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Update from the GM-Free Brazil Campaign  
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Brazil, Rio de Janeiro, July 04, 2007

Greetings from Brazil!

Judge orders CTNBio to obey the law and suspend release of GE corn

Last Thursday, June 28, 2007, Federal Judge Pepita Durski Tramontini Mazini, standing on the Environmental Circuit Court in Curitiba, suspended the technical decision published by the National Technical Biosafety Commission (CTNBio) to authorize commercial use of Bayer's LibertyLink corn in Brazil. Her ruling came in response to a class-action suit filed by several Brazilian NGOs, including Terra de Direitos, IDEC (Brazilian Consumer Defense Institute), AS-PTA and ANPA (National Small Farmers' Association).

The CTNBio's decision was declared without effect, until standards are drawn up and implemented regarding coexistence between organic, ecological and conventional plants with transgenic crops and until the specific terms are published for post-release monitoring of Bayer's GE corn. The judge's preliminary order also forbids the release of Bayer's corn in Brazil's North and Northeast before local environmental impact studies are carried out in these regions.

Other commercial release applications on the agenda for the CTNBio's upcoming monthly meetings were also put on hold. They can now only be evaluated following the drafting and publishing of biosafety measures to assure the coexistence of GE with non-GE crops for all such cases.

In the view of IDEC's attorney, Andrea Salazar, "The courts have once again shown how the CTNBio's proceedings are aimed more at promoting biotechnology than biosafety. As also happened with Monsanto's transgenic soybeans, respect for Brazil's laws, for the rights of consumers' and farmers' and for the environment had given way to the rush to release."

The establishment of safety measures, particularly rules for coexistence, is essential to assure the right of farmers and consumers to choose non-GE products. Since it is beyond the CTNBio's scope of authority to rule on such social and economic matters, the final decision must be taken by the relevant federal authorities, the ANVISA (health authority for food), the Ministry of the Environment and the National Biosafety Council. Civil society organizations and social movements will hold federal authorities accountable for establishing those rules.

According to Maria Rita Reis, attorney for the Terra de Direitos NGO, "Assuring the rights of farmers to crops that are not polluted by GE plants, while preserving Brazil's treasure chest of biodiversity, are public policy concerns. The CTNBio has nothing in its structure to handle them. The Brazilian government must launch a process of discussion involving government agencies, farmers and civil society organizations."

## Recent background

On June 15, the civil society organizations Terra de Direitos, IDEC, AS-PTA and ANPA filed a class-action suit against the Federal Government asking that the CTNBio's technical decision allowing the planting, sale and consumption of Bayer's LibertyLink corn be declared null.

That decision had been taken at the meeting of the CTNBio held on May 16 and published in the Federal Gazette (D.O.U.) on June 8. The suit also sought to oblige the CTNBio to create rules and standards before it makes such commercial-release decisions.

The CSOs based their suit on several illegalities under Brazilian law that committed during the authorization process, such as the absence of specific standards for the commercial release of GMOs, as well as the CTNBio having ignored issues raised in documents formally presented by civil organizations.

Another argument referred to the weakness and brevity of answers provided by the applicant (Bayer) to questions asked by members of the CTNBio.

Moreover, the authors of the civil suit recalled the risks to human health and to the environment associated with LibertyLink corn, which were ignored by the CTNBio even after they were raised in technical opinions presented by members of the commission. Among the risks, for example, are the use of an antibiotic marker gene and the increase of ammonium gluphosinate spraying, with health and environmental impacts of its own.

On June 18, the federal judge ordered the CTNBio not to authorize any commercial releases of GE corn until the merits of the case are judged, which will happen after the federal government formally responds.

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