

DAIL EIREANN MEETING OF THE JOINT COMMITTEE ON EUROPEAN SCRUTINY

26 February 2008

The transcript of the first item on the agenda was (about fishing quotas, and biofuels) is not included here.

This is the transcript of the second item of the agenda as published at:
<http://debates.oireachtas.ie/DDebate.aspx?F=SRJ20080226.xml&Ex=All&Page=3>

The Joint Committee met at 11.30 a.m. The joint committee sat in private session until 12.02 p.m. Sitting suspended at 12.55 p.m. and resumed at 1.15 p.m.

MEMBERS PRESENT:

Senator Terry Leyden (Fianna Fáil)

Senator Kieran Phelan (Fianna Fáil)

Deputy Chris Andrews (Fianna Fáil)

Deputy Joe Costello (Labour Party)

Deputy Lucinda Creighton (Fine Gael)

Deputy Damien English (Fine Gael)

Deputy Michael Mulcahy (Fianna Fáil)

Deputy Aengus Ó Snodaigh (Sinn Féin)

Deputy Seán Connick in the Chair (Fianna Fáil)

SCRUTINY OF VARIOUS EU LEGISLATIVE PROPOSALS REGARDING GENETICALLY MODIFIED FOODS:

COM (2007) 336

COM (2007) 586

COM (2007) 814

COM (2007) 815

COM (2007) 736

COM (2007) 813

SCRUTINY OF VARIOUS EU LEGISLATIVE PROPOSALS REGARDING GENETICALLY MODIFIED FOODS:

Vice Chairman: The next item on the agenda is scrutiny of various EU legislative proposals regarding genetically modified foods: COM (2007) 336, COM (2007) 586, COM (2007) 814, COM (2007) 815, COM (2007) 736 and COM (2007) 813. On behalf of the joint committee, I welcome Mr. Eamon Corcoran, principal officer in the food unit at the Department of Health and Children; Mr. Ian Keating, principal officer in the environment policy section at the Department of the Environment, Heritage and Local Government; Mr. Dermot Ryan, senior agricultural inspector at the Department of Agriculture, Fisheries and Food; Dr. Pat O'Mahony, chief specialist in biotechnology with the Food Safety Authority; Dr. Tom McLoughlin and Dr. Padraic Larkin from the Environmental Protection Agency, and Ms Kathryn Marsh from Organics Trust Limited. Before we begin, I draw their attention to the fact that while members of the committee have absolute privilege, the same privilege does not apply to witnesses appearing before the committee. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

We will hear presentations by each of the representatives. Owing to the number of Departments and organisations represented, I ask that each speaker stick to the time - five minutes - allocated. The presentations will be followed by a question and answer session with members. I call Mr. Corcoran who will make a joint presentation on behalf of the three Departments represented.

Mr. Eamon Corcoran: I thank the Vice Chairman and members of the joint committee for giving us the opportunity to appear before the committee to discuss the subject matter of the six proposals mentioned. As members will be aware, departmental responsibilities for GM issues are shared. The Department of Health and Children is the lead Department in policy matters relating to food safety and consumer protection; the Department of Agriculture, Fisheries and Food is the lead Department in policy matters relating to GM feed; and the Department of the Environment, Heritage and Local Government is the lead Department in matters relating to the protection of the environment in the case of GM crop cultivation. Each Department is represented.

COM (2007) 814 and COM (2007) 815 are dealt with by the Department of Health and Children. COM (2007) 336, COM (2007) 586 and COM (2007) 736 are dealt with by the Department of the Environment, Heritage and Local Government, while COM (2007) 813 is dealt with by the Department of Agriculture, Fisheries and Food. However, the three Departments have been asked to co-ordinate their presentations in the interests of efficiency and coherence. It has been agreed by us that I will present on behalf of all three Departments. Accordingly, within the time available, I will present specific information on all six proposals and outline the background to the current position on voting on individual GM proposals as the issues arise.

The two proposals before the committee on which the Department of Health and Children is the lead Department, COM (2007) 814 and COM (2007) 815, relate to GM maize strains resulting from stacked events, the term used to describe the combination of individual GM traits by conventional crossing of GM plants. It should be noted that the individual events that constitute the stack are authorised individually within the European Union. Ireland abstained in the vote on these two proposals at the Agriculture Council earlier this month and they will now revert to the Commission which will most likely authorise the events.

As I mentioned, the Department of the Environment, Heritage and Local Government is the lead Department on COM (2007) 336, COM (2007) 586 and COM (2007) 736. COM (2007) 336 was made under EU Directive No. 18 of 2001 and asks the Council to authorise a potato product, genetically modified for the enhanced content of the amylopectin component of starch, for a period of ten years. The amylopectin is for use primarily in non-food products such as paper. The authorisation sought includes cultivation and industrial production. A separate proposal under

Regulation No. 1839 of 2003 was submitted for this product for food or feed use. Under the comitology procedure, the proposal was initially brought before a meeting of the regulatory committee on 4 December 2006, when no decision was reached. It was subsequently considered at Council on 16 July 2007 but it also failed to reach a decision. Under comitology rules, the decision to approve the product then reverted to the Commission which has not yet authorised the product.

COM (2007) 586 marks the third attempt by the Commission to overturn an Austrian national ban on the placing on the market of maize MON 810. On this occasion, however, it only seeks to overturn the prohibition on the importation and processing of maize MON 810 in relation to food and feed. Overturning the ban in respect of cultivation is not proposed. Ireland, in line with its position on the two previous votes, voted against the Commission proposal to revoke the Austrian national ban, indicating that on this occasion Austria should be allowed time to complete the study and present its findings for consideration at the Environmental Council. Austria failed to secure a qualified majority against the Commission proposal and the matter has reverted to the Commission for decision. No action has been taken to date but it is understood the Commission will initiate proceedings against Austria in the near future.

COM (2007) 736 is mainly a technical consolidation proposal and does not have policy or product approval implications. It concerns the consolidation of Directive 90/219/EEC on the contained use of GM micro-organisms and subsequent amendments thereto, with the incorporation of an amendment to the comitology procedure providing, where appropriate, for a regulatory procedure with scrutiny.

The Department of Agriculture, Fisheries and Food is the lead Department on COM (2007) 813, a proposal for a Council decision to organise the placing on the market of food and feed produced from a GM potato, EH 92-527-1. The proposal was submitted to the standing committee in October 2007 but was defeated. Ireland abstained. It also abstained on this proposal at the agriculture Council earlier this month. The proposal will revert to the Commission which will most likely authorise the event.

That is the position on the six proposals being scrutinised. I am aware, however, that this meeting takes place in the context of a decision taken on 12 February at which the committee decided that "in view of ongoing concerns at political and public level relating to the use of GM organisms and in view of Ireland's change in position", further scrutiny of a number of proposals, four of which are being discussed today, was warranted. The change in position referred to is that until recently Ireland generally adopted a positive but precautionary approach when issues relating to GMOs were considered. Our position tended to be science-led. As members will be aware, our position on GM products is under review. Consequently, in votes of a substantive nature relating to food and feed, Ireland now generally abstains. On substantive issues relating to crop cultivation, we generally vote against. On other mainly procedural issues such as COM (2007) 586, one of the proposals being considered today, we vote on a case by case basis. This general arrangement applies to all levels of comitology.

I trust that what I have said has been of assistance to the committee. With the representatives from the other Departments, I will be pleased to assist the committee in any way I can in the question and answer session.

Dr. Pat O'Mahony: On behalf of the Food Safety Authority of Ireland, I thank the joint committee for the opportunity to speak on the issue of GM foods. The FSAI is the competent authority which implements GM food legislation in Ireland, while policy falls within the remit of the Department of Health and Children.

Each year the FSAI monitors the food supply for the presence of GM food ingredients to ensure only authorised GM ingredients are on the market and are labelled appropriately. A total of 88 out of the 436 soya, maize or rice containing foods tested between 2001 and 2007 were found to

contain low levels of GM ingredients. With the exception of the unauthorised GM rice identified in products from the USA in 2006, all GM ingredients identified in FSAI surveys were authorised for use within the European Union and, therefore, considered safe. The food products in question were not labelled to identify their GM content, as the GM ingredients were present at levels below the labelling threshold, which currently stands at 0.9%.

It is important to note that not all GM ingredients can be distinguished from their non-GM counterparts. For example, oil from GM oilseed rape and sugar from GM sugar are both chemically and physically identical to those derived from their non-GM counterparts. These products are highly processed and refined, to the extent that DNA or protein from the original plant does not survive, rendering current analytical techniques useless.

In line with Regulation 1829/2003, applications to authorise a GMO for use in food and feed are generally considered at the same time. The authorisation of a GM food in the European Union begins with a safety assessment carried out by the GMO panel of the European Food Safety Authority, EFSA, a risk assessment body set up under Regulation 178/2002. The GMO panel is one of a number of EFSA scientific panels and made up of 20 reputable, independent scientists drawn from across the European Union. Once an application dossier is deemed complete by the EFSA, it is made available to the competent authorities of member states, while a summary is made available to the public. The EFSA takes comments from member states into account and upon publication of the final safety opinion, the public has 30 days to submit comments to the Commission. Within three months of publication of the EFSA opinion, the Commission is required to draft a decision for consideration and vote by the standing committee for the food chain and animal health, thus moving the application from science-based risk assessors to the comitology procedure and risk managers.

The FSAI is a science-based consumer protection agency with a scientific committee which is assisted by a number of specialised sub-committees, including the GMO sub-committee. The FSAI consults the GMO sub-committee not only on matters of GM food and feed but also upon request from our colleagues in the Environmental Protection Agency, EPA, as part of the assessment of GMOs for deliberate release. The FSAI, like most EU member states, relies on the thorough safety assessments carried out by the EFSA. This, with the advice of the GMO sub-committee, serves as the basis for FSAI opinions on the safety of GM food which are then transmitted to the Department of Health and Children for consideration.

Although grown throughout the world for more than a decade, there is no scientifically substantiated case of harm caused to humans or animals by the consumption of food or feed derived from GM crops. Should any credible evidence be made available that an EU authorised GM ingredient can have a detrimental effect on the health of humans, animals or the environment, EU legislation allows for the summary removal of that GM ingredient by a member state pending a full investigation by the Commission.

Most GM foods currently on the EU market constitute ingredients from GM varieties of maize, soya bean, oilseed rape and cotton. A full register is publically available and maintained by the Commission. The traits generally incorporated in GM crops up to now are herbicide tolerance and pest resistance which are mainly of agronomic importance. The FSAI does not give blanket approval to GM food but assesses each application on a case by case basis as required by EU legislation. It is satisfied that GM food currently authorised for the EU market is as safe as its non-GM counterpart, although there are some concerns with the prospect of foods being used to produce commercial-scale pharmaceuticals, industrial chemicals and other non-food products in the future. Notwithstanding this, the FSAI maintains a watching brief on all developments in the area of food production with a view to ensuring food safety remains a top priority.

Dr. Tom McLoughlin: Go raibh maith agat a Chathaoirligh as an cuireadh a thug tú dúinn, mé féin agus Dr. Pádraic Larkin, teacht anseo ón EPA. My presentation is long but I will go through it in five minutes.

The Environmental Protection Agency is the regulator or competent authority in Ireland for the implementation of the GMO regulations on the contained use and deliberate release of GMOs into the environment. The agency also deals with the transboundary movement of GMOs. It was nominated as the competent authority to administer the regulations in Ireland, which process commenced in January 2005. The Minister for the Environment, Heritage and Local Government is responsible for national policy on GMOs and the environment. In practice, this means that anyone wishing to use a GMO in a laboratory - contained use - or a field trial - deliberate release into the environment - must first obtain consent from the agency.

In the past 35 years developments in the use of genetic engineering technology, or GM technology as it is sometimes called, have brought many useful applications in health care in the form of new pharmaceuticals, vaccines and new methods for diagnosing disease. This technology is also making a major impact on the investigation of crime, waste treatment, environmental clean-up and other areas. The agency as one of the regulatory authorities in Ireland - others include the FSAI for food, the Department of Agriculture, Food and Fisheries for animal feed and the Irish Medicines Board for medicines - is neither for nor against the technology.

We have contained use and a register of uses in Ireland. As of this month, there are 277 entries in the GMO register which is available at our headquarters in Wexford. This is in accordance with GMO regulations. Some 95% of these are contained use. There are more than 40 different centres working on contained use of GMOs, for example, the Wyeth bio-pharmaceutical plant in Grange Castle is using GM technology to produce medicine and in the Conway Institute in UCD there are approximately 40 principal investigators working on GM technology to look at diseases like cancer. There is much use in Ireland of GMOs in contained use.

On the other hand, there is deliberate release. There are two types of deliberate release: release for a field trial; or release for placing on the market. As of January 2008, 18 GM products have received consent under Directive 2001/18/EC. There are a further seven that have been approved under this directive and ten dossiers have been transferred under the food and feed legislation, what is known as the centralised European Food Safety Authority, EFSA, procedure.

When GM crops are released into the environment they must be monitored. Directive 2001/18/EEC strengthens the previous directive, in particular, in the case of post-market monitoring plans, that is, mandatory labelling of all GMOs, and improved transparency throughout the different stages of the authorisation procedure.

Like the FSAI, the EPA assesses dossiers we receive from the Commission on a scientific basis. We have in-house expertise. We also have a GMO advisory committee, which consists of 14 members and which is set up under the regulations. Two of those representatives consist of NGOs, one of whom is Ms Kathryn Marsh who is here today. We seek advice from the GMO and novel foods subcommittee under the FSAI scientific committee and we liaise with Departments and others such as Teagasc and the Irish Medicines Board. We work closely with EFSA which is the new equivalent of the FDA for Europe. It is a risk-based scientific assessment. All the dossiers or notifications are done on a case by case basis.

The overriding concern of the EPA in looking at GOM notifications - whether for contained use, deliberate use or placing on the market in the European Union - and in implementation of the regulations is to ensure that their use does not have any adverse effect on human health or the environment.

Ms Kathryn Marsh: I thank the committee for the opportunity to speak today and I congratulate it on continuing the scrutiny despite the fact that all of these issues have already reverted to the Commission.

Organics Trust is one of the three organic certification bodies licensed by the Department of Agriculture, Fisheries and Food to certify organic produce in the Republic of Ireland. We certify for the island of Ireland and for the UK as well.

Organic farming is a system of farming depending on the relationship of the farmer with the natural environment. The organic farmer promises the consumer that organic food is being produced in a soil-based system without chemical inputs or genetically modified organisms. The credibility of organic farming is seriously undermined by the adventitious or technically unavoidable presence of genetically modified organisms in organic produce.

GMOs are forbidden by organic farming because, first, we work to the precautionary principle, the cornerstone of science - do no harm and do not do anything that cannot be undone. Once released into the environment GMOs cannot be recalled.

Genetic modification is not an exact science. The experimenter does not know whether the gene he or she wants to transfer is being moved. He or she cannot know what else has been added to a DNA sequence, nor does he or she know what has been damaged in that sequence. The initial theory was that gene promoters only turn on the gene to which they are attached. Experimentation has demonstrated that there is no way to predict which genes are activated.

We hear much in the context of GMs about the concept of substantial equivalent. The idea is that genetically modified foods are essentially the same as non-modified foods. Biochemical profiles of a new food are deemed to be substantially equivalent to an existing food if they fall within the range of natural variation already exhibited by existing food or crops. This does not mean they have the same characteristics, but that they are not more different than other organisms that have occurred naturally. Substantial equivalence should be the starting point of safety evaluation, rather than the end point of the assessment.

Unlike new drugs, there is no requirement for GM food to be routinely tested on animals and human beings. We do not know its effects on health. There have been no long-term studies into its impact on human or animal health. Safety testing is dependent on good study design of proper containment. Study design is almost always seriously flawed and inadequate. When the Irish EPA imposed good design and containment as a condition of live field trials of the genetically modified potato here, the company involved decided to only do trials in countries that imposed less stringent conditions. Because of EU regulations, foodstuffs approved in countries with weaker testing regimes are allowed to be grown and sold throughout Europe. This applies also in the case of the potato under consideration today.

Studies tend to obtain results that suit those funding them. Some 166 studies have been carried out on the safety of aspartame. All the independent studies found possible health problems, but all the industry studies found no problems. I am not saying that industry scientists are corrupt. My experience is that they are pretty good. However, what I am saying is that many companies do not publish results that do not suit them.

The biotechnology industry is in charge of safety within it and there is no lay scrutiny at any point in the process. Only people who are trained in the system are involved, partly because of the hard work involved in learning it and partly because the system does not allow for it. The European Food Safety Authority has no lay involvement. This should be addressed.

Two of the organisms under discussion today relate to pesticide resistance. The impact of pesticide use is that if one kills off the target pests engineered, other pests move into the space and one finishes up using a wider spectrum pesticide. Cotton is the prime example of this and pesticide use in that industry has increased over time with the use of GMOs.

With regard to the potato varieties proposed to be moved to feed use, there have been no long-term feeding studies done on these, but they have already reached Commission stage. There is

also strong potential for gene flow from non-transgenic crops. The parents of the GM maize varieties have been associated with inflammatory reactions. Although they themselves are not on the markets, there is a possibility that some of these genes may come to their offspring.

We congratulate France on banning the Monsanto 810 maize and think Ireland should follow suit, particularly in view of the likely spread to Ireland of the corn borer as a result of global warming. We congratulate the Austrian Government on its unwillingness to expose its people, environment and economy to the dangers associated with the use of GMOs.

We support contained use where it is fully contained use in which the organism is destroyed and does not exist outside containment. However, it must be clear that the GMO involved does not persist beyond the contained use into the wider environment.

Vice Chairman: I thank the witnesses for their informative presentations. I will put a few questions before opening the discussion to the floor. I intend to allow three members at a time put their questions and then allow the representatives respond. The issue is quite complex.

When many people hear of GM food, they tend to be scared of the issue, unsure about it or not fully informed. I am sure there is a considerable amount of information available for research but the difficulty concerns the amount of information available to the ordinary consumer. Improvements could be achieved in this regard.

The world's population grew by approximately 75,000 per year between 1995 and 2004. Is it possible to continue to feed the population of the world through organic and normal farming methods? Given the amount of crops grown at present and the number of European countries growing them, can Ireland continue to avoid growing GM crops? Spain, Germany, France, Portugal, the Czech Republic, Slovakia and Romania are growing GM crops. The bio-pharmaceutical, medical diagnostics, food, feed and industrial sectors are all using some form of technology associated with genetic modification. How can we continue to remain outside the GM sector? I am not sure about our current position of abstaining from making a decision and I would prefer if we voted for or against the proposals. We will have to keep an eye on what is happening in respect of the programme for Government.

There is an EU deficit in terms of protein imports, amounting to 33 million tonnes of soya per annum. How do we make up the shortfall? As an increasing number of the world's soybean crops are genetically modified, and considering that some of these crops are in their second or third generation, can we continue to protect the EU and Irish market from the GM soybean market?

It is becoming increasingly difficult and expensive to access approved GM and non-GM soya. Will this have an impact on our white meat sector? Ireland is largely dependent on imported feed materials. What is the likely impact on Irish farming of our resistance to GM foods?

The average timeframe for approving GM crops in the United States is 15 months while it tends to take between two and a half to ten years in the European Union. The latter timeframe seems excessive. Have the delegates any comments on this?

Deputy Michael Mulcahy: I join the Vice Chairman in welcoming the delegation. I have learned much more today than during many other briefings and am therefore thankful.

During the five-year term of the previous Government, the Sub-Committee on European Scrutiny followed this matter quite closely and at one stage had a joint meeting with the Committee on the Environment and Local Government or the Committee on Health and Children. The issue was therefore very much in focus. I hope this committee can focus similarly on this important topic for the next five years.

There has been a change in the Government's position. As I understand it, the officials in Brussels, be they in the fields of agriculture or health, used to vote almost automatically in favour of proposals. Mr. Corcoran stated there has been a change and that we are now neutral or slightly negative. I hope we can adopt a completely negative position and stand shoulder to shoulder against some of the countries trying to foist their position on a very unwilling public throughout Europe. Any consumer to whom I have spoken does not want to eat GM products. I hope there is no ambiguity about this. If so, I would like the officials to identify the consumers who want to eat them. I certainly do not want to. I want to eat healthy natural food. I understand there is no such thing as a 100% natural plant because there are hybrids and so forth, but the effort to re-engineer food by inserting genes from fish or God knows what is unacceptable to the consumer. We must reiterate this as often as we can.

I do not want to elaborate on the environmental issues because I do not fully understand them but I accept that if we let the genie out of the box, we will never get it back in. In this regard, I welcome the presentation of the Environmental Protection Agency. It appears we are scrutinising all the field trials quite closely in so far as this is possible.

The Vice Chairman made some points on agriculture. If agriculture has any future, it is in producing natural healthy food. Brazil can produce as much food as all of Europe, as can the United States. Such countries will all go down the road of genetic modification. Our future lies in producing top-quality, natural food. Otherwise Ireland will simply be one more little cog in the wheel and its agricultural produce will not stand out in the crowd.

I hope we return to this topic. There is a green element to the Government and I would like to discuss this subject with the Green Party's members, including the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, and the Minister of State at the Department of Agriculture, Fisheries and Food, Deputy Trevor Sargent, who specialises in this area. I would like to know whether they will join me and other supportive members in declaring Ireland a GM-free zone.

Deputy Costello can confirm my remarks of last November to Ms Catherine Day, Secretary General of the European Commission. Members of the Committee on European Affairs were present. During my discussion, I referred to the concept of comitology - I call it cosmology - which is relevant to the scrutiny of European proposals. Where a broad decision has been made by the European Council on a particular aspect of law, business or administration and a sub-decision falls to be made, in respect of which the members cannot reach agreement, responsibility for making the sub-decision falls back to the European Commission under what is called comitology.

The word "comitology" is used in Mr. Corcoran's presentation and he will be fully aware of it. When the democratically elected leaders of member states fail to make a decision, it falls upon people who are not elected to make it. I will not say there is an element of cowardice but it is unacceptable that our European leaders do not make a decision in favour of or against what is proposed. In terms of democracy and transparency it flies in the face of everything that pro-Europeans support, that it goes back to the officials of the Commission to make wide-ranging decisions like this which can affect our environment, our health and our food. It is completely unacceptable that people who have not been elected make important decisions outside of the democratic process on matters such as these foodstuffs. This issue of comitology must end. Deputy Costello will recall that I said that to Ms Catherine Day, the Secretary General of the Commission, when we met her. Ms Day is a most impressive and amiable woman. She seems happy enough to motor with comitology but I think it is completely unacceptable.

If we are a real scrutiny committee, we should review all of the decisions made by comitology to see if they were unacceptable to Ireland but are now being forced on to the Irish people. I give notice to the Vice Chairman of my suggestion that this issue of comitology, either generally or under GM food, goes right on to our agenda for the next few years.

Vice Chairman: I thank Deputy Mulcahy for his passionate presentation. For his information, we invited representatives, including at ministerial level, from the Department of Agriculture, Fisheries and Food and, unfortunately, no one was available. I want to make him aware that they were invited.

Deputy Lucinda Creighton: I thank the delegation for their illuminating presentations. I take issue with some of the points made by Deputy Mulcahy. Perhaps the Department officials might like to comment on this. I do not accept that there has been a fundamental change in Government policy on GMOs. As far as I am concerned, the Government position is effectively the same. Abstaining is not decision making in any shape or form. While a Green tinge on this Government in the case of GMOs is perhaps evident, it does not constitute substance. We all know how important GMOs are to the agricultural industry and particularly to foodstuffs. That has not changed, cannot change and will not change under this or any future Administration in practice despite what may be put forward in theory.

I also disagree that it is time to move to an entirely negative position on GMOs. We cannot underestimate how damaging it would be for us, not only for the agricultural industry but on a global basis, to bury our heads in the sand and ignore the imperative of GM foods and GM foodstuff in our day to day life in the future in all continents and in all countries.

I disagree that a government should be led necessarily by public opinion. I believe in the role of leadership in government. There is a clear case being advocated at all levels, including United Nations level, on the absolute need for GM foods in tackling such problems as world poverty and world hunger. There is a fundamental role for GM foods and if public opinion has been tainted by a biased and one-sided Green lobby in the past, then it is for the Government to show leadership and to provide information about the realities in terms of the economic challenges and food shortage challenges we face in the world.

Deputy Mulcahy also referred to letting the genie out of the bottle. We know the genie has been out of the bottle for a long time and anybody involved in agriculture here knows how reliant we are on GM foods. It is too late to put that genie back in the bottle.

I agree that we must be at the high end of food production. I do not necessarily agree that GM foods and high end food production are mutually exclusive. To say we cannot compete in terms of mass food production with countries such as Brazil and the United States is simply untrue. If one looks at the beef industry, one will see that this country is the largest exporter of beef in the world. We have made and will continue to make a significant contribution with the right policy making and leadership at Government level. We cannot just bury our hands in the sand in that respect.

I have a few points to make about decision making at EU level and some of the problems associated with it. I state clearly my objection to the Minister for Agriculture, Fisheries and Food or any Minister abstaining on important issues such as this. It is imperative that Ireland takes a proactive stance and does not sit back and allow other member states to make the decisions for us. It is contradictory to say we object to decisions being referred back to the European Commission when the Government, by abstaining at Council of Ministers level, is not participating in decision making. It is a bizarre argument.

I have major concerns, which I share with the Chairman, about the timeline at EU level for the approval and recognition of GMOs. It is unacceptable that the process can take up to ten years when countries in other parts of the world are moving forward very quickly. There is a significant issue with politicians, namely, an absolute refusal to give leadership and take positions. It is almost a rule of thumb at this stage that EU leaders, Ministers and so on refuse to accept and follow expert scientific advice. There are scientific panels which conduct research and make recommendations according to the guidelines and rules to which they have been mandated to adhere. Again, we see procrastination and a refusal to give leadership and take tough decisions at

European and member state level, which is very unfortunate. We are losing out in Europe as a result.

We must acknowledge that there is considerable reliance in this country on GM foodstuffs, particularly crops. Maize is being imported to feed our cattle, sheep and pigs and the sector is dominated by GM crops. In reality, one cannot separate them when most agricultural land in Brazil and other countries from which we import is now essentially subsumed by GM crops. It is impossible to turn our backs on this and deny it. We need to face up to it.

It is clear that it is not possible to reverse and roll back from where we are in respect of GM feedstuffs. The cost associated with our farmers trying to compete on a global level is crippling and will, ultimately, undermine the entire agriculture sector. We must make decisions on whether we want to move forward, compete and produce high quality output in all sectors of the industry. It is not realistic to think we can rely on producing organic vegetables and meat. We must continue to support the industry that is so fundamental to the economy.

What does Ms Marsh from Organics Trust Limited see as the alternative to GMOs? How does she see the agriculture industry proceeding, progressing and competing on global markets without them? Particular emphasis must be laid on the significant challenge presented by global food shortages, including within the European Union. We no longer have beef mountains and milk lakes but there are food shortages within the Union that will increase in number unless we enhance productivity and output. The only way to do this while competing on global markets is through the acceleration and improvement of the role of GM foods in the agriculture sector in this country. What are the views of Ms Marsh and some of the other speakers on that issue?

Vice Chairman: I thank Deputy Creighton for her contribution.

Deputy Joe Costello: I have a few points to make, the first of which relates to what Deputy Mulcahy mentioned about comitology. I can confirm that he did raise the issue with Ms Catherine Day when she was here. It seems there is still a comitology procedure given Austria's ban on GM products. However, the Commission is acting directly against Austria to oblige it to lift its ban. This would mean that no EU member state would have a comprehensive ban on GM products in terms of their importation and cultivation. I would like to receive clarification in this regard but it looks like that is what is going to happen. If it does, what will be the implications for Ireland which, to some extent, has been relying on the Austrian stance in some of the statements it has made? It was stated Ireland abstained when the matter related to food and feed - which is hard to understand - and voted against when it relates to crop cultivation. What will be the implications if Austria is forced to lift its ban on GM products?

Representatives from the farming organisations appeared before the committee last week. They stood foursquare behind food product safety. They won their case against the importation of Brazilian beef on the grounds that the Brazilian Government was not able to provide sufficient evidence that its product was safe, that it was not properly monitored and that cases of foot and mouth disease were to be found in herds in Brazil.

The real issue is whether the food eaten by animals is safe. This is a question for the Environmental Protection Agency and the Food Safety Authority of Ireland. How do we know that GM food is safe? I was amazed to read in the presentation by the FSAI that the current analytical techniques had been rendered useless with regard to certain GM products. For example, it is stated oil from GM oilseed rape and sugar from GM sugar beet are chemically and physically identical to those products derived from their non-GM counterparts. It seems impossible that that should be the case. If they are chemically and physically identical, why do we need a GM product? Why do we not use the existing non-GM product? It is further stated these products are highly processed and refined, to the extent that the DNA or protein from the original plant does not survive, rendering current analytical techniques useless. With such robust processing and refining, there must be a question mark about the safety of the product. This begs the question of what is

the value of an analysis if there is not enough left to analyse. In that case the FSAI should be asked how it can come to the conclusion that it is satisfied that GM products currently authorised for the EU market are as safe as their non-GM counterparts. If it cannot analyse them, it cannot make that statement. I have considerable concerns about the scientific basis of some of the statements made in this regard.

I have a query in respect of a statement made by Ms Marsh that it is not true to say that in the long term there will be increased yields from GM products. If there will not be increased yields from GM products, what is the purpose in having such products? Is that a true or false statement? As I understand it, the major reason for the use of GM products is to solve the problem of world hunger and deal with a situation where we cannot produce enough food. There is, therefore, a desirable reason for producing GM food, namely, that farmers cannot produce the food required. I would like to see both sides of this argument addressed.

What is the nature of the review taking place? We have not received any details. On the basis of the review will a more stringent position be proposed? Who will conduct the review and how will it be carried out? Will it be an independent external review or an internal review in one Department or in all the agencies and Departments involved? It would be interesting to receive an update from the relevant Green Party Ministers who seem strong on issues of this nature, as we do not know what they are doing about them.

Is it possible to hold clinical tests in a contained environment? How can one grow a crop anywhere or in any circumstances without avoiding the danger of the wind transmitting spores outside the contained environment? Unless it is done in a very restricted area, it is impossible to contain such a crop. If we accept that it is possible to have safe large-scale cultivation of GM products, would it not be better to direct such products towards the bio-fuel market rather than towards the human food or animal feed market?

Mr. Eamon Corcoran: I will deal with some of the wide range of issues raised by committee members and will refer others to my colleagues.

The position is that if a GMO is authorised within the European Union, there is no mechanism to exclude it from the Irish market without being in breach of our EU obligations. However, there is room for manoeuvre in the case of proposals to authorise new GMOs and issues concerning cultivation.

A number of members referred to comitology, a process that developed to avoid deadlock. As members will be aware, under EU procedure, the Commission has the right of initiative, while member states have the right of decision. According to the rules, decisions only revert to the Commission where member states have not taken a definitive decision, either in favour of or against a proposal. The system developed in the context of enlargement of the Community to avoid deadlock where Commission proposals were not decided on.

On the position that obtained which we described as positive but precautionary, we did not vote blindly in favour of proposals. The science was very carefully studied. In the case of food issues, the study was undertaken by us and the Food Safety Authority of Ireland. I am sure the situation was similar in the case of the Department of the Environment, Heritage and Local Government and the Department of Agriculture, Fisheries and Food. Events were only submitted for decision where the science had been clarified. While we have voted in favour in all cases since I started working in this area, September 2002, we were not on autopilot. We made a conscious decision to carefully review the science in conjunction with the relevant agency, in our case the FSAI, and voted accordingly.

Members will be aware of the commitment in the programme for Government to negotiate the establishment of an all-Ireland GM-free zone. The current position, whereby we abstain on food and feed issues, has to be considered in the context of the implications of the commitment in the

programme for Government. Abstention should be seen in that context. When the process under way has been concluded, we will move away from that position. To respond to Deputy Costello's queries, the review process will fall to be dealt with by a political decision. A group of senior officials, operating under the aegis of the Department of the Taoiseach, is also involved but the process will not involve an external agency conducting the review. It should be seen in the context of the commitment in the programme for Government.

Other issues, including those raised by the Chairman, can more appropriately be dealt with by my colleague, Mr. Ryan, as they relate to crop reduction and the implications for farming. My colleague, Mr. Keating, will be in a position to address a number of other issues, particularly those relating to the Austrian ban and the length of time it takes to obtain clearance.

Mr. Dermot Ryan: Questions were asked about the supply of feedstuffs for animals. We import approximately 3 million tonnes of feed materials per annum from around the world to feed our animals. They include in excess of 1 million tonnes of protein feed materials, consisting of maize by-products which are high in protein and are used to feed the ruminant sector. They also include soyabean products, primarily to feed our pigs and poultry. There has been increasing planting of GM maize and GM soyabean in the countries from which we import, such as the United States, from where we import the maize products to feed our ruminants. Over the years increasing amounts of the maize crop in the United States have become genetically modified.

We import soyabean primarily from South America, particularly from Brazil. It is estimated that the proportion of the GM soyabean crop in comparison with the non-GM crop is increasing each year, to the extent that approximately 55% of the crop harvested in 2007 is probably genetically modified. The crop sown in 2007 is probably 65% genetically modified and it is estimated that, as 2008 progresses, the trend will continue to the point where some 75% of crops sown in 2008 will be genetically modified. This has resulted in a price differential between non-GM soyabean and GM soyabean and it now costs more money to buy a tonne of non-GM soyabean than a tonne of genetically modified soyabean.

This is just one factor that has contributed to the increase in the price of feed. One of the main problems arises from the time taken to authorise new GM events and varieties in the exporting countries - the United States of America and South America - compared with the EU. Genetically modified varieties are approved relatively quickly in the exporting countries and are grown in those countries before they have been approved in the EU, causing trade problems. This asynchronisation in the approval processes needs to be addressed with a view to speeding up approval procedures in Europe to help avoid those trade difficulties.

Other factors involved in the increase in feed prices include the scarcity of feed materials, arising from increased demand in developing economies such as India and China. Their demand for feed materials from the countries from which we have traditionally imported is increasing and this drives up prices. In addition, there are climatic factors, such as the prolonged drought in Australia which has dramatically reduced the wheat yield.

The increased demand for bio-fuels consumes wheat and maize for conversion into ethanol and bio-diesel and this has increased competition, driving up prices. In the context of the GM-free debate the distinction has been made between the cultivation of GM crops and the importation of feed material into Ireland. This matter was referred to in last week's meeting of this committee and the issues are in focus in the evolving debate.

Mr. Ian Keating: Both the Chairman and Deputy Creighton asked why it can take so long to deal with GMO approval in Europe. I cannot fully answer that, but I will make some observations. For approximately 20 years the EU has been involved in the approval or disapproval of GM products and we have had a regulatory environment in Europe for that time. There has been a consistent difference in attitude toward GM products between member states.

With regard to products that come before the different regulatory committees in which we are represented, most of us could predict with a high degree of accuracy how votes will go. The same member states generally vote against or in favour, with some member states taking a more equivocal attitude. There is a fault line in Europe in terms of the attitude of member states to GM products and this attitude spills over to some degree into the way the legal instruments are operated, Directive 2001/18 on our side of the house and Regulation 1829 with regard to food and feed. It was not envisaged that those instruments would work for every contested GM application that came before them, but they are put into practice and this is what, in part, gives rise to the fairly long delay in dealing with authorisation for GM products.

Deputy Costello mentioned the Austrian ban. There have been three votes among member states with regard to lifting the Austrian ban. The most recent one was very close, even though cultivation was not the subject of the Commission proposal. In other words, the ban would have remained in place with regard to cultivation and the proposal would simply have related to food and feed. The ban has not yet been lifted by the Commission, but our understanding from contacts in Brussels is that the Commission proposes to move against Austria. There are no special implications for Ireland in this as the Austrian ban is limited to Austrian territory. Austria did not have a general ban on all GM products. The ban related to Mon 810, a maize product. Austria has invoked the safeguard clause, otherwise known as the national ban, against other products, but it never had a total ban on all GM products, because that is not permissible under EU law.

Dr. Tom McLoughlin: To answer Deputy Costello's question whether GM crops can be grown in a contained use facility. They can and there are three or four here. Teagasc has one in Oakpark where it has a specialised greenhouse which has been licensed by the Environmental Protection Agency. There is also work going on in NUI Maynooth where they are transferring genes - an experiment that is also happening in other places throughout the world - not into the nucleus of the plant, but into the mitochondrion. This will circumvent the problem of gene flow through pollen transfer. Perhaps in several years, scientists or companies may transfer genes where pollen will not be a problem, a potential advantage.

Deputy Creighton suggested the genie might have been let out of the bottle. Last year several member states of the European Union, among them Spain, France and Germany, planted approximately 110,000 hectares of mainly Mon 810. The Spanish, German and French authorities, particularly the Spanish, had meetings where they presented the research results after looking at post-market monitoring of these crops - the Bt crop that potentially replaces chemicals in agriculture. They have looked at indicators of biodiversity and at gene flow. The studies have been funded by taxpayers in Spain. To date, they have not seen anything untoward with these crops with regard to the long-term potential cumulative effects of using GM crops in these countries. This is the sort of research we should do in Ireland in case Irish farmers ever want to grow GM crops. It is imperative that those crops are started, in the greenhouse initially and then in small-scale field trials, before moving to cultivation. The Spanish, French and Germans certainly have an advantage but we can learn from them.

Dr. Pat O'Mahony: Unfortunately, Deputy Costello has left, but he raised one or two salient points. Perhaps my presentation was not as clear as I wanted it to be but when I spoke about oil and sugar, I meant for detection purposes. We survey 100 or more foods every year but there may be no unusual DNA or protein present or detected. Oil is oil and sugar is sugar, whether they come from the GM or non-GM version. The processing is the same for both; therefore, there is no issue.

The Deputy also asked how we knew products were safe. We use the mantra that nothing is absolutely safe in the world of food. Peanuts, for example, kill people every year through their potent allergens. As regards our potatoes, carrots, tomatoes or any other product that we are trying to get onto the market, we could be puritanical about them and they would not make it to the market. They all have toxins, carcinogens and allergens at various levels. It is a matter of striking a healthy balance. The approach with regard to food safety is to get the right balance. We

weigh up what is on the market as regards the foods we know are safe as a result of long-term usage. That is the best we can do. We consider as many toxins, allergens and carcinogens as we can and make an assumption but we cannot say any food is absolutely safe. Nobody can tell me that the water in front of me is absolutely safe. It is a matter of perception that is sometimes open to abuse.

Vice Chairman: As all the responses of contributors are included in the committee record, Deputy Costello will be able to read the response to the issues he raised.

Ms Kathryn Marsh: Many questions were addressed to me but I have not made a note of all of them. I apologise for missing some of them.

I thank Dr. O'Mahony for making a clear distinction with regard to GMOs. It is a matter of playing around with the proteins of a cell. Therefore, we can only test what has happened to them. For example, an oil in respect of which one can test for a DMA protein is not fully refined. If we try to fry it, it will burn.

Deputy Costello raised the question of yield. In recent times there have been a lot of studies conducted. A good organic or conventional farmer will produce better yields than a bad one. Nowadays, farmers with equivalent levels of skill have equivalent yields. There has been much research into organic techniques and production levels have risen enormously as a result. We are beginning to see a difference between the two in recent studies, namely, that there are higher nutrient and mineral levels in organic crops, as well as higher dry matter and lower water content.

There was a question about lead times. I am sorry to say countries such as the USA have short lead times because in the past there was a great interchange of personnel at the top of the Food and Drug Administration and the top of biopharmaceutical companies. Protocols were established that would not meet European standards for testing. In the early days we accepted these in the European Union but now we like to look more carefully at our data before we introduce new products. Everything is challenged and looked at. As there is no real mechanism for doing this in the USA, crops can be rapidly placed on markets once they have passed the initial testing phase.

Reference was made to Monsanto 810. One of its parents in animal feeding experiments with mice showed very high levels of inflammation. There is still potential for that in the longer term. With regard to the Spanish experiments referred to by Dr. McLoughlin, there are serious drawbacks associated with any procedure where bacillus thuringiensis is put right through a plant. It is used in organic farming as a last-resort insecticide, but not in Ireland. It is used on a one-off basis. It is not in every cell of the food somebody is eating - the reality is rather different. GMOs were not introduced to increase crop yield but to lower the cost of production by lowering pesticide and herbicide use. In the short run, they do so.

The weeds that produced the gene with Roundup resistance were originally found growing in one of Monsanto's Roundup production plants. If Roundup is used on any area for long enough, some weed will naturally develop resistance thereto. Monsanto noticed it had many such weeds and stated it would be great if crops were equally resistant. In nature, if one sprays herbicide for long enough, a plant will eventually grow that resists it. Exactly the same process occurs when one engineers a plant to express a herbicide. In the long run, the weeds will develop resistance and then one must try a different herbicide and another thereafter. They will have to be more powerful and toxic than the Roundup used in the first place. This is already happening in the first few generations of Roundup-resistant crops.

The same is the case with the early generations of bacillus thuringiensis crops. Pests are developing that are immune thereto and therefore there are already boll weevils in the cotton crop and other minor pests moving into the space out of which the boll weevil moved. It is well known that nature abhors a vacuum and these are the kinds of organisms that move into it. These

are the side effects of lowering the costs of production. Conventional breeding is still regarded as the most effective way of increasing actual yields from a crop.

One would increase yield if one found a more efficient way of controlling weeds and pests. Other resistant pests or weeds move into the gap. Since the varieties of crops in question were not selected initially for yield, but for other qualities, yields are falling. The vice president of the Canadian Farmers Union, a Canadian farmer stated, "We didn't realise what we were getting into. Canada is now a GM country. If we had a choice, we wouldn't have become a GM nation." He said this to the Food and Agriculture Organisation after he had found his yields decreasing and his herbicide use increasing.

I have not had time to compile all the statistics on the cost of imported GM-free feed because I only discovered I would make a presentation to this committee on Friday, but I got somebody to calculate for me the increase in the price of a pound of steak if GM-free feed were obtained at this week's delivery cost to Greenore. It would amount to 2 cent and we therefore do not need to worry too much. There is a strong premium developing rapidly around the world for meat that has not been reared on GM feed. The premium is not very high but, on the plate, it translates into a figure of between 50 cent and €1 per kilogram. Obviously, not much of this goes back to the farmer. We are all familiar with what goes where in the agriculture sector but, even with this premium, the farmer will not be at a loss. We, therefore, do not need to worry about the matter.

Vice Chairman: I thank all of the contributors for their very interesting presentations. I am sorry that all members of the committee could not be present but the transcript of the debate will be there for them to see. Our discussion has been very informative and will help the committee in finalising its scrutiny report on the proposal.

The joint committee adjourned at 2.40 p.m. until 11.30 a.m. on Tuesday, 11 March 2008.