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BIOTECHNOLOGY  
COUNCIL

*promoting fair  
debate on behalf of  
the UK agricultural  
biotechnology  
industry*

03 September 2010

### **abc response: DEFRA request for comments on European Commission proposals regarding the freedom of Member States to decide on the cultivation of GM crops**

The Agricultural Biotechnology Council (abc) welcomes the opportunity to provide feedback on DEFRA's call for views on the European Commission's proposals on the right of Member States to decide on the cultivation of GM crops. This is an issue that abc, and its Brussels based parent organisation EuropaBio, has taken a close interest in, and the following sets out the industry position on the current shape and scope of the ideas – including both the proposals on cultivation and on national co-existence measures.

abc is the umbrella organisation for the agricultural biotechnology industry in the UK. The companies involved are BASF, Bayer CropScience, Dow AgroSciences, Monsanto, Pioneer (DuPont) and Syngenta. Our goal is to provide factual information and education about the agricultural use of GM technology in the UK, based on respect for public interest, opinions, and concerns.

#### **1.1 – Scope of the recommendations**

The comments below constitute the industry view on the publication of two documents:

- *Commission recommendation on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops*
- *Regulation of the European Parliament and of the Council, amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory*

abc supports the sentiment behind the initiatives, recognising the frustration of some Member States regarding the slow, overly-politicised process of registering GM crops for cultivation, but believes that the current proposals do not provide a solution and will instead lead to a fragmented system even more prone to political interference than is currently the case. Instead, we support European countries working together at a Commission level, pursuing science based collective decision making whilst respecting public opinion.

We believe that these two proposals are a partial attempt by the Commission to free up the regulatory framework surrounding GM approvals – a process that has been beset by delays and political interference over the past 14 years. Only two products from over 25 waiting for assessment have been approved for cultivation in the European Union throughout this time, despite a rigorous safety process. As a result, it has suffocated the development of UK-based



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innovation and has acted as a disincentive for companies to develop crops optimised for European use. This contrasts sharply with other parts of the world which have embraced the technology through robust safety regulation and science based decision making.

Last year 14million farmers in 25 countries chose to grow GM crops on 134million hectares of their land, an area over five times that of the whole of Great Britain. Over 90% of those using the technology are resource poor farmers from developing countries keen to maximise the effectiveness of their crops and protect their incomes. Burkina Faso, for example, already grows more GM crops than the whole of the EU put together.

European and British farmers have been denied the ability to utilise these technologies to the detriment of agricultural competitiveness, food security and consumer choice.

## **1.2 – Co-existence recommendations**

abc does not support the Commission's recommendation on the use of coexistence to determine limits on GM crop cultivation, because the measures it outlines are likely to be disproportionate and discriminatory.

Currently there is a legally binding, Commission wide maximum 0.9% labelling threshold on the presence of GM in conventional foodstuffs. The new recommendations allow for Member States to potentially lower this threshold – this is based on the belief that the differing terrain for farm land across the Union makes flexibility a vital tool for decision makers. Nevertheless, it should be recognised that participants in the food chain routinely work to ensure that conventional foodstuffs have GM levels well below the set threshold. It would therefore be extremely difficult to achieve further reductions if thresholds were lowered again, irrespective of the fact that it is difficult to accurately ascertain low level presence of GM foodstuffs well below 0.9% on a routine basis.

These recommendations:

- Threaten to undermine the legally established level and permits the establishment of variable alternative thresholds. This not only undermines the validity of an agreed Europe wide decision, but may trigger legal disputes involving authorities and the food chain (including farmers, buyers and producers).
- Allow the development of a two-tier market, in which imported GM crops circulate freely while cultivation of the same crops can be restricted within the EU, through the imposition of impossible thresholds, placing Europe's farmers, food industry and consumers at a competitive disadvantage.
- Could negatively impact the conventional seed market by effectively imposing 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



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predicted by the EU's own Joint Research Centre to increase significantly over the next five years.

- Enable abuse of coexistence measures for the sake of denying access to certain products or technologies. The proposal itself admits that it '*may be necessary to exclude GMO from large areas*' if a lower co-existence threshold was imposed by a Member State.
- Run contrary to the EU internal market principles, by allowing a proliferation of different national or regional restrictions and conditions.
- Undermine the scientific basis and the credibility of the European Food Safety Association's assessments as it replaces the agreed threshold.
- Make it more difficult for Member States to allow farmers to choose which products to grow by creating legal uncertainty.

### 1.3 – Legislative proposals

The proposals suggest amending legislation so that Member States could exercise much greater control over the cultivation of GM crops within their territories.

abc retains concerns over the proposed legislative change to Directive 2001/18/EC because it:

- Enshrines the politicisation of decision-making into European law. Member States will now be able to use any factors as reasons for banning the cultivation of GM crops – rather than making decisions based on scientific evidence. This will further enable those wishing to hijack the process for their own political ends to disrupt and interfere with the decision making process.
- Is contrary to internal market principles, by promoting different and conflicting rules per country. It is highly unusual for Member States to decide on aspects of policy operating at the Commission level and this represents a failure to achieve consensus.
- Is not in line with international legal and trade obligations. Through creating a differential market, the EC risks opening itself up to legal challenge by the WTO.
- By implication, it casts doubt over the credibility of EFSA safety assessments. EFSA is therefore further undermined as the provider of science based safety assessments.
- Disrupts farmers' and technology providers' market operations, through creating further uncertainty about where it will be possible to cultivate GM crops.
- Could take years to materialise, as there is confusion over whether a 'surgical' legislative change is actually possible or whether the legislation will have to instead be opened up for a full review, which could run on indefinitely.



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#### **1.4 The UK's position and next steps.**

For the reasons outlined above, abc is opposed to both of the proposed changes and proposes the following:

1. The UK Government should reject the draft proposals as they are unworkable and will not lead to any tangible benefit to the current approvals process.
2. The UK Government should instead continue to support proportionate, science based decision making on the cultivation of GM crops at Commission level.
3. The UK Government should work with the Commission and its European partners to create a more streamlined and effective process, allowing genuine choice throughout the food chain, including for both farmers and consumers.

#### **Conclusion**

European farmers and consumers will miss out on the potential benefits offered by GM if the current status quo is maintained *or* if the Commission's proposals are adopted, as the issue will be as prone as ever to political interference from those intractably opposed to the development and use of the technology.

A new approach is needed, one that, if successful, could lead to greater efficiencies in British farming, investment in research and development and highly skilled employment, better food security and reduced pressure on food prices.

abc would welcome the opportunity to continue the positive dialogue it has established with the UK Government over previous years on the subject of GM technology to discuss the views set out in this response further.

**Agricultural Biotechnology Council  
August 2010**