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## UPDATE 1-German court rejects Monsanto plea to end GMO maize ban

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(Adds Monsanto statement paragraphs 8-9)

HAMBURG, May 5 (Reuters) - A German court on Tuesday rejected an urgent application from U.S. biotech company Monsanto to end Germany's ban on cultivation of Monsanto maize containing genetically modified organisms (GMOs).

Monsanto, the world's largest seed company, had requested an urgent decision to lift the ban imposed on April 14 by German Agriculture Minister Ilse Aigner stopping cultivation and commercial sale of Monsanto's MON 810 GMO maize which prevented it being sown for this year's harvest.

The court in Braunschweig in north Germany rejected an application for an emergency ruling to overturn Aigner's decision so as to allow sowings for the 2009 crop.

Monsanto now has the option of taking normal legal action against the decision, the court said. But there was no indication of when a decision on such action could be made.

A statement from the court said Germany's law on GMOs laid down that a ban on a new plant variety did not need to be justified by proven scientific research which showed without doubt the crop to be dangerous.

It was enough when research showed there were indications that the crop could be dangerous, the court said.

The court ruled that German authorities had not made an arbitrary or biased decision in imposing the ban.

Monsanto would consider further legal action against the ban, said the CEO of its German unit Ursula Luettmmer-Ouazane. The court had damaged the freedom of farmers to use new technology, she said in a statement.

The European Union had already approved the maize type as safe and studies quoted by the German government in making its ban had already been previously examined by the EU, she said.

MON 810 GMO maize is resistant to the corn borer, a moth whose caterpillars damage maize plantings, reducing yields.

The court statement added: "There is no proven scientific evidence that the genetic maize could lead to increased danger to the environment."

"But new studies could indicate that the poisonous substance (generated by genetic mutation) could not only have an impact on the pests which it is aimed at combating, but also on other insects."

On April 27, Aigner allowed open air test cultivation of a potato containing GMOs developed by German chemicals group BASF, saying trials presented no threat to public health or the environment.

(Reporting by Michael Hogan; Editing by Keiron Henderson)

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