Results from the consultation with stakeholders and member states concerning the Best Practice Document (BPD) on coexistence of genetically modified soybean crops with conventional and organic farming

The consultation process took place on:

1. Regulatory Committee 2001/18/EC on 21th of November 2014; and
2. Advisory Group on the Food Chain and Animal and Plant Health on 12th of December 2014.

The deadline for submission of the written comments was set up by the 31st of January 2015

Summary table

Contributor	Remarks	Response of TWG-Soybean of ECoB	Follow up
		General comments	
IFOAM EU (European umbrella organisation for organic food and farming)	The present technical report is based on the assumption that best practices on coexistence can help to prevent GMO contamination in organic and conventional farming. IFOAM EU considers that coexistence measures are not sufficient to prevent GMO contamination thus one of the guarantee to keep organics GMO free is to stop the authorisations of GM crops across Europe. In the new directive[1] voted on the 13 of January 2015, coexistence measures are still not mandatory (only in cross border areas) and remain the responsibility of Members States. IFOAM considers that, in case a ban on GMOs is not put into place, mandatory coexistence measures should be develop in order to protect different agricultural schemes like organics.	The provision for development of the coexistence measures by Member States (MS) is set up by article 26a of the Directive 2001/18/EC of the European Parliament and of the Council, confirmed by amending Directive 2015/412 about the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms in their territory, and elaborated in details in Commission Recommendation (2010/C 200/01) of 13 July 2010. The heterogeneity in agricultural practices and legal environments among the MS, has led to the definition of various coexistence measures among MS. However, the EC retains important roles in development of national coexistence regulations. One of them is the provision of specific technical advice to the MS on how to develop coexistence measures, and	Not needed

[1] http://www.europarl.europa.eu/oeil/popups/summary.do?id=1373751&t=e&l=en

		this is done through the European Coexistence Bureau (ECoB). The presently consulted Best Practice Document (BPD) on coexistence in soybean cultivation comprises part of this methodological support. In 2014 ECoB published a BPD on monitoring efficiency of coexistence measures in maize crop production (http://ecob.jrc.ec.europa.eu/documents/BPDmonitoringefficiency.pdf)	
EuropaBio (European association for bio-industries)	The EU Commission recommendation on coexistence[2] recognizes that "freedom of choice means European farmers should have a sustainable possibility to choose between conventional, organic and GMO production". However, we are concerned about a lack of balance caused by a lack of approvals and by one-sided obligations. Coexistence guidelines should take into account the economic costs of coexistence measures and their technical effectiveness. In fact, farmers should be able to manage coexistence through good agriculture practices and farmers' agreements". ……. there is no real evidence that supports the need to implement coexistence measures on a statutory basis.		
Detailed comments			
IFOAM EU	In this document the 0,9% labelling threshold is used for the modelling as in other studies carried out by ECoB and ESEB, but it does not reflect industry practice and farmers reality	European legislation takes into consideration the presence of technically unavoidable or adventitious traces of GM material. The Regulation (EC) No 1829/2003 established the threshold of 0.9 % for food and feed, below which traces of market-approved GM products do not require labelling. The Directive 2008/27/EC which amended Directive 2001/18/EC established the same threshold of 0.9 % for commodities intended for direct processing. Such commodities are all crop harvests, excluding the case when they are intended for seed production.	Not needed
FoEE (Friends of the Earth Europe)	The regulation 1829/2003 set the threshold of 0.9 under conditions, only of technically unavoidable and accidental, contamination with authorised GM does not need to be labelled. Art 12 refers to food for end consumer and not for the harvested products.		

[2] Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops (2010/C 200/01), OJ C 200, 22.7.2010, p. 1-5

	The conclusion in the BPD that any contamination below 0.9 would not need to be labelled is legally questionable. Thus the scope of the document should be corrected to fulfil the legal requirements of regulation 1829/2003. The conclusion is that all coexistence measure should aim to achieve not more than 0.1% contamination in the harvest. This is necessary to comply with the legal requirements of regulation 1829/2003 and the market realities. Align the coexistence measure for a threshold of 0.1 in the harvest.	The BPD for soybean considers both the need for compliance with the regulated labelling threshold of 0.9% as well as with lower thresholds of adventitious presence of GM material which may be required by operators in some markets. This scope is in line with the Commission Recommendation[2] of 13 July 2010 on guidelines for the development of national coexistence measures.	
EuropaBio	EU legislation must take into consideration the low level presence of technically unavoidable or adventitious traces of GM material. Therefore the aim of a coexistence regime should not be to avoid any detectable GM presence in non-GM crops/products. This draft document considers compliance with a range of thresholds, but the focus should be on the labelling threshold enshrined in EU law (0.9%). If individual economic actors choose to aim for a higher purity level than the labelling threshold, then they must not be allowed to inflict economic damage on their neighbours (by way of excessive one sided buffer zones) beyond what it needed to comply with 0.9%.		
IFOAM EU	The paper should also focus on proposing guidance to Member States on how to better regulate in order to develop and guarantee an effective liability regime. Liability must include costs for the prevention of contamination, testing and also the loss of market price in case an organic farmer loses the certificate due to contamination.	The BPD for soybean covers commonly agreed, scientifically and technically justified measures to ensure coexistence between GM, conventional and organic soybean crop production in the EU. The Technical Working Group (TWG) for soybean of the ECoB was asked to propose, based on current	Not needed

FoEE	The guidance documents does not reflect the information aspect in the coexistence measures. Often farmers share or rent machineries and storages. It should be completed that the growers of GM soybean are obliged to inform all other operators (sowing, harvesting, storage, drying, and neighbours) that the field is cultivated with GM soybean.	scientific knowledge and agricultural practices, a set of best agricultural management practices that will ensure coexistence of GM soybean with conventional and organic soybean The administrative and liability rules that could be complimentary and set out to resolve potential economic impacts of admixture are beyond the scope of the BPD.	
IFOAM EU	The document exclusively considers GM soybean with a single gene transformation but do not specify the type of event (page 8). In more recent GMOs "stacked events" is the rule, therefore, limiting the best practice document to soya containing a single transformation event makes it insufficient for practice.	The GM plants with a single gene transformation event, for which are accumulated sufficient research and practical experience, are the best model system for study and identification of critical points for coexistence during the whole crop production process including sowing, harvesting, transportation and storage, up to the first point of sale (silo), while considering the biological specificity of the particular plant species. In terms of coexistence, the main difference caused by multiple gene transformation between single and stacked event transformations is in calculations of the results from the quantitative analysis.	Not needed
FoEE	The conclusions skip key steps: • No field history, • no concrete guidance or reporting for cleaning sowing and harvesting machines, • no clear guidance for drying, storage and transport This document should included detailed recommendation how • segregated storage and drying should be implemented on farm level and also in joint used facitilites.	The issues about the cleaning and proper use of the different machineries and facilities for soybean production in terms of achieving desired segregation are extensively reviewed, analysed and concluded in particularly dedicated sections of the background part of the BPD. Because of the differences in the design and construction approaches adopted by different machinery builders is not possible to conclude a single best practice for their utilization and cleaning in general. It should be done based on the most	Not needed

	• Clear recommendation for cleaning sowing machines and if feasible cleaning for combined harvesters • Add recommendations for information obligations for growers of GM soybeans • Align the coexistence measure for a threshold of 0.1 in the harvest	commonly used brand(s) of machines in each MS. The administrative management of coexistence information differs among the MS; therefore, based on their individual choices, they have different best practice approaches for communicating it.	