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PUTTING THE EU IN ITS PLACE: WHY FILING A GMO CASE WITH THE WTO IS CRUCIAL

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Since 1998, with minor exceptions, no agricultural biotech products have been approved by the European Union. This moratorium hinders world trade, harming consumers, farmers, and the environment. The Bush Administration should file a dispute with the World Trade Organization (WTO) against the EU moratorium on genetically modified organisms (referred to as GMO, GM, or biotechnology) to prevent further harm and to halt the spread of European protectionism.

Biotechnology is based on the same science as traditional plant breeding, which has been used for millennia to genetically develop (or eliminate) specific traits. Biotechnology is simply a faster and more precise technique used for the same purpose. Desirable traits could include increased yield, higher quality produce, reduced water consumption, and less dependence on fertilizer.

Biotech Is Safe. The available evidence indicates that biotechnology is fundamentally safe. Professor Perry Adkisson, summarizing the findings of the April 2000 report from U.S. National Academy of Sciences, has observed that there is “no strict distinction between the health and environmental risks posed by plants modified through modern genetic engineering techniques and those modified by conventional breeding practices.”

In August 2002, the European Commission acknowledged that, “For the EU, there is no reason

to believe that GM food is inherently unsafe to human health.” Without a scientific basis, the EU’s action or lack thereof is protectionist. According to Article 2.2 of the WTO’s Sanitary and Phytosanitary Agreement, regulations must be “based on scientific principles.”

The EU is hiding behind the “precautionary principle” that does not require scientific proof in order to ban a product; regulators need only to claim that the product has not been proven harmless. However, the EU’s August 2002 acknowledgement should rule out use of the precautionary principle. The U.S. Trade Representative’s 2002 *Foreign Trade Barriers* report concluded that “biotechnology continues to be more of a political than a scientific issue in Europe and prospects for improvement remain dim.”

Impact on American Agriculture. According to James Stamps, an economist at the U.S. International Trade Commission, “The United States is the world’s largest producer of biotechnology crops.

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More than 88 million acres of U.S. farmland were planted with biotechnology crops in 2001, accounting for 68 percent of total 2001 global acreage planted in biotechnology crops." (Argentina ranks as the second largest producer of biotech crops, followed by Canada and China.) Because the European Union is the fourth largest market for U.S. agricultural products, the damage to U.S. agriculture that could be wrought by the EU moratorium is readily apparent.

However, the effects of the EU moratorium extend well beyond U.S.-EU trade. Because of their international reach, several American companies that support biotech and use biotech crops in their products have found it necessary to use only products that have been approved by the EU.

EU-Perpetuated Myths. Additionally, several impoverished African nations have refused U.S. food aid on the basis that such aid could affect their exports to the EU. Rumors around Africa about the risks of GMO range from HIV to deformity. According to *The Washington Times*, "Zambian President Levy Mwanawasa has rejected corn from the United States because he believes it poses health risks to his people." The EU perspective, even though flawed, has spread to many countries.

Sadly, those countries that could benefit most from biotechnology are impeded by EU-perpetuated myths. For example, in Africa, up to 80 percent of some crops are lost to drought. Biotechnology offers the prospect of crops that are more resilient, require less water, and give higher yields.

Undermining More Efficient Use of Resources. Such advantages also permit more efficient use of resources, reducing the need for pesticides and fertilizer and thereby protecting the environment. Yet some biotech products have been under EU review for over six years. The EU moratorium has delayed the adoption of new technologies that could assist farmers in countries throughout the world.

The moratorium is a global issue that affects farmers and consumers worldwide. EU intransigence is blocking technology that could make farming cheaper (thus lowering costs for consumers) and more environmentally friendly.

Conclusion. The Bush Administration should act immediately on two fronts. First, the Administration should promptly file a case in the WTO against the EU moratorium. The EU's stance is not based on science, and it has led many countries to believe that biotechnology is unsafe.

Second, the Administration should simultaneously launch an international education campaign on biotechnology—specifically targeting Europe and Africa—to stop the spread of biotech myths and begin to reverse the damage that has already been done. For the sake of farmers and consumers around the world, as well as trade liberalization and the environment, the Bush Administration must challenge the EU moratorium now.

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