



**Friends of
the Earth
Europe**

Media Briefing

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Friends of the Earth Europe commentary on the European Commission Communication:

“Report on the implementation of national measures on the coexistence of genetically modified crops with conventional and organic farming”

The European Commission has produced a report summarising the progress so far at a Member State level in putting in place national ‘coexistence’ strategies and its response. The Commission plans to publish this report today, March 10th 2006. The Commission is increasingly focusing on how to most easily ‘achieve’ coexistence between GM and non-GM crops and facilitate the introduction of GM crops throughout Europe by promoting measures that would allow routine GMO contamination. Friends of the Earth believes that instead, the Commission should seek to ensure that the production of non-GM and organic crops, seeds and food can thrive in Europe without the threat of any GMO contamination.

*** Commission: objects to 50% of Member States’ legal proposals on coexistence**

The Commission has rejected 50% of the draft legislation proposed by Member States because they would “*create obstacles to the free movement of goods*”. This contradicts the Commission’s approach that “*the subsidiarity-based approach to coexistence allows member states to tailor coexistence measures to the needs of their local conditions*”, and confirms that its policy is failing.

*** Commission: rejects consideration of health and environmental issues**

“the issues to be addressed in the context of coexistence concern only the economic aspects of the admixture of GM and non-GM crops, and the appropriate measures to prevent admixture”

This contradicts independent legal advice commissioned by Friends of the Earth and other NGOs which has concluded that the objectives of coexistence must not be restricted to ‘economic issues’ only. **Member States must have regard to the aims of protecting human health and the environment in adopting any co-existence measures. [1]**

*** Commission: Member States not allowed to ban GMOs in ecologically sensitive areas (page 4)**

As a result of the Commission’s purely economic approach to coexistence, it rejects Member States’ initiatives to prohibit or restrict GMO cultivation in national parks or other ecologically sensitive areas. This could lead to irreversible contamination of some of Europe’s remaining areas that are rich in biodiversity. Yet EU legislation specifically allows conditions or restrictions to be placed on individual GMOs for the protection of particular ecosystems/environment and/or geographical areas [2].

*** Commission: Ignores evidence of environmental damage from growing GMOs**

In rejecting Slovenia's attempt to make participation in agri-environmental schemes conditional upon not using GMOs, the report states "*the use of GMOs has no demonstrable disadvantage for the environment if they are applied within the conditions of their consent*". Yet the four-year programme of Farm Scale Evaluations in the UK, the largest and most thorough study of GM herbicide tolerant crops in the world, clearly demonstrated that the growing of GM beet and oilseed rape led to negative impacts on biodiversity. These included reductions in numbers of insects such as butterflies and bees, and reduced availability of weed seeds which are important in the diets of some animals, particularly farmland birds [3].

*** Commission: threatens GMO-free Regions and Member States with legal action**

The report states that "where measures provide for a total ban of GM crops, they are in conflict with Community legislation and cannot be considered legitimate coexistence measures" and that the Commission will take "necessary steps" to ensure this at regional and national levels

Whilst the report refers to the GMO-free network of Regions which includes 39 EU regions (the report mistakenly says 20), the report omits to mention that a total of 172 EU regions and 4500 other zones including local authorities have declared their wish to be GMO-free (www.gmofree-europe.org). The Commission itself has stated previously that it would be: "difficult to reject these attempts at establishing GM-free zones, which are driven by strong public local concern and economic considerations (such as protection of local traditional agriculture)"

*** Commission: ignores GMOs authorized under out-of-date legislation and Member State opposition**

The report refers to, but avoids drawing any conclusions on, the two GM maize crops that are authorized for commercial growing in the EU: Syngenta's Bt176 and Monsanto's MON810.

The report:

- omits to mention that these two GMOs were authorized under the OLD legislation (directive 90/220/EC) and therefore were not subject to health and environmental impact assessments required under current legislation.
- omits to mention that 7 national bans are in force against these GMOs for safety reasons (see notes below for full list of bans)
- omits any reference to contamination and liability issues that have been observed in Spain where commercial growing takes place with no legally binding coexistence measures in place

*** Commission: Insurance schemes for contamination should not be mandatory**

The Commission states that insurance schemes for economic damage due to contamination by GMOs "*should not be mandatory as the lack of a corresponding insurance market would make the cultivation of GM crops impossible*". It favours compensation schemes such as that set up by Denmark at the end of 2005. These are much weaker than private insurance as farmers risk feeling less directly responsible (and therefore may take less care). The absence of any market for insurance is a clear indication of how great the risk of contamination is perceived to be. A UK survey in 2003 found that insurers compared the risks associated with GMOs to thalidomide, asbestos and acts of terrorism [4]

*** Commission: non-mandatory coexistence measures are sufficient**

The Commission also finds that non-mandatory measures have been sufficient in Spain “as the market does not require the segregation of GM and non-GM maize for [animal] feed use”. This implies that if consumers are not aware that the meat they are eating is from GMO-fed animals (EU labeling laws do not require labeling of such products), then coexistence laws are not required. This disregards the issues facing neighbouring farmers, including organic farmers, that have no idea what their neighbour is growing and who therefore face the risk of contamination with no clear liability laws.

This also ignores the fact that there is clear evidence of contamination of non-GM maize in Spain. As early as 2001, GMO contamination of organic maize was reported [5]

*** Commission: rejects farmers’ right to prohibit GMOs in neighbouring farms**

Whilst stating that “farmers engaged in non-GM crop production do not have to change established farming techniques following the introduction of GM crops”, the Commission also questions the right of farmers with established non GMO farming to prohibit GMOs being grown in a neighbouring farm: “[...] case-by-case farm-level approval or notification procedures for GM crop cultivation, which could lead to duplication of authorization for the use of GM crops that have been authorized for cultivation under Community legislation”

*** Commission: crop segregation should not be mandatory**

In its concluding points, the Commission announces that it will start work on developing “best practices on segregation, leading to crop specific recommendations”. Voluntary agreements for segregation will not safeguard from contamination. Strict segregation measures must be adopted and the cost of segregation must be on industry and GMO farmers.

*** Commission: does not threaten legal action if Member States can fix thresholds lower than 0.9%**

The Commission notes that some countries have chosen a threshold lower than its recommended 0.9% but does not threaten them with legal action. This would appear to confirm the independent legal advice obtained by Friends of the Earth and other NGOs which has concluded that the labelling thresholds (0.9%) are ‘legally irrelevant’ to deciding how to implement co-existence measures. [1]

*** Commission: rejects EU-wide law and adopts a “wait and contaminate” approach**

The Commission does not recommend an EU law on coexistence, using the excuse of needing “to conclude the process of implementing national coexistence measures”. However, the report clearly shows that the Commission approach is failing: on one hand it is pushing Member States to define laws and on the other hand it is itself rejecting countries’ proposals. By favouring weak measures, such as a non mandatory approach, and delaying any concrete decisions until 2008 or later, the Commission is opting for a wait-and-contaminate approach. This clearly contradicts the Commission’s own statement, in the introduction of the report, that “coexistence refers to the ability of farmers to make a practical choice between conventional, organic and genetically modified (GM) crop production. It is also a precondition for consumer choice”

The European Union must ensure a ban on the commercial growing GMOs until such a time as strict laws on genetic contamination and liability are in place.

NOTES

[1] Advice - In the matter of Co-existence, traceability and labelling of GMOs. K.P.E. Lasok QC and Rebecca Haynes, 21 January 2005.

http://www.gmofree-europe.org/Summary_Lasok_Advice.pdf

[2] Article 6 (5) (e) of the Genetically Modified Food and Feed Regulation 1829/2003

[3] Managing GM crops with herbicides: effects on farmland wildlife.

<http://www.defra.gov.uk/environment/gm/fse/results/fse-summary-05.pdf>

[4] http://www.farm.org.uk/FM_Content.aspx?ID=138

[5] The impact of GM corn in Spain, a report by Greenpeace and Friends of the Earth August 2003

National bans on GMOs:

Germany

Syngenta's Bt176 maize (banned 31/03/2000) - Reason: effects on non-target insects + transfer of antibiotic resistance genes to humans and animals + insects could develop resistance to the Bt

France

Bayer's oilseed rape Topas 19/2 (banned 16/11/1998) - Reason: impact of genetic escape and spread of herbicide tolerance

Bayer's oilseed rape MS1xRf1 (banned 16/11/1998) - Reason: impact of genetic escape and spread of herbicide tolerance

Austria

Syngenta's Bt176 maize (banned 13/02/1997) - Reason: effects on non-target insects such as butterflies + transfer of antibiotic resistance genes to humans and animals

Bayer's T25 maize (banned 28/4/2000) - Reason: protection of sensitive areas, lack of monitoring plan and concerns about the herbicide used

Monsanto's MON810 maize (banned 10/06/1999) - Reason: Effects on non-target insects

Luxembourg

Syngenta's Bt176 maize (banned 07/02/1997) - Reason: Transfer of antibiotic resistance genes to humans and animals

Greece

Bayer's oilseed rape Topas 19/2 (banned 08/09/1998) - Reason: impact of genetic escape

Greece, Poland and Hungary have all banned Monsanto Maize MON810 seeds.