

Brussels, 26th October 2012

Dear Vice President of the European Commission,
Dear Commissioner,

M. Maros Sefcovic,

The countries listed below, which together supply the majority of livestock-product imports of the European Union, would like to take this opportunity to express concerns with the policy options considered in the “*Roadmap for Measures on Animal Cloning for Food Production in the EU*”, except for Option 1.

The new legislation options under consideration in the Cloning Impact Assessment process could potentially have a considerable adverse impact on agricultural production and international trade in livestock and food of animal origin, with no food safety benefit for European citizens. In addition, placing restrictions on cloning and the products derived from this technology has the potential to inhibit agricultural innovation.

Accordingly, our Governments favor Option 1 among the policy options being identified in the “*Roadmap for Measures on Animal Cloning for Food Production in the EU*.” This option states that:

“The existing legal framework Novel Food Regulation (EC) No 258/97 is sufficient to ensure food safety and consumer information. This allows the use of the cloning technique of animals in the EU and requires a pre-market authorization for food from clones before putting it on the EU market. The food from offspring of clones is considered as the same as any other food from animals.”

We would like to point out that:

- Expert scientific bodies around the world, including in the EU, have extensively reviewed the effects of somatic cell nuclear transfer (SCNT) cloning on animal health and the safety of food derived from livestock clones and have found no evidence indicating that cloning poses novel risks to the health of animals, or that food from clones or the progeny of clones is any less safe than food from conventionally-bred livestock.

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CC: Commissioner Karel De Gucht - DG TRADE
Commissioner Dacian Ciolos - DG AGRI
Commissioner Máire Geoghegan-Quinn - DG RTD

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- Available evidence provides no indication that consumption of food from clones presents a risk to human health, nor does the cloning procedure alter the nutritional value or other food qualities of products derived from clones.
- Offspring of clones produced by sexual reproduction are not clones. The proposal on cloning should be consistent with the European Food Safety Authority (EFSA)'s evaluations on animal clones and their offspring. Any proposal of legislation should therefore exclude reproductive material and offspring of clones.
- Any audit and enforcement measures addressed to the progeny of clones would not be scientifically valid and would result in onerous, disproportionate and unwarranted burdens on livestock producers. Since science-based verification would be impossible, any system put in place would be potentially subject to fraud and may erode public confidence in regulatory agencies.

We encourage the Commission to ensure that:

- Due consideration be given to all available scientific and technical information in developing its regulatory decisions on animal cloning.
- Any proposed regulation on cloning should be consistent with the EFSA's scientific opinions and recommendations on animal clones and their offspring, and consistent with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures and obligations regarding the non-discriminatory treatment of like products.
- Any measure proposed avoid arbitrary and unjustifiable distinctions, and is implementable and enforceable in a legitimate manner.
- All regulatory approaches and any measure to be taken related to animal cloning for food production in the EU should be science-based, no more trade-restrictive than necessary to fulfill legitimate objectives to protect human and animal safety and health, and consistent with international obligations.

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The recent update of EFSA's scientific opinion on animal cloning confirmed that cloning poses no new food safety risks and that "there are no indications found for health and welfare concerns for offspring of clones born through conventional breeding" (5 July, 2012; *Update on the state of play of Animal Health and Welfare and Environmental Impact of Animals derived from SCNT Cloning and their Offspring, and Food Safety of Products Obtained from those Animals*). Therefore, any proposal should exclude reproductive material and offspring of clones. Regulatory measures that ignore science would be extremely trade disruptive and may stifle future scientific innovation, especially in the agricultural sector, at times when governments should be creating an environment that encourages innovation and sustainable agricultural intensification.

We look forward to continuing to work with the EU to facilitate information sharing on regulatory and trade-related aspects of livestock cloning.

Yours Sincerely,



Minister Mr. Osvaldo MARSICO, Chargé d'Affaires a.i.
Embassy of Argentina to the European Union



Ambassador Mr. Ricardo NEIVA TAVARES
Brazilian Mission to the European Union



Ambassador Mr. Vangelis VITALIS
New Zealand Mission to the European Union



Ambassador Mr. William E. KENNARD
United States Mission to the European Union