



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 17 June 2009 (18.06)
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**DENLEG 41
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ADDENDUM TO THE "A" ITEM NOTE

from : General Secretariat of the Council
to : COUNCIL

No. Cion prop. : 5431/08 DENLEG 6 CODEC 59
No. prev. doc. : 10916/1/09 DENLEG 42 CODEC 842 REV 1

Subject : Proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) No XXX/XXXX
[common procedure] **(LA) (First reading)**
– *Statements*

Delegations will find annexed statements for entry in the Council minutes.

STATEMENTS FOR ENTRY IN THE COUNCIL MINUTES**Statement by the Presidency and 23 other Member States*
concerning all aspects of cloning techniques of animals**

The Presidency notes the Council agreement on the fact that cloning techniques of animals, such as the somatic nuclear cell transfer technique, have specific characteristics that imply that the Novel Food Regulation cannot manage all the issues of cloning.

The Presidency also notes that the majority of Member States is of the view that food produced from animals obtained by using a cloning technique and from their offspring should be regulated by specific legislation. Consequently, such foods should be excluded from the scope of the Novel Food Regulation as soon as specific legislation has become applicable. In the meantime, and in order to avoid any legislative gaps, those foods should be covered by the scope of the Novel Food Regulation.

In this context all relevant aspects of the cloning technique, in particular animal health, animal welfare, ethical questions, food safety and trade related aspects should be carefully assessed.

In view of the result of this assessment, the Presidency notes the agreement of the majority of the Member States to request the Commission to submit to the Council and to the European Parliament a proposal for a specific legislation concerning all aspects of cloning techniques.

* Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden

Statement by the United Kingdom and the Netherlands

The Netherlands and the United Kingdom wish to put on record why we could not add our support to the statement tabled by the Presidency and in particular wish to emphasise the importance of adhering to the principle that legislation should be evidence-based and that legislative solutions should not be decided before completing detailed assessments.

The Presidency statement requests the Commission to submit to the Council and to the European Parliament a proposal for specific legislation concerning all aspects of cloning techniques. The Netherlands and the UK recognise that specific legislation might be needed governing food produced from animals using a cloning technique and from their offspring. However, until such time as the Commission has undertaken an assessment of the need for such legislation and submitted a report to the Council and EP as foreseen in Article 15(2) of the Common Position text, we believe it is premature to call for wide ranging legislation until the outcome of the Commission report is known and, if necessary, a detailed impact assessment has been produced.

Statement by Greece

concerning the proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) No XXX/XXXX [common procedure]

Greece abstains from the vote on the approval of the Presidency compromise proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) No XXX/XXXX [common procedure].

Greece considers that food produced from animals bred using cloning techniques and from their offspring should not be included in the scope of the above proposal. We believe that in order to protect human health, the health and well-being of animals and the sustainability of the environment, the placing of such foods on the internal market should be prohibited.

This position is dictated by, among others, the need to apply the precautionary principle since, based on scientific evidence to date, potential future dangers arising from the application of animal cloning techniques to food production cannot be ruled out. We would further emphasise that our position reflects the great sensitivity and negative attitude of Greek public opinion as a whole with regard to the issue of food from cloned animals.

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