

## Second GM corn set for EU approval after Court ruling

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A 12-year-old filing for permission to cultivate TC1507 corn by Dow-Pioneer is back at the top of bloc environment ministers' in-tray at their next meeting on December 13, after the European Court of Justice found there had been an unjustified delay in examining the application.

Ecologists say the crop exudes toxic chemicals that harm insect pests, thus removing the need for farmers to buy chemical pesticides but creating knock-on risks for bees and ecological stability.

But the European Commission says experts from the European Food Safety Authority have given it a clean bill of health, hence the judicially-ordered return to consideration of its authorisation for use.

Currently, just one GM crop—Monsanto's MON810 maize—is allowed to be grown in Europe, and this only in small quantities in Spain and Portugal.

A second permitted crop—BASF's Amflora potatoes—has been abandoned by its makers.

The 28 EU ministers need to decide by qualified majority voting—weighted to take account of member states' size—whether to approve or reject the application.

A failure to reach a conclusion—which has been typically the outcome on an issue of high legal as well as political tension—would leave the Commission forced to take a decision.

The Commission would likely approve because of EFSA's findings and the threat of European Court fines if it didn't, sources said.

Greenpeace campaigners said the Court decision criticises the procedures followed, but does not prevent the Commission from taking a

definitive stand based on alternative scientific reports.

However, the Commission says that it is trapped by a positive recommendation as the Court requires it follow rules in force when the application was submitted.

That obliges the EU executive to follow the EFSA's recommendation in the absence of a clear majority among states.

Commission spokesman Frederic Vincent said its hierarchy would decide next Wednesday "what judicial route to take following the Court's ruling."

Austria, Bulgaria, France, Greece, Hungary, Luxembourg and Romania have each invoked safeguard measures to block MON810 cultivation on their territories.

In August, however, France's Council of State [court](#) ruled that the French moratorium going back to March 2012 failed to uphold EU law.

President Francois Hollande subsequently said the ban nationally would remain.

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