

Viewing cable 03ROME4642, STATUS REQUEST FOR BIOTECHNOLOGY

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STATE PASS USDA
USDA FOR FAS/IT/EAMED AND O/A JONES;
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SUBJECT: STATUS REQUEST FOR BIOTECHNOLOGY
REGULATIONS

REF: UNCLASS STATE 263456

¶1. Summary Italy's biotech regime is subject to EU legislation. Italy is more restrictive than EU laws in some instances. With the exception of corn, banned under the Amato Decree, Italy follows EU policies on agricultural biotechnology. For seeds for planting, the absence of an EU agreed law on biotech adventitious presence (AP) in conventional seeds has allowed Italy freedom to make its own determination. Italy has a zero tolerance for AP in conventional seeds.

¶2. Regarding seeds, the main authority in Italy is the Ministry of Agriculture, which is entitled to register any seed variety with the National Register. The Ministry, too, adopts its own policy in establishing the tolerance level for adventitious presence of GM seeds in conventional lots. Currently, in the absence of an EU regulation on this matter, the Italian Ministry of Agriculture has autonomously fixed a zero tolerance level.

¶3. Regarding foods and feeds, the enforcing authority is the Ministry of Health, which implements the several EU rules already in force in this wide sector.

¶4. The Amato Decree bans four EU-approved biotech corn varieties. It was adopted in

August, 2000 and has been enforced to impede seeds for planting as well as to impede imports of corn for feed.

¶5. Regarding processed foods, the EU-agreed Traceability and Labeling (T&L) and Food and Feed (F&F) regulations are expected to be signed by the end of October and published in the official gazette immediately after signing. Please refer to EU reporting on the levels of tolerance and ingredient percentages which must be labeled, and for provisions about EU-approved versus partially reviewed but not approved events. Once T&L and F&F come into effect in 2004 Italy will be obligated to follow them but there is yet little evidence that the GOI's Ministry of Health and the Ministry of Productive Activities are going to be proactive in the task. With regard to food ingredients therefore, the application of these new regulations will be determined by Italian food industries' ability to either reformulate without biotech ingredients, to formulate as they do now but label according to the new regulations, or even to ignore the regulations. The important question will be how the GOI enforces this. In the interim, the current labeling regime is in place. Only food with ingredients containing more than 1% biotech content must be labeled.

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MONITORING AND ENFORCING

Monitoring has been stringent for seeds, both domestically produced and, at a greater extent, imported. During the last three planting seasons the Ministry of Agriculture has established a zero tolerance level for the adventitious presence of GM material in conventional seed lots. No GM varieties are allowed for planting in Italy.

This has created a growing series of problems for both seed companies and farmers. Last summer, in particular, there have been cases of seed seizures, field seizures, and in some instances crop destruction in fields where seeds were tested and found positive after PCR testing. No particular penalty is fixed by law, but is decided by the magistrates on a case-by-case basis. In August 2003 these actions led the GOI Ministry of Agriculture to call a meeting to draw up a testing protocol and agreement signed by U.S. seed companies Pioneer and Monsanto and representatives of Italian regional governments. As a result of the seizures of cornfields and threats of legal entanglements, the seed companies agreed to compensate farmers for corn harvested from fields in certain regions signatory to this agreement. On Aug. 18 the agreement was signed by representatives of the regional governments of Lombardy, Veneto, Friuli-Venezia-Giulia, and Emilia Romagna, three farmers' organizations, and the two U.S. seed companies. In the region of Piedmont sequestered fields were destroyed before testing for alleged biotech material could confirm whether viable seeds had sprouted and grown among the conventional plants. In this case farmers were compensated by the regional government of Piedmont.

SEEDS FOR PLANTING

¶8. Due to the Italian seed regulations, seed lots are regularly tested. It appears that the Italian authorities have tested on

a random basis, collecting samples from the lots to be inspected.

DOCUMENTATION

¶9. The EU has adopted Food and Feed legislation, agreed at the EU level in July ¶2003.

For seeds, no documentation pertains to biotech seeds, given the prohibition to plant genetically engineer seeds up to the present. Sembler

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