Coexistence of Genetically Modified Crops with Conventional and Organic Farming-
Report from the Commission to the Council and the European Parliament

Sigrid WEILAND, European Commission,
Directorate General for Agriculture and Rural Development

Co-Extra Conference, 3 June 2009
## EU Regulatory Framework for GMOs

<table>
<thead>
<tr>
<th>Full harmonisation at EU level</th>
<th>GMO <strong>authorisation</strong> and assessment of risks to the <strong>environment</strong> and <strong>health</strong> (Directive 2001/18/EC; Regulation (EC) No 1829/2003)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Labelling and traceability</strong> of GMOs and food and feed derived from GMOs (Regulation (EC) No 1830/2003)</td>
</tr>
<tr>
<td>National competence</td>
<td><strong>Coexistence</strong> between GM and non-GM crops; <strong>economic</strong> implications of the cultivation of authorised GM crops, (Commission Recommendation 2003/556/EC)</td>
</tr>
</tbody>
</table>
Commission Recommendation
for national strategies to ensure coexistence (2003/556/EC)

- Non-binding
- List of general principles
  - crop-specific
  - proportionality (Refer to the legal labelling threshold)
  - priority to farm-level management measures
- Voluntary GMO-free zones are possible – as well as GM production zones
- List of technical measures to be adapted to local conditions
Council Conclusions – May 2006

- Community labelling **thresholds for seeds**
- Develop **guidelines** for crop-specific co-existence measures
- Importance of **cross-border issues**
- Develop approaches for **regions** where coexistence is difficult to achieve
- Study **national liability systems** relating to the potential admixture of GM in non-GM crops
- **No Community legislation** at the moment, but continue to explore whether further steps towards harmonisation should be taken
Results of the Coexistence Report

Adopted and published on 2 April 2009

- Overview of Commission’s activities in relation to mandate provided by Council conclusions
- State of play of national and regional coexistence measures
Establishment of European Coexistence Bureau (ECoB) (start 2008)

Objectives:
- Elaboration of **crop-specific guidance documents** for co-existence measures
- Proposals for preventing **cross-border problems** and
- Recommendations for **regions**, where farm-level co-existence difficult to achieve

Structure:
- **Secretariat**: Institute for Prospective Technological Studies (IPTS) of the JRC
- Crop-specific **Technical Working Groups** composed of representatives of Member States
- **Stakeholders** consulted via Advisory Groups
Study on National Liability and Compensation Schemes

- Economic damage due to GMO admixture covered by civil law of Member States

- All Member States: minimum of protection in cases of damage under the regular conditions of tort law

- New solutions for compensation: e.g. funds (DK, PT, BE)

- No insurance available at the moment
National Coexistence Legislation

- National coexistence measures have to be notified to the Commission under Directive 98/34/EC
- 15 Member States have adopted specific legislation on coexistence: AT, BE, CZ, DE, DK, FR, HU, LT, LU, LV, NL, PT, RO, SE, and SK
- 3 Member States notified draft legislation to the Commission: FI, PL, SI
- In some Member States (AT, BE) competence lies at regional level
Information, Registration and Training Procedures

Large differences amongst Member States:

- Range from case-by-case approval for cultivation of GM crops (AT, HU, LU) to simple notification to competent authorities

- Majority of Member States requires information of immediate neighbours, operators sharing machinery and land owners

- Public registers may include extensive information, or aggregate information

- Compulsory training or educational requirements: (AU (some regions), BE (Flanders), EE, DK, HU, LT, LV, NL, PT, SI, SK)
Technical Segregation Measures

- In all Member States segregation measures have to be applied by **GM crop growers**
- Coexistence measures of most Member States designed such that the **legal labelling threshold** of 0.9% is not exceeded (BE (Flanders), DE, DK, EE, ES, FR, LT, LV, NL, RO, SK, SV)
- In some Member States (NL, CZ, DE, SK, PT) segregation measures are **more stringent** towards organic production than towards conventional production
- **Spatial segregation:**
  - **Isolation distances** (from 25m to 600m for GM maize production towards conventional maize and from 50m to 600m towards organic maize)
  - **Buffer zones:** zones of sexually compatible non-GM crops which are treated as GM plants, additional to or replacing isolation distances

- Use of different **flowering times** provided for by two Member States (PT, RO)

- Some MS regulate segregation during different agricultural operations, others only at field level
Restrictions on Cultivation of GM Crops

- In some Member States possibility of establishing GMO-free regions on socio-economic reasons,
  - Would have to be notified to the Commission
- Certain regions declared themselves GMO-free,
  - Political nature, not legally binding
- Possibility of designating zones with either only GM or non-GM varieties of a given crop based on voluntary decisions by all concerned farmers
  - In line with Commission Recommendation
Commercial Experience with GM Maize Cultivation

- Procedures for enforcement and monitoring of coexistence measures started only in Member States where GM crops are actually grown
- MON810 only GM crop cultivated in EU
- Cultivation in 6 Member States (CZ, DE, ES, PT, RO, SK) on a surface of approx. 100,000 hectares in 2008 (1.2% of total maize acreage in EU27 in 2008)
Conclusions (1)

- **Significant progress** by Member States in developing coexistence legislation since 2006
- **Moderate expansion** of cultivation surface of GM crops
- So far no reports on **economic damages** concerning crop production
Conclusions (2)

- Coexistence measures differ largely between countries
- No interference with national liability provisions by the Commission
- Subsidiarity-based approach on coexistence will be continued
Actions

- Develop crop-specific **technical guidance documents** on coexistence measures
- Continue activity of **COEX-NET**
- Conclude economic impact assessment for **seed thresholds** and propose appropriate legislative follow-up
- **Report** again on situation concerning coexistence in Member States in **2012**