Tweede Kamer
DER STATEN-GENERAAL

Economic Affairs Committee

To the European Commissioner for Health, Mr Tonio Borg

COURTESY TRANSLATION

Town/city and date	The Hague, 22 April 2014
Subject:	Letter in the framework of the political dialogue concerning EU proposals on animal cloning and novel food (COM (2013) 892/3/4)
Our reference:	2014Z00486/2014D13817

Dear Mr Borg,

The Standing Committee on Economic Affairs of the Dutch House of Representatives has received the EU proposals on animal cloning and novel food (COM (2013) 892, 893, 894). Various parliamentary groups have the following comments and questions in the framework of a political dialogue with the European Commission. These questions and comments have been grouped according to the separate proposals. The Standing Committee on Economic Affairs looks forward to your response and would very much appreciate your reply as soon as possible, but at the latest within three months of the date of this letter.

General

For the members of the **VVD (People's Party for Freedom and Democracy) parliamentary group**, individual freedom of choice is an important principle, which is why these members endorse the original idea behind the European Union, of 'unity in diversity'. These members have difficulty in accepting the overall prohibition against animal cloning now being proposed. This kind of prohibition is at odds with the Dutch tradition of pioneering spirit and curiosity about new technologies.

In principle, the members of the **CDA (Christian Democratic Party) parliamentary group** oppose genetic modification in animals, with some reservations. These members support a provisional five-year prohibition against the cloning of farm animals, the placing on the market of animal clones and clone embryos and food from cloned farm animals, as proposed by the European Commission in COM (2013) 892 and 893. On the issue of subsidiarity, these members do not see any objections with regard to the proposals.

The members of the **SGP (Reformed Political Party) parliamentary group** wish to express their support, in broad outline, for the European Commission's proposals on the cloning of farm animals (COM (2013) 892) and the placing on the market of foods originating from cloned farm animals (COM (2013) 893). They are in support of the prohibitions included in the proposals because the cloning of farm animals often has a negative impact on animal welfare and because of ethical objections to the cloning of farm animals. They also feel that the European Commission is justified in citing Articles 13, 43 and 352 of the European Treaty. Much of the trade in farm animals and products from

House of Representatives of the States General
PO Box 20018
2500 EA The Hague

T. +31 (0)70-3182211
E. cie.ez@tweedekamer.nl

such animals is international. This makes it a positive move that a prohibition on cloning of agricultural animals and a prohibition on the placing on the market of foods originating from cloned agricultural animals is being arranged at the European level.
The members of the SGP parliamentary group ask why a temporary prohibition has been chosen rather than a prohibition with no specific horizon.

The members of the **Party for the Animals** (**Partij voor de Dieren**) **parliamentary group** are fully in favour of the proposed prohibition against the cloning of animals and the prohibition against the placing on the market of cloned animals and cloned embryos. These members recognise that cloning seriously affects animal welfare. When animals are cloned, the animals are often born disfigured or diseased and the majority of the cloned animals die within a few weeks. The surrogate animal parents of clones also suffer; they are more likely to miscarry and to produce abnormally large foetuses. The members of the Party for the Animals parliamentary group wish to point out, however, that in Europe animals are not in fact cloned to produce food. Cloned meat and cloned milk do not come directly from cloned animals, but from their offspring. These members point out that the European Commission prohibition, in its proposed form, does not comprise a truly effective prohibition but merely a 'temporary postponement' of animal cloning for food purposes in Europe.

Proposal for a Directive on the cloning of animals of the bovine, porcine, ovine, caprine and equine species kept and reproduced for farming purposes COM (2013) 892

The members of the **VVD parliamentary group** have responded with some reservations to the proposal to impose a prohibition of at least five years on the cloning of animals and the placing on the market of cloned animals and cloned embryos.
These members have been informed by the Dutch government that scientific and medical research and innovation will remain permitted under the Directive and that research and innovation into cloning techniques for commercial and production applications will remain possible. These members would like to receive confirmation from the European Commission that this is indeed the case, since these members are of the opinion that new techniques should never be obstructed from the outset.
The members of the VVD Parliamentary group notice that the basis for the European Commission's proposal is more restrictive than current Dutch legislation. These members would like to hear the European Commission's response to the Dutch government's commitment to extend this basis to cover all farm animals and animals for sport and leisure. Can the European Commission provide an indication of the proposed amendments submitted by other member states to this Directive and the criteria or evaluation framework according to which the European Commission intends to assess these amendments?

The members of the **CDA parliamentary group** consider the provisional prohibition to be too narrowly defined. These members envisage no role for cloning technology for the purposes of sport, leisure and food production. The European Commission's proposals solely comprise a prohibition on five species of farm animals: cattle, pigs, goats, sheep and equine species.
The members of the CDA parliamentary group wish to ask the European Commission why it is not proposing a more general prohibition on animal cloning for a number of purposes, with these purposes being defined. For example, these purposes could be: sport, leisure and food production.
In addition, these members would like to ask why the European Commission has not included all known farm animal species in the proposals but has limited itself to the above five species only.
For ethical reasons, the members of the CDA parliamentary group are in favour of a broader prohibition. Out of respect for animals, these members support a broad prohibition with only minor qualifications.

The members of the **Christian Union parliamentary group (ChristenUnie)** ask what exactly the intention is in proposing to prohibit the cloning of farm animals. Why has the European Commission opted for a Directive rather than a Regulation? Can the European Commission provide a precise indication of the scope of the prohibition? Are the offspring of cloned animals covered or not? What is the European Commission's view of the intended prohibition in the light of negotiations with third countries on the lifting of trade barriers? Is the European Commission planning to raise the prohibition on the cloning of farm animals in negotiations about trade agreements?

The members of the **Party for the Animals parliamentary group** have pointed out that the prohibition does not include the offspring of cloned animals, despite the fact that this is in fact the actual 'economic purpose' of cloning. Because cloned animals have a high value, these cloned animals will not be destined for the food market themselves, but the offspring of these cloned animals will be. These members are of the opinion that the prohibition on the cloning of animals should be extended to include a prohibition on the offspring of cloned animals and the placing on the market of these and

their products. After all, a prohibition on the offspring of cloned animals and the trade in these and their products ultimately leaves the risks for animal welfare and health of cloned animals in place. Is the European Commission willing to extend the prohibition and allow it to be applied to the offspring of cloned animals? If not, why not?
The members of the **Party for the Animals parliamentary group** would also prefer that the prohibition not be limited to animals intended for agricultural purposes but be extended to include all animals, including those used for leisure or sport or as household pets. There were recent reports in the media that a deceased pet had been cloned. These members fear that the cloning of this pet could lead to the creation of a market among pet owners. They point out that this is an undesirable development that can threaten the health and welfare of the animals involved. Is the European Commission prepared to allow the prohibition against cloning and the trade in such animals to apply to all animals and their offspring? If so, within what timeframe? If not, why not? The members of the **Party for the Animals parliamentary group** are concerned about cloned animals and animal products from cloned animals being imported from third countries, where pigs are cloned on an industrial scale for example. In Schenzhen, a city in southern China, there is a pig cloning factory with more than 90 sows in each stall, all carrying eight to twelve cloned embryos. These are cloning factories, complete with laboratories and operating theatres. These members ask why the European Commission itself wishes to prohibit the cloning of animals for reasons of animal welfare but still permits the results of these Frankenstein practices. For example, the European Commission does give its approval for the sale in Europe of the semen of a cloned male pig from a third country such as China. Is the European Commission also willing to prohibit reproductive materials (semen/embryos/ova) from cloned animals? If not, why not? Is the European Commission willing to include these unethical developments as a deal-breaker in negotiations on trade agreements? The members of the **Party for the Animals parliamentary group** predict problems in the enforcement and monitoring of the importation of cloned animal products. These members would like to draw the attention of the European Commission to the potentially serious difficulties in enforcing and monitoring the importation of cloned animals and their products by the member states. Does the European Commission acknowledge that the only way of preventing cloned animals or products of cloned animals or their offspring reaching the European market is to dissolve trade agreements with third countries that do permit cloning? In what way does the European Commission intend to achieve this?

Proposal for a Council Directive on the placing on the market of food from animal clones COM(2013) 893

The members of the **VVD parliamentary group** do not support the European Commission's proposal to impose a prohibition on the placing on the market within the EU of food from cloned animals. These members understand that there is insufficient basis for such a prohibition. Research has shown that cloned foods are just as safe for people and the environment as foods from normal animals. This prohibition is largely based on ethical reasoning and to a much lesser extent on reasons of animal welfare. The European Commission asserts that the consultations it has conducted have revealed that the European consumer and the business community reject the use of animal cloning as a breeding technique for agricultural purposes. These members would like further information on these consultations. How did the Commission conduct these consultations? How many consumers and businesses took part and in which member states were they based? What were the questions used in these consultations and what answers were possible to the questions? What were the exact results of these consultations and how did the European Commission analyse these results? How far does the European Commission intend to go in limiting the freedom of choice of the consumer and business community?

The members of the **Christian Union parliamentary group** ask why the European Commission has opted for a Directive rather than a Regulation. Can the European Commission explain to what extent a prohibition can be sufficiently implemented and enforced, especially when it is not always possible in third countries to trace whether animals have been cloned or whether food is derived from cloned animals?

The members of the **Party for the Animals parliamentary group** point out that the proposals do not include any rules concerning labelling. Consumers, the Dutch parliament (motion by member Ouwehand carried by the House (Parliamentary Papers 21501-32 no. 430) and the European Parliament would like to see a prohibition on the importation of offspring of cloned animals and of products derived from such offspring. These members regret that the European Commission has failed to make any concessions in this area. Currently, companies are not obliged to indicate on the label that meat or milk is derived from the offspring of cloned animals. Practice has shown that it is perfectly possible to separate streams of products for genetically modified and non-genetically modified foods. These members feel that the European Commission's argument citing the lack of feasibility is not legitimate. They believe that the consumer cannot make a choice in selecting between products unless the consumer has the necessary information on the origin and background of the product. Is the

European Commission willing to modify the origin labelling in such a way that it is clear whether the product is derived from cloned animals? Is the European Commission willing, in trade agreements, to include compulsory origin labelling to indicate whether imported products are derived from cloned animals and their offspring? If not, why not?

Regulation on novel foods COM (2013) 894

The members of the **Christian Union parliamentary group** ask the European Commission to indicate what consequences the Regulation will have for new techniques such as cisgenesis, if these are exempt from legislation and regulations governing Genetically Modified Organisms (GMOs)? What requirements will be set with regard to these techniques?

The members of the **Party for the Animals parliamentary group** acknowledge the need for a Regulation on novel foods with a view to protecting human health by safeguarding the food safety of novel foods. They ask how willing the European Commission is to define this in such a way that human health can be guaranteed? Does this mean that the presence of nano-ingredients must be indicated on the label? If not, why not?

Yours sincerely,

Chair of the Standing Committee on European Affairs

M.I. Hamer

House of Representatives of the States General
PO Box 20018
2500 EA The Hague

T. +31 (0)70-3182211
E. cie.ez@tweedekamer.nl