

Viewing cable 08BUCHAREST112, ROMANIA CONSIDERS ENACTING THE SAFEGUARD CLAUSE ON

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SUBJECT: ROMANIA CONSIDERS ENACTING THE SAFEGUARD CLAUSE ON
MON 810 BIOTECH CORN

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[1](#)B. REF B: BUCHAREST 0042

Classified By: CDA Mark Taplin for reasons 1.5(b) and (d)

SUMMARY

[1](#)1. (C) Prime Minister Calin-Popescu Tariceanu has asked Minister of the Environment Attila Korodi to take preliminary steps toward enacting a provisional safeguard clause to ban planting of MON 810 Bt corn, according to local agricultural biotechnology industry representatives. They speculate that this may be an attempt to curry favor with the young, urban, liberal voting block during the upcoming election cycle. Until now, the Government of Romania (GOR) has been unable to formulate a uniform policy toward agricultural biotechnology (agbiotech), as the Ministries of Environment and Agriculture have been at loggerheads over the issue. However, there are signs that the heretofore pro-biotech Ministry of Agriculture is wavering. Influential Parliamentarians in favor of agricultural biotechnology would likely make it difficult for

a moratorium on MON 810 Bt to pass, though the GOR could impose a temporary ban pending the decision in the Parliament and thus hinder this year's planting season. A draft comprehensive bill to replace the patchwork of legislation covering biotechnology is moving through the Parliament and would be welcomed by agricultural biotechnology supporters, provided it is not loaded with onerous amendments. End Summary.

ROMANIA TO ENACT SAFEGUARD CLAUSE?

¶2. (C) Agbiotech industry representatives from Monsanto and Pioneer report that they were told unofficially by Minister of the Environment Korodi on February 4 that he has begun to take preliminary steps to activate the safeguard clause on MON 810 biotech corn, at the direction of Prime Minister Tariceanu. This coincided with an official visit by French President Nicolas Sarkozy, who recently imposed a similar moratorium in France. Korodi is preparing documentation to justify the enactment of the safeguard clause in consultation with his counterparts in Hungary, Austria, and France, all of which have imposed bans on MON 810. Korodi said he plans to submit a draft Emergency Ordinance for the safeguard clause in March for Cabinet debate. If the Ordinance is passed, a temporary moratorium can be implemented immediately, jeopardizing this year's agbiotech planting season. Although the proposal would later have to be submitted to Parliament, where industry reps say they have more allies and a reasonable chance of favorably amending or rejecting the Ordinance, it would be too late to save the spring planting season. The industry reps believe Tariceanu is hoping that a tougher stance on agbiotech will garner more votes for his National Liberal Party (PNL) from young, urban voters during this election year.

INTERNAL STALEMATE: WHERE THE MINISTRIES STAND

¶3. (C) Since Romania's EU accession one year ago, the Ministry of the Environment (MOE) has emerged as the strongest anti-biotech voice within the GOR. Industry representatives, who have met frequently with MOE officials, are calling the Ministry a "lost cause," and say there are few MOE officials who still remain open to science-based arguments. Even so, industry reps have some hope that Minister Korodi's position is not intractable. During their February 4 meeting, he gave them advance warning of his plans and told them "off the record" to distribute their seeds as quickly as possible before any moratorium is imposed. Industry reps interpreted this as a signal that Korodi was acting out of political obligation, not personal conviction. The view lower down in MOE is bleaker, with the State Secretaries (Vice Minister equivalents) being less

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well-informed and more resistant to agbiotech. The Ministry's working-level biotechnology expert has been highly supportive in the past but is now reluctant to meet with industry reps after recently being characterized as a "friend

of the industry" by green NGOs. This is in stark contrast to the reception accorded Greenpeace activists, who have had several meetings with MOE officials in recent months.

¶4. (C) The Ministry of Agriculture (MOA) has long been supportive of agbiotech, but proponents are concerned that new Minister Dacian Ciolos may be wavering. Ciolos is an

BUCHAREST 00000112 002 OF 004

agricultural technocrat, promoted from within MOA ranks last fall after a corruption scandal ended the tenure of his predecessor (Ref A). As he is not a career politician and is not affiliated directly with any political party, his influence within the government is more limited than previous ministers. Ciolos has close personal ties with France. A former French Government scholarship recipient, he holds a Ph.D. in Agricultural Economics from Montpellier University and was employed with a French agricultural producers' federation. During that time he met the current French Minister of Agriculture Michel Barnier, and they remain close. Barnier paid an official visit to Ciolos in December, and they pledged to work closely on agricultural issues. Others within the Ministry have been very supportive, particularly the Cabinet Chief, a former leader of the farmers' union LAPAR. A majority of the State Secretaries have been on record supporting agbiotech, with the exception of one State Secretary who made anti-GM comments during an interview with Greenpeace last October. The Director General of the National Veterinary and Safety Authority, subordinated to the Ministry of Agriculture, has advised the GOR in previous deliberations to vote in favor of agbiotech varieties for livestock feed use.

¶5. (C) Industry contacts tell us that Ciolos is in favor of re-authorizing the importation and cultivation of Roundup Ready (RR) biotech soy. Romania cultivated biotech soy from 2000 to 2006, before placing a moratorium in the run-up to EU accession in 2007. Biotech soy was an important livestock feed source in Romania, and Ciolos would like to see it return to mitigate rising food prices. Industry reps say that Korodi told them Ciolos would support a ban on MON 810 if he (Korodi) would not oppose the lifting of the biotech soy moratorium in the future. This is not a good trade-off for agbiotech proponents, since even in the most optimistic scenario biotech soybean planting would not take place before 2010 or 2011. Furthermore, a ban on biotech corn would be an important win for agbiotech opponents, and give momentum to their campaign for further bans in Romania and elsewhere in Europe.

¶6. (C) Among other ministries, the Ministry of Health (MOH) was formerly supportive, stating that there were no health risks for human consumption of MON 810. Lately, however, the MOH has taken to acknowledging "social" concerns in agricultural biotechnology (which industry reps believe is outside MOH's area of expertise). The Ministry of Foreign Affairs has attempted to reconcile the various ministries' positions in order to present a unified policy stance in EU

deliberations, but so far with little success.

¶7. (SBU) The agbiotech policy stalemate within the GOR has repeatedly manifested itself at the EU Council level, where Romania has been forced to abstain on most key EU votes either to authorize market approvals for new agbiotech products, or votes to repeal safeguards and moratoria imposed by other EU member states. Furthermore, biotechnology issues have not been a top agricultural priority with Romania, which has been focused instead on mechanisms to absorb and distribute EU agricultural subsidies.

POLITICAL PARTY FRIENDS...

¶8. (C) Among Romania's major political parties, the Democratic-Liberal Party (PD-L, the party of President Traian Basescu) and the main opposition, the Social Democratic Party (PSD), are the most supportive of agbiotech. The Vice Chair of the Agriculture Committee in the Chamber of Deputies, PD-L member Valeriu Tabara, is one of agbiotech's most outspoken and influential proponents. (Note: Tabara gave an impassioned speech in support of agbiotech at an Embassy-sponsored conference in October 2007. End Note.) Theodor Stolojan, Vice President of the PD-L and former Prime Minister of Romania from 1991 to 1992, won election to the EU Parliament last fall on a platform that included a pro-agbiotech plank. The PSD's electoral base comprises large numbers of rural voters, including farmers. PSD Senator Petre Daea, who sits on the Senate's Agriculture Committee, is another vocal supporter of agbiotech.

...AND FOES

¶9. (C) On the other side of the political spectrum, the ruling government coalition of the PNL and the Democratic Union of Hungarians in Romania (UDMR) appear increasingly

BUCHAREST 00000112 003 OF 004

opposed to agricultural biotechnology. A moratorium on MON 810 could be calculated to appeal to young, urban voters. The UDMR, according to industry reps, is inclined to follow the lead of the Government of Hungary, which has itself enacted the safeguard clause on MON 810. The Conservative Party (PC), badly weakened by a dismal showing in last fall's EU Parliament elections, has been mixed on the issue. On the one hand, the PC Chair of the Senate's Agriculture Committee has been supportive, but on the other hand, the PC drafted a burdensome GM labeling law in September 2007 that would have required that all agbiotech products carry a warning label covering thirty percent of the package. The bill did not make it out of committee.

¶10. (C) Greenpeace continues to wage an active anti-GM campaign in Romania. Last fall, Greenpeace activists wearing chembio suits blocked access to a major agbiotech farm in Braila. They also trespassed onto Ministry of Agriculture

property to deliver a statement to State Secretary Albu, and protested outside an Embassy-sponsored agbiotech conference. Twice so far in 2008 Greenpeace activists have protested in front of the Prime Minister's palace calling for the GOR to follow France's lead in banning MON 810. They also hung a large, unauthorized banner opposing MON 810 on a prominent public monument during President Sarkozy's visit to Bucharest this month. Greenpeace also claims that they met unofficially with Minister Ciolos in early February.

THE LEGAL FRAMEWORK AND PROPOSED LEGISLATIVE CHANGES

¶11. (SBU) Under existing law, MOE is required to consult with other ministries (MOA and MOH), the Biosafety Commission, the Food Safety Authority, and the Authority for Consumer Protection before enacting any safeguard clause. There currently is no functioning Biosafety Commission, as the Ministerial Order required to convene it has not been released. If a safeguard clause is enacted, this may give industry reps the basis to challenge its legality on the grounds that the required consultations were not completed.

¶12. (SBU) A new comprehensive draft bill is currently working its way through the legislative process, and illustrates the internal tensions on this issue. E.O. 43/2007, modeled on the EU Directive 2001/18, would harmonize regulation with the EU and establish a consolidated framework for approvals, imports, and exports of agbiotech products. In theory, without amendments, its passage is welcomed by agbiotech proponents as it would bring clarity and predictability to the regulatory process. A clean version of the bill was passed by the Senate in October 2007 and is now with the Chamber of Deputies Committee for Public Administration, Landscape, and Environment, where it has been tabled until mid-February 2008. If it makes it out of that committee, the bill goes to the Committee of Agriculture and then to a Plenary Session of the Chamber of Deputies for a final vote before becoming law.

¶13. (C) A couple of provisions concern agbiotech proponents. The first is an amendment proposed by MOE to grant itself sole authority to enact a safeguard clause. This is being contested by MOA, the Agriculture Committee in the Chamber of Deputies, and former members of the Biosafety Commission. This amendment was defeated in the Senate. The second is a proposal for nationwide hearings on the approvals of biotech events, which would unduly encumber and delay the oversight process. This proposal was previously put forward by MOE to the Senate, where it did not pass. The Ministry has resubmitted it to the Chamber of Deputies. Surprisingly, this amendment was co-sponsored by a member of the normally pro-agbiotech PD-L party, who has a reputation of being pro-business. According to industry reps, fellow PD-L members are attempting to bring him into line.

COMMENT

¶14. (C) After a year of stalemate within the GOR, and with

election season looming, reports that the Prime Minister is prodding his government to enact the safeguard clause on MON 810 suggest a rough road ahead for the pro-biotech camp in Romania. It appears that the PNL-led government wants to get some political credit for taking an anti-biotech stance without putting Romania in the vanguard in Europe on this controversial issue. The GOR may also be looking to this issue to curry favor with other EU members, particularly in light of Romania's much-publicized shortcomings in other

BUCHAREST 00000112 004 OF 004

areas as a new member state. The PM is surely aware that strong and vocal agbiotech proponents in influential positions would make final passage of a moratorium by Parliament difficult. However, by then the damage to this year's agbiotech planting season would be done and the short-term political objective achieved. With MOE looking firmly entrenched against agbiotech, and MOH waffling, defeating an ordinance before it reaches Parliament will hinge on the position of Agriculture Minister Ciolos. No one is certain which way he will fall, but he looks poorly positioned to make a lone stand.

¶15. (C) Post continues actively to engage key GOR decision makers to encourage them to make commercially and scientifically sound policy decisions. Post has scheduled a meeting between Ciolos and the Ambassador, EconCouns, and FAS Agricultural Attache to discuss agbiotech. The Ambassador will raise the issue during an upcoming meeting with the Prime Minister, and EconCouns and the Agricultural Attache will meet with the MOE State Secretary this week. Romania was identified by the Department as a priority country for agbiotech outreach in FY 2008, and if approved, post aims to conduct a robust program of conferences in urban and agricultural areas as well as a media campaign to raise awareness of the merits of agbiotech with the general public (Ref B). End Comment.
TAPLIN