

Brussels, 13 Octobre 2010

**STATEMENT**

**ON THE REVISION OF THE GM CULTIVATION LEGAL FRAMEWORK**

COCERAL, the European association representing the cereal, rice, feedstuffs, oilseeds, olive oil, oils and fats and agrosupply trade, would like to share its reflections and considerations on the Commission's proposals to grant national flexibility for authorising the cultivation of Genetically Modified Organisms (GMOs) within the framework of the revision of the GM cultivation legal framework currently under discussion.

Above all, the cereal sector is most likely to feel the effects of these proposals: in Europe, the annual production volume in the sector amounts to 300 million tons, with a turnover of more than €200 billion. As export levels are relatively low (less than 10%), the circulation of raw materials between Member States is very important.

COCERAL understands that the original rationale for introducing national approvals on GM crop cultivation was constructive in seeking to unblock the current EU logjam of GM crop applications and allowing more progressive Member States to move forward with the technology. Yet the Commission's proposals are accompanied by no assurance that the EU MS will support a functional and quicker GM authorisation process or influence voting behaviour within the Council of Ministers, and the focus is very clearly on the development of measures to 'prohibit, restrict or impede the cultivation of GMOs'.

As they stand, the Commission's proposals represent a serious dereliction of regulatory responsibility, creating an EU-wide charter for discrimination against the products of agricultural biotechnology and establishing the basis for future innovation, GM or not, to be blocked or restricted without scrutiny or justification.

**Co-existence: Wasn't meant for "farmers' freedom of choice?"**

In the short-term, the Commission's proposals focus on the use of national co-existence measures as a mechanism for Member States to restrict GM cultivation in their territories. Yet the overriding aim of co-existence, as the term implies, should be to establish the practical measures and conditions through which farmers' freedom to choose different (approved) crop production systems - whether GM, conventional or organic - can be mutually recognised and respected.

- This proposal sends a clear message that, within the EU, it is perfectly legitimate to discriminate unfairly against GM crops on the basis of prevailing economic or social prejudice.
- On the other side, the Commission appears to be abandoning its EU-wide co-ordinating role in the development of national co-existence measures, effectively removing the established requirement to reference or justify the scientific or technical basis for any co-existence measures adopted.

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- Applying different threshold levels and co-existence regimes in different Member States has the **potential to disrupt the single market**, disadvantaging Europe's farming and food industries, and removing the legal certainty required supporting future investment in the technology within the EU.

COCERAL Members are very much concerned that the following consequences will be caused if the decisions relating to the approval, cultivation and use of GM crops within the European Union will not continue to be guided by internationally recognised obligations which stipulate that any trade restrictions must have a scientific basis, and be justified in terms of human health or environmental safety:

## 1. Disrupts the single market

The proposed approach threatens to undermine and disrupt the integrity of the EU internal market by allowing different Member States or regions to impose arbitrary and unscientific criteria to restrict the cultivation of approved GMOs, including the application of varying threshold levels for GM presence below the 0.9% statutory EU labelling requirement. We also fear that an "excessive" or "restrictive" interpretation of such new national coexistence rules could endanger also the free flow, transit and transport of LMOs imported for food, feed and processing uses in some MS or the setting of additional liabilities or burden for operators of such goods. We need also to closely monitor any specific national labelling rules which could set up additional labelling rules or different thresholds for products contained or derived from imported EU authorised GM products.

## 2. Establishes a two-tier market disadvantaging the EU food chain

The established EU wide labelling threshold of 0.9% must remain intact and the proposal should not give member states any opportunity to tamper with it: allowing member states to disregard the established 0.9% GM labelling threshold in setting their own national cultivation rules could open up a two-tier market, in which imported GM crops circulate freely while cultivation of the same crops can be restricted within the EU, placing Europe's farmers, food industry and consumers at a competitive disadvantage.

## 3. Threatens the market for conventional seed

Allowing Member States to disregard the established 0.9% GM labelling threshold in setting their own national cultivation rules will effectively impose a de facto EU threshold level of 0.1% or below for GM presence in conventional seed. This is likely to result in damaging cost implications for seed supply to the EU, particularly as the number of GM crops and traits in commercial cultivation globally is predicted by the EU's own Joint Research Centre to increase significantly over the next five years,

## 4. Undermines free-market principles

In relation to GM crop authorisation, the role of Government should be to protect the safety of consumers and the environment. It is contrary to fundamental free market principles to impose arbitrary, opinion-based or politically-motivated criteria to the GM crop approvals process. Such intervention in the market place is entirely inappropriate for national Governments, and by denying producer and consumer choice would undermine the basis of the EU as a free trading economy.