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DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate H. Sustainability and Quality of agriculture and rural development  
**H.1. Environment , GMO and genetic resources**

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### **European Co-existence Bureau (ECoB) - Best Practice Document for Maize Crop Production**

#### **SUMMARY OF THE CONSULTATION OF THE ADVISORY GROUP ON RURAL DEVELOPMENT OF 10.10.2008**

The work of the European Co-Existence Bureau Technical Working Group on Maize Crop Production is accompanied by a stakeholder consultation process, which involves, in particular, the relevant Advisory Groups managed by DG AGRI.

The Advisory Group on Rural Development was consulted at its meeting of 10 October 2008, which was held at the DG AGRI premises in Brussels.

#### **Composition of the Advisory Group on Rural Development**

The Advisory Group on Rural Development was established by Commission Decision 2004/391/EC on the advisory groups dealing with matters covered by the common agricultural policy<sup>1</sup>.

The following organisations are permanently represented in this Advisory Group:

| <b><u>Sectors / seats</u></b>                         | <b><u>Name of organisation</u></b> | <b><u>Number of seats</u></b> |
|---|------------------------------------|-------------------------------|
| <b>Farmers, agriculturals &amp; cooperatives / 27</b> | COPA-COGECA                        | <b>19</b>                     |
|   | CPE                                | <b>1</b>                      |
|   | CEJA                               | <b>2</b>                      |
|   | ELO                                | <b>2</b>                      |
|   | CEPF                               | <b>1</b>                      |
|   | FACE                               | <b>1</b>                      |
|   | IFOAM                              | <b>1</b>                      |
| <b>Traders / 5</b>                                    | CELCAA                             | <b>5</b>                      |

<sup>1</sup> OJ L 120/50 of 24.4.2004

|                              |  |  |
|------------------------------|--|--|
| <b>Industry / 5</b>          | CIAA   | <b>5</b>   |
| <b>Workers / 4</b>           | EFFAT  | <b>4</b>   |
| <b>Consumers / 3</b>         | BEUC   | <b>3</b>   |
| <b>Environmentalists / 6</b> | BEE/EEB<br>Birdlife<br>Forum for Nature<br>Conservation<br>WWF   | <b>6</b>   |
| <b>Others / 10</b>           | RED<br>APURE<br>Prepare Network<br>AEIAR<br>ECOVAST<br>ARE<br>CRPM<br>ARGE DORF<br>CCRE<br>EUROMONTANA | <b>1</b><br><b>1</b><br><b>1</b><br><b>1</b><br><b>1</b><br><b>1</b><br><b>1</b><br><b>1</b><br><b>1</b><br><b>1</b> |
| <b>Observers</b>             | Eurogroup Animal Welfare<br>Observatory Leader+  | <b>1</b><br><b>1</b>   |

Full names of abbreviations:

- COPA-COGECA: European Committee of Agricultural Producers and Co-operatives
- CPE: European Farmers Coordination
- CEJA: European Council of Young Farmers
- ELO: European Landowners Association
- CEPF: Confederation of European Forest Owners
- FACE: Federation of Associations for Hunting and Conservation of the EU
- IFOAM: International Federation of Organic Agriculture Movements
- CELCAA: European Liaison Committee for the Agricultural and Agri-Food Trade
- CIAA: Confederation of the Food and Drink Industries in the EU
- EFFAT: European Social Partners of Agriculture

- BEUC: European Consumers' Organisation
- BEE/EEB: European Environmental Bureau
- WWF: World Wildlife Fund
- RED: Rural Environment Development
- APURE: Association for the European Rural Universities
- AEIAR: European Association for Rural Development Institutions
- ECOVAST: European Council for the Village and Small Town
- ARE: Assembly of European Regions
- CRPM: Conference of Peripheral Maritime Regions of Europe
- ARGE DORF: Germany working group on rural development
- CCRE: Council of European Municipalities and Regions
- EUROMONTANA: European multisectoral association for co-operation and development of mountain territories

The following additional stakeholder groups that are not permanently represented in the Advisory Group on Rural Development were invited to attend the meeting of the Advisory Group on 10 October 2008:

- Greenpeace Europe
- Friends of the Earth Europe
- European Seed Association (ESA)
- European Association for Bioindustries (EuropaBio)

**Procedure of consultation:**

The consultation was announced in written on 1 August 2008 to the Members of the Advisory Committee. Members received the Mandate for the European Co-existence Bureau and a Background Document on co-existence in maize crop production (see Annex 1).

At the meeting of 10 October 2008, DG AGRI made a presentation covering the following main points (see Annex 2 for the presentation):

- An overview of co-existence of genetically modified crops with conventional and organic agriculture;
- The Council conclusions of May 2006 that provide a mandate for the Commission for further work on co-existence;

- The work principles and structure of the ECoB;
- The aim of the Best Practice Document;
- The Technical Working Group for Maize Crop Production, its scope of work and draft timetable; and
- The stakeholder consultation process.

Concerning the last point DG AGRI explained that the present meeting marks the beginning of a longer consultation process of the Advisory Group. Members of the group will also be consulted on the Best Practice Document for co-existence measures in draft stage, once these are made available from the work of the Technical Working Group.

Following the presentation the floor was open to the participants of the meeting for comments, views and opinions.

The participants were also invited to submit any comments on the documents previously distributed or the process within the two following weeks after 10 October 2008.

### **Comments received during the consultation:**

One representative from COPA-COGECA stressed that, according to the information available to this organisation, co-existence was possible and should be addressed in a case-by-case approach. Generally, co-existence measures should be taken in a balanced way, in order not to harm the interests of any group involved in different farming activities. If given a choice, many farmers were interested in growing GM crops. It was stressed that the competitiveness of EU agriculture was to be maintained. In third countries, GM crops were cultivated to a great extent, whereas in the EU farmers were still very reluctant. It was questioned whether the differences in the agricultural conditions justified these differences.

A different representative from this organisation claimed, however, that co-existence would not be possible. It was stressed that traditional, non-GM based, agriculture would suffer from the introduction of GM crops.

Reference was also made to the decision of a German Court in relation to Honey contamination with pollen from GM maize. This case was seen to demonstrate the difficulty in establishing co-existence.

RED asked how the GMO-free regions that have been established throughout many Member States will be taken into account in the ECoB activities.

DG AGRI responded that the Technical Working Group established under ECoB is composed of national representatives. The aim of the ECoB activities is not linked to the creation of GMO-free zones, which is to be based on voluntary agreement of farmers, and does not relate to any co-existence legislation.

EFFAT pointed out that in many regions in the EU agriculture takes place within very fragmented territories. Taking account of this fact, co-existence should be addressed at local or regional level. It was stressed that the European agricultural model was particular in the world, with its own land organisation and production characteristics. Agricultural production took place predominantly in SMEs, located throughout the EU under very different conditions (e.g. flat versus hilly land). This was seen as a strength and a precondition for maintaining high biodiversity on agricultural lands. Co-existence was not seen as an instrument to guarantee the maintenance of the existing rural networks and the high level of biodiversity. Farmers who did not want to produce GM products generally did not want to be forced to accept contamination. Thus, the question

to be addressed was not about yes or no to GMOs, but about yes or no to contamination. This question had not been appropriately addressed so far. There was a need for more stringent rules in the Community on co-existence.

Friends of the Earth and Greenpeace underlined that the aim of co-existence must be to prevent contamination of non-GM products by GMOs. The freedom of choice for farmers and consumers must be guaranteed. These organisations see a need for binding legislation on co-existence to be established at EU level. The scope of the ECoB activity to purely address economic aspects of GMO admixture to other crops is considered insufficient. Co-existence is seen to touch upon environmental and health aspects as well. A link is seen between co-existence and the current debate on the European Food Safety Authority (EFSA), the opinions of which that form the basis of GMO authorisations under EU legislation are contested by many stakeholders. An approach to limit segregation measures only to ensuring the labelling threshold of 0.9% is seen as insufficient. It should be strived for complete segregation without tolerance.

The legal interpretation of the Commission as regards the application of the relevant pieces of legislation in relation to co-existence is questioned. In particular, the link between the labelling threshold and the co-existence measures is not agreed. The labelling threshold would only apply for adventitious or technically unavoidable contamination, but not for contamination resulting from measures that will inevitably and predictably lead to contamination. The organisations point at an opinion by a law firm in this regard that explained the line of arguments in greater detail (see also written contribution). Commission Recommendation 2003/556/EC on guidelines for co-existence was considered to establish the link between co-existence measures and labelling thresholds in an incorrect way.

The organisations point at negative economic implications that would result from a co-existence concept that tolerated contamination of non-GM products. Such concepts would create additional costs, not only for operators engaging in GMO production, but also for those trying to prevent GMO presence in their products. Furthermore, higher tolerance levels would increase the risk of exceeding the labelling thresholds. It was criticised that there is no harmonised liability regime for damage resulting from GMO contamination throughout the EU.

Overall, the organisation stress that the overall debate on GMOs was still on-going, and there was still much disagreement about whether and how GMOs should be allowed at all. Considering this general debate it was premature to already now enter into the technical debate on how co-existence should be achieved.

The current stakeholder debate was welcomed as such, but it was questioned to which extent it would have any impact on the outcome of the ECoB activities.

DG AGRI responded that the comments made by the stakeholders in the framework of this consultation would be summarised and made available to the ECoB Technical Working Group, as well as published on the ECoB internet site.

Co-existence was not seen as possible, as contamination with GMOs was seen as inevitable. About 230 cases of contamination have been collected within more than 50 countries and were listed in a register kept by Greenpeace. In the period between 2004 and 2007, in the Spanish province of Aragon, 75 % of the organic farming activity is reported to have given up as a result of GMO contamination. The GM rice LL601 (Bayer) that was cultivated between 1998 and 2001 only in the framework of field trials in the USA was found 4 years later in other harvests. This case was considered as an example of contamination over long periods of time.

CPE pointed out that co-existence were not possible, and that contamination of non-GM products was unavoidable. At present, there was no insurance cover available for damage resulting from GMO contamination. Furthermore, most farmers were opposed to GMOs.

EuropaBio stated that experience over the last years in Spain and other Member States had shown that co-existence was possible. Experience made in the Member States was available to interested parties. It was stated that co-existence was not a new concept, and the principle of segregating specialty production from other types of production was established since a long time and for large volumes, e.g. co-existence with maize for starch or breakfast cereals that were at least partly produced in GM maize areas.

Co-existence should not be about avoiding contamination. It needed to be considered that GM products were only cultivated after receiving approval. For this reason, the concept of co-existence deals with the segregation of different fully approved production lines. Farmers should be given a choice, and demonstrated their interest in planting GM crops when been given a choice.

ESA stressed the technical nature of the segregation process, which was managed on a day-to-day basis by the seed industry. Their conclusion is that co-existence was feasible. ESA had the necessary technical expertise on a field of segregation of production chains and would provide support to the ECoB work. Key factors in the debate were the seeds thresholds, which were not defined yet. The scenario approach employed by ECoB on different hypothetical future seeds thresholds was welcomed.

DG AGRI thanked for the opinions expressed and invited participants to provide comments in written.

Written consultations that have been received from the following stakeholder groups are listed in the Annexes.

Annexes:

Written contributions by stakeholder organisations represented at the consultation within the framework of the Advisory Group on Rural Development of 10.10.2008.