

Viewing cable 04MADRID4709, BIOSAFETY DEVELOPMENTS IN SPAIN

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UNCLAS SECTION 01 OF 02 MADRID 004709

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SUBJECT: BIOSAFETY DEVELOPMENTS IN SPAIN

REF: (A) STATE 259661 (B) GAIN REPORT NUMBER:SP4028

¶1. This message is sensitive but unclassified.

¶2. (U) Summary: The Zapatero government is changing Spain's previously pro-biotech position to one more opposed to the technology. This is clear from Environment Minister Narbona's statements, Spanish votes on EU Commission biotech proposals, a draft co-existence decree, and a generally go slow attitude on pending applications. Similarly to many other countries though, the Agriculture Ministry largely remains a supporter of the technology. Embassy will make the President's office (Moncloa - Zapatero is called the "President" not Prime Minister) aware of the negative effects of these changes in policy. End Summary

ENVIRONMENT HOSTILE TO BIOTECH

¶3. (U) Although the Zapatero government has not released a formal policy statement on agricultural biotechnology, it is clear from Environment Minister Cristina Narbona's remarks that she, at any rate, is hostile to the technology. For example, she was quoted on June 23 by Agence France Presse as saying: "In recent years Spain has become Europe's big granary of GM corn. This is the result of a decision by the previous government to allow the growing in our country of a crop on which the scientific community has yet to form a conclusive opinion. There are those who believe this should not be a cause for concern and others, more independent of the lines of research financed by the biotech industry, who hold a different opinion." This is important because even though biotech-related decisions (for instance on EU votes) are subject to decisions by representatives from seven ministries and agencies in the so-called Inter-Ministerial Council, Environment is clearly very important on these issues.

¶4. (U) The Inter-Ministerial Council is chaired by the

Environment Ministry's Jaime Alejandro Martinez (Director General for Quality and Environmental Evaluation). Environment has two other Director General level representatives; Agriculture two; Health three; Industry (responsible for trade) one; Education and Science two; and Interior one. Each Director General has one vote. If there is a tie, Alejandro casts the determining vote.

¶5. (SBU) EconOff and ESTOff met with Environment Subdirector for Air Quality and Risk Prevention Ana Fresno and Technical Analyst Lucia Roda on 12/9/04. They were very upfront about the GOS's changes in position with respect to agricultural biotechnology and said they were politically, rather than scientifically, motivated. Fresno said there was some scientific justification for proceeding with care on biotech rapeseed products but none with respect to corn.

SPAIN EU VOTES

¶6. (U) A local Monsanto representative provided the following list of votes this year on which Spain abstained and on which the Aznar government would probably have voted in favor. Fresno and Roda shared this opinion.

a) NK603 Novel Foods (NL) - Regulatory Committee Vote, April 30

b) GT73 - Dir 2001/18/EC Import (NL) - Regulatory Committee Vote, June 16

c) NK603 - 2001/18/EC - Environment Council Vote, June 28 (an especially noteworthy decision given that Spain's regulatory authorities previously approved this event)

d) NK603 Novel Foods - Agriculture Council Vote, July 19

e) MON 863 - Dir 2001/18 Import (DE) - Regulatory Committee Vote, November 29

PROPOSED COEXISTENCE DECREE

¶7. (U) The Government of Spain is currently preparing a coexistence decree (ref B). The government has not released an official proposal, but the latest available draft may make it more difficult in some cases to use already approved biotech corn varieties. Essentially, the GOS intends to mandate a 25 meter distance between biotech and conventional fields. The draft has both positive and negative elements as USDA notes (ref B). The USDA report states: "If ultimately sustained, as we believe it is currently drafted, it could centralize, maybe even increase the use of genetically modified corn (GM) varieties in some regions. However, the decree will likely impose requirements not imposed on producers and consumers of other, non-GM corn varieties. As a result, it will also likely add to the production costs of GM corn, and could deter GM production on small parcels."

Consistent with the pattern from other countries, the rhetoric from the Spanish Agriculture Ministry is also different from the Environment Ministry. Agriculture Ministry Director General Angel Luis Alvarez Fernandez was quoted in the December 13 edition of El Pais as saying that the "mixture of varieties is a frequent phenomenon in agriculture". Moreover, he criticized the use of the word "contamination" because the biotech varieties used in Spain "do not involve a risk to human health". Nonetheless, the local Monsanto representative says that the draft decree is "clearly discriminatory against GM crops and will inevitably have a dissuading effect on farmers".

PENDING APPLICATIONS

¶8. (SBU) The local Monsanto representative says that the National Biosafety Commission is "uncharacteristically and unjustifiably dragging its feet with dossiers it is evaluating, specifically a Monsanto dossier, Roundup Ready corn for planting in Europe". A Pioneer representative told EconOff that biotech cotton variety applications were also taking a long time to be processed. There is interest among farmers in the water-deprived Autonomous Region of Andalusia for obtaining access to certain kinds of biotech cotton varieties.

GOS CPB REPRESENTATION

¶9. (SBU) Ana Fresno and Lucia Roda attend the Cartagena Protocol on Biosafety (CPB) meetings and will go to Montreal as well. Fresno is the GOS representative to the EU CPB coordination meetings. EconOff asked whether representatives from the Agriculture and Trade Ministries attend these meetings as well. Fresno regretted that they do not. Fresno added that she meets occasionally with industry but not frequently. Brussels coordinates more with industry interests she said but not extensively. Fresno and Roda were quite familiar with USG concerns on Article 18.2(a) and liability and redress.

COMMENT

¶10. (SBU) We will make clear to Zapatero's Economics Advisor that the GOS could demonstrate a constructive approach in our overall relationship by working with us on trade policy issues, including agricultural biotechnology. This will be a hard sell, but the President's office awareness of USG interest in GOS trade, as well as political, policy positions should be reinforced.

MANZANARES