

US space programme 'should not centre on Mars life claims'

Washington. The US space programme should resist the temptation to overhaul completely its plans for Mars exploration to base them solely on last summer's announced finding of signs of life in a martian meteorite, a panel of the National Research Council (NRC) said last week.

The NRC's Committee on Lunar and Planetary Exploration (Complex) confirmed its support for a Mars sample return mission, but only as part of a "measured approach to the exploration of Mars" aimed at "advancing our understanding of Mars on all fronts".

"Complex believes that it is inappropriate to predicate an important aspect of future Martian studies on the unconfirmed results in a single scientific paper," wrote the panel, which had been asked by the National Aeronautics and Space Administration (NASA) to review sample return plans in the light of recent claims about life on Mars.

A programme focused only on hunting for microfossils would be inadvisable, says the report, "because unequivocal evidence may be hard to find". Instead, NASA should stay with the current strategy for Mars exploration proposed by earlier internal and external advisory groups, which begins with a global reconnaissance of the planet and includes geological and meteorological studies as well as the search for life.

The Complex panel warns that a strategy tailored only to searching for life could harm the scientific study of Mars, because "highly successful missions could be characterized as failures if they do not return with microfossils or living organisms".

The panel, chaired by Ronald Greeley of Arizona State University, prefers NASA to focus on the more comprehensive goal of "understanding Mars as a possible abode of life". Before science can settle the question of whether life exists on the planet, it must first understand how life evolved on Earth, and how planets themselves evolve. Scientists must also develop criteria for "the unambiguous identification of biotic signatures", which will require specialized equipment and laboratories, the report says.

Although the committee does not comment on specific mission scenarios for a Mars sample return, it does say that the most "aggressive" option under consideration "seems unrealistically ambitious". This requires a national commitment to Mars exploration and would land a 'robotic field geologist' on Mars as early as 2002.

This option will be scrutinized at a budget 'summit' meeting now scheduled for February at which White House and congressional leaders will try to agree on future funding levels for space. **Tony Reichhardt**

Europe agrees a compromise

Paris. Consumer organizations and the food industry — but not environmentalist groups — have given a general welcome to a compromise deal in Europe on the marketing and labelling of novel foods, including genetically modified foods and ingredients. These will have to be labelled if there has been any change in their "characteristic or food property".

The agreement has been reached after five years of negotiations by a joint committee of the European Parliament and the Council of Ministers, which represents the 15 member states. The agreed text is for a 'regulation'. If approved within six weeks by both bodies, as required under European rules, its provisions will pass directly into national law.

The most significant concession won by the parliament concerns the conditions under which food is labelled. The Council of Ministers and the European Commission had wanted labelling to be required only

although the agreement falls short of what consumer organizations had wanted, it is pleased the council and commission had made significant concessions on labelling.

But not everyone is satisfied with the compromise wording. Hiltrud Breyer, a member of the parliament's Green group, describes it as a "second-best solution" and an "unsatisfactory mixture of progress and loopholes". The Green group, and other environmental organizations, argue that one loophole is that foods or ingredients identical to traditional products would not have to be labelled. It would mean, for example, that oil pressed from modified soya beans would escape the requirement for labelling, as the oil cannot be distinguished from that produced from non-modified beans.

Roth-Behrendt, who is also a lawyer, challenges the realism of such claims. She argues that labelling would be impossible to implement in practice where modified products could not be distinguished from the traditional product. "What sort of legislation would it be if it couldn't be implemented?"

In fact, she argues, the oil example demonstrates precisely the strength of the proposed regulation. She points out that, if techniques were developed that allowed oil from modified soya beans to be distinguished from that prepared from non-modified beans, it would then have to be labelled.

Another controversial aspect of the agreement is that it does not call for mixtures of genetically modified and non-modified products to be segregated and labelled. This means that mixed shipments could be imported provided they were labelled as 'possibly' containing genetically modified

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UNAVAILABLE
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REASONS

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EU urges national

Paris. The European Commission admitted last week that genetically engineered maize has been illegally imported into the European Union (EU) since the beginning of October. One official from the commission claims that it is powerless to bring an immediate end to the imports, arguing that responsibility lies with member states.

The commission is scheduled to decide next week whether to approve Ciba's maize for import to the EU after it receives the conclusions of its three scientific committees — on foods, animal nutrition, and pesticides — as to its safety. Until the commission reaches a decision, the unprocessed maize is "automatically banned" within the EU, notes a commission official.

But in a memo sent to member governments on 27 November, the commission reveals that, according to import certificates, 4,000 to 5,000 tonnes of maize have been arriving weekly through the ports of Antwerp, Rotterdam, Lisbon and Barcelona

Chef protest: leading chefs at a Greenpeace photocall backed labelling for novel foods.

where novel foods or ingredients were "significantly different" from an equivalent existing food or ingredient.

The new wording makes the text "water-tight", claims Dagmar Roth-Behrendt (Social Democrat, Germany), the parliament's rapporteur for the committee, who argues that the term "significantly different" was ambiguous. The agreed text means that labelling will be required for all products where any difference to the traditional product can be proven scientifically, she says.

The compromise has been welcomed by both the European Consumers' Association (BEUC) and the Confederation of EU Food and Drink Industries. BEUC says that,

on food labels

material, says Steve Emmott, a spokesman for the Green group. He argues that such labels could become so widespread as to be "meaningless", so defeating the purpose of labelling.

BEUC also calls on retailers and the food industry to exert pressure on suppliers to segregate shipments. Similarly, others point out that segregation may be obtained through consumer pressure without legislation. Responding to such market pressure, major food retailers — such as the UK Iceland group — and importers have already refused all US soya bean imports. Some suppliers are beginning to offer segregated shipments.

It is still unclear how the proposed labelling requirements will relate to the rules of the World Trade Organization (WTO). Some observers suggest that they could be contested as a disguised barrier to trade. If a genetically modified product was produced by the United States but not in Europe, for example, the former could argue that labelling stigmatized its product and favoured non-modified European equivalents.

The WTO has not specifically considered genetically modified organisms, however. But, according to Behrendt, the European Parliament would resist any opposition from WTO. She argues that the legislation is non-discriminatory in that it applies to both importers and European countries. Europe has for the first time incorporated the consumer's right to be informed and to choose freely in a trade issue, she says, arguing that this "philosophy" should be respected by its trading partners.

Declan Butler

Call for reform of scientific panels

Paris. Franz Fischler, the European Union's agriculture commissioner, last week called for a radical reform of the way in which scientific advice is used in political decision-making within the union in the wake of the 'mad cow' crisis.

Testifying before the European Parliament's inquiry into bovine spongiform encephalopathy (BSE), Fischler suggested that management of the scientific committees to which the European Commission turns for advice might benefit from being transferred to independent organizations. This happens in the United States, where the government often asks the National Academy of Sciences and the Institute of Medicine to report on controversial topics.

Fischler said it is "essential" to provide the scientific advisory system with a reputation that commanded public respect, citing as a model the US Food and Drug Administration, an independent federal body but with law-enforcing powers. "As long as our scientific advice is questioned — as it has been in BSE — public confidence in our decisions is not going to be there," says one commission official.

Among the major questions that need to be addressed about the committees, said Fischler, is whether they are sufficiently independent from the interests of member states and lobby groups. The BSE issue showed that national perspectives are "not without importance", he admitted. The basis on which committee members are appointed needs to be re-evaluated, he said, as well as the



AP/Thierry Chantier

Fischler: independent committees needed?

question of how to ensure that minority opinions are heard.

The European Parliament's inquiry is expected to produce proposals for a reform of the commission's system of scientific committees, which has come under fire following the BSE crisis. Critics have questioned both their scientific credentials and political impartiality.

Fischler pointed out that political decisions must be based on good science, because otherwise they could be contested at the European Court of Justice and the World Trade Organization (WTO). For example, under WTO rules, countries cannot ban imports or demand that they be labelled unless it can be shown that they fail to meet agreed standards, or — if such standards do not exist — that there is firm scientific evidence of a risk (see *Nature* 384, 301; 1996). This made it essential for Europe to have first-class structures for analysing and evaluating risks and their political management, he said.

D. B.

action to police imports of genetically altered maize

since 1 October. It points out that many of these shipments originate from the 1996 US harvest and are therefore likely to contain genetically modified maize, given that the United States does not segregate this from non-modified maize.

Critics point out that, because border controls between member states have been virtually abolished within the single market, maize imported by any one country can circulate freely within the rest of the EU. A spokesperson from the United Kingdom's Department of the Environment said that preventing the maize from spreading within the EU would be the responsibility of the member states whose ports receive the US shipments.

The commission seems unlikely to take any immediate action against countries importing the maize, according to one official. All it has done so far is to remind member states of their obligation to respect the law, and to carry out adequate inspec-

tions "to ensure compliance". The commission would need to first establish that the law is being broken, he explains, pointing out that the memorandum only says that "it is to be expected" that the imports contain genetically modified maize. The commission would then "get in touch with member states to see how they would rectify the situation", he adds.

"It is the responsibility of member states to comply," says the official, adding that the commission sees no point in taking action against the imports now, given that a decision on its authorization is expected later this month. "If member states are breaking regulations and the situation might be rectified two weeks later you don't drag them to court," he says.

On a wider level, the illegal imports have reopened the question of the commission's limited powers to police EU legislation. Under the union's founding treaties, it is the member states, and not the commission,

that are responsible for ensuring that EU law is implemented properly. The commission only has a role of oversight, limited to taking member states to court for having violated a treaty.

But this is a long process, while the commission's ability to prove infractions have occurred is also hampered by its limited powers of inspection. "We don't police like police in your home town do," says one commission official, "we don't arrive at the scene two minutes later." He admits that "community law is violated every day".

The issue of whether the commission should be given wider powers to police legislation has become a heated one following the 'mad cow' crisis. The commission is widely considered to have lacked sufficient powers to ensure that member states, and the United Kingdom in particular, were properly implementing EU rules on bovine spongiform encephalopathy (BSE) control measures (see *Nature* 384, 8; 1996).

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