENV 101
AGRILEG 33**

NOTE

from : General Secretariat of the Council
to : Delegations
Subject : Possible commercial cultivation of **genetically modified maize MON 810**

Delegations will find attached a note from the Austrian delegation on the above subject, to be dealt with under "other business" at the Council (Environment) meeting on 10 March 2005.

Note from the Austrian delegation
concerning the possible commercial cultivation of GM-Maize MON 810

Recently the Commission and some Member States received comprehensive documentation from NGOs concerning genetically modified BT Maize, in particular Maizeline MON 810, which may now be legally cultivated in Member States due to its registration in the European Catalogue of seed varieties.

In this documentation it is criticised that the risk assessment and the monitoring plan presented according to the old Directive 90/220/EEC do not correspond to the new requirements set up in Directive 2001/18/EC and its annexes.

This criticism goes in line with the Austrian argumentation when deciding to uphold its protective measures according to Article 23 of Directive 2001/18/EC. From Austria's point of view national protective measures should therefore be maintained until a complete risk assessment according to Annex II of the Directive and a comprehensive monitoring plan according to Annex VII of the Directive and its complementing guidelines are put forward. This should happen anyway in the year 2006 when re-evaluation of these "old products" has to take place.

For similar reasons Hungary has also taken a national measure according to the safeguard clause of Article 23 of Directive 2001/18/EC.

Austria therefore would like to address three questions to the Commission:

1. How will the Commission evaluate this documentation including the new scientific evidence mentioned therein?

2. Would it not be advisable – in the light of obvious scientific uncertainty about possible adverse effects of MON810 (but also Bt176) on the environment and in view of the fact that a meticulous plan to monitor possible effects has not been presented – to withdraw the proposals to repeal national measures until open questions have been clarified, as requested by Austria in its letter to the Commission in December 2004.

3. Would it not be recommendable – in view of the problem of coexistence – to postpone commercial growing of MON 810 until the open questions concerning a comprehensive environmental risk assessment and a suitable monitoring programme have been resolved and thresholds for the adventitious presence of GMOs in conventional seed varieties have been established?