



How to become a GMO-free region



Editorial

GMOs are at the heart of the political, economic and social debate in Europe. Although European citizens have declared themselves opposed to GMOs and the Member States have yet to reach a consensus on the matter, the European Commission has decided to lift the moratorium imposed in 1999 and to authorise the sale of a particular transgenic maize.

The new EU directive concerning the traceability and labelling of GMOs can in no way legitimise this decision, which shifts responsibility to the consumer. Under this system it is up to the consumer to read labels carefully to avoid any GMO products, while the national and European public authorities are free from any legal responsibility. Trade and freedom of competition now clearly enjoy too much prominence in the evolving Europe, to the detriment of the fundamental values which it was designed to respect and promote.

But the most worrying aspect is that this decision could give the green light to the widespread cultivation of GMOs, even though many scientific studies have shown that genetically modified crops and their conventional counterparts cannot coexist; the risk of contamination is too high and cannot be controlled. The very future of our traditional agriculture, our local products and organic foodstuffs is at risk.

Some European regions have already taken the initiative by defining GMO-free zones to protect their territory. However, these actions are open to challenge under Community law. This is why the Presidents and Regional Ministers for agriculture and rural development, meeting in Bari on 13-15 May 2004, decided to support the AER's move to organise a European campaign of action and publicity to promote traditional agriculture and high-quality products.

A broad-based European movement involving the regions and their citizens is vital to obtain the legal instruments which would allow us to combat the harmful effects of the common trade policy and to make the European Union's decision-making procedures more democratic, more open, and more responsive to the will of the citizens. <

Brian Greenslade

President of the AER's
Regional Development Committee

GMOs: the European Union as the sorcerer's apprentice

THE EUROPEAN COMMISSION DECIDED ON 19 MAY TO LIFT THE MORATORIUM ON NEW GMOS, WHICH HAD BEEN IN PLACE SINCE 1999. THE AUTHORISATION OF THE SALE OF THE TRANSGENIC MAIZE BT-11, MADE BY THE SWISS FIRM SYNGENTA, HAS UNLEASHED AN IMPASSIONED DEBATE AND WORRIED THOSE WHO UPHOLD THE PRECAUTIONARY PRINCIPLE. DISCUSSION ON THE PROS AND CONS OF GMOS HAS STARTED UP AGAIN IN EUROPE, BUT NO SOLID SCIENTIFIC FACTS HAVE YET BEEN ESTABLISHED.

Valérie Lainé, a journalist working for Radio France Internationale, is one of those to call this move a "denial of democracy", pointing out that before this the Commission only had powers to propose and to execute, but not to decide, a prerogative traditionally reserved for the Member States. But the recent move away from unanimous voting to qualified majority voting means that if the States cannot reach a decision the Commission has the final say on such matters. And yet this argument, defended by the French MEP Alain Lamassoure (EPP) who made the point that "if the States disagree, someone has to take a decision" nevertheless raises a major issue. Not only is the decision to lift the moratorium effectively binding on all the Member States and regions; in addition, the scientific world is split and we do not know whether GMOs will have irreversible consequences for the environment, consumer health, and the survival of conventional and organic farming. Recent events would seem to indicate that conventional farmers could be the first victims of this decision. A Canadian farmer whose land had been contaminated without his knowledge by pollen from transgenic maize growing on nearby fields has recently been ordered by the Canadian courts to pay the American firm Monsanto 300,000 dollars damages for counterfeiting and illegal use of patented plants. The argument was that the way in which the GMOs in question reached his land

was irrelevant, and that the only pertinent factor was their presence in his crops. The Canadian courts have taken a completely



Photo : DigitalStock

The BT-11 maize is the first GM product to be introduced by the EU since 1999, but the list could be extended...

wrong-headed view of the situation, undermining the principle that the polluter pays and holding instead that whoever is affected by pollution should pay. It is true that these legal vagaries are of no concern to the European Union. But for how long will this remain the

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case, as lifting the moratorium on GMOs opens a Pandora's box which could soon force GMO crops onto European land?

Can organic crops and GMOs coexist?

Without going as far as the excesses of the Canadian legal system, the relevance and the practical impact of this authorisation do merit examination. Several independent scientific studies have shown that organic crops and GMOs simply cannot coexist. On 16 October 2003, the UK Department for Environment, Food and Rural Affairs expressed concern at the ability of bees to pollinate organic fields from transgenic plots. Research by this government body has shown that bees are able to carry pollen from genetically modified plants to "healthy" plants over a distance of 26 km².

Last February, the magazine *Nature*, which is unlikely to be prejudiced, confirmed that organic crops and transgenic crops cannot coexist, and expressed concern at its findings that 40% of "organic" crops investigated grown in areas where transgenic crops are also grown were contaminated by GMOs. The British NGO Grain claims that cultivation of transgenic rapeseed cuts surrounding flora by five, a figure which rises to 40% in the case of transgenic sugar beet. Taking an opposite position, a report published on 14 May by PG Economics Limited (a consultancy firm specialising in agriculture), entitled "Coexistence of GM and non GM arable crops: the non GM context in the EU", claimed that these fears were exaggerated. They asserted that studies carried out in the Italian region of Puglia showed that growing some varieties of

transgenic tomatoes could desalinate the soil and so make it more fertile. Who should we believe? The AER favours a very cautious approach, and, though not at all opposed to the evolution of genetics, wonders whether lifting the moratorium is really the right decision. Given the fact that so many studies contradict each other, is it now reasonable to open the door to intensive, widespread cultivation of GMOs? If the views put forward by environmentalist bodies turn out to be correct, the survival of conventional farms is under threat and the environment as a whole could suffer irreversible change.

Unreliable information

The effects of GMOs on consumer health is another point of disagreement. The Commission correctly states that any product with a GMO content of over 0.9% must be labelled to this effect. The choice is then left up to the consumer. However, this statutory information does not apply to animal food, and therefore meat from animals fed on GMOs could enter the food chain without the public being aware of the fact. Greenpeace points out that the major French retailer Auchan has admitted that *"it is impossible to guarantee that all the meat products sold in its stores are derived from animals fed on a guaranteed GMO-free diet"*.

Contradictory health studies

No scientific consensus has yet been established on the health issues. Though the World Health Organisation has stated that transgenic products could increase the nutrient content of foodstuffs, make them less allergenic, and markedly improve the efficiency of food pro-



Natural or modified products? The consumer asks himself.

duction systems, some experts, including the Norwegian geneticist Terje Traavik, claim, for example, that people living near to transgenic maize fields could develop feverish symptoms, respiratory diseases, skin reactions, and experience the triggering of latent viruses and precancerous conditions.

The only thing we know for certain is that nothing is sure when it comes to GMOs. Are they a precious advance for humanity or a poisoned chalice? Nobody really knows. Perhaps that is why the Commission is so keen to impose its views on regions and citizens who, given the binding nature of Community legislation, seem to have no option other than civil disobedience to make their fears and views on this matter heard. <

Photo : Phovoir

A beginner's guide to GMOs

What is a GMO? A genetically modified organism whose genetic identity (DNA) has been altered not by reproduction and/or natural recombination, but by the introduction of a modified gene or a gene taken from another variety or another species.

When were the first GMO tests carried out? In 1986, a little more than forty years after DNA was discovered and the first genetic research was conducted. They took place in the UK and were designed to develop tobacco that was more resistant to herbicides. Other tests have since been carried out, but it is only since 1992 that they really took off.

Which are the main GMO-producing countries? The United States (63% of global production), Argentina (21%), the UK (6%) and Brazil (4%). In 2003 the total area throughout the world used to grow genetically modified crops was estimated at 67.7 million hectares.

Do we already come into contact with GMOs on a daily basis? 18 GMOs have already been authorised within the European Union: varieties of maize, rapeseed, soya, chicory, and vaccines. As for ingredients found in human or animal food, 15 GMOs can legally be sold in the EU and 22 others are currently awaiting registration.

How do genetically modified crops enter the EU? Under Directive 2001/18/EC which has created an authorisation procedure based on

a case-by-case evaluation of risks to human and animal health and to the environment.

A three-stage procedure

1/ Economic operators apply to a Member State for permission to introduce a GMO: the Member State has 90 days to reach a decision, acting through a competent national authority.

2/ If the operator's request is accepted, a copy of the dossier is sent to the European Commission which sends it to the other Member States. If no objection has been lodged within 105 days and the product is approved for sale, it can be put on the market throughout the Union without requiring the approval of the Regions.

3/ If the Member States are still in disagreement after the first 45 days, the European Food Safety Authority is tasked with expressing an opinion within 90 days. The final decision is then taken by the Commission.

Do the regions have no opportunity to oppose this decision?

Although this procedure is not open to real consultation, article 19§3C of the directive provides for certain geographical areas to be exempted from this measure by virtue of their status as "particular ecosystems" or "particular environments". Furthermore, article 23 allows a Member State to provisionally restrict or prohibit the use or sale of GMOs if it can justify its request to do so by scientific evidence not available when agreement was given.

“There is scant European legal basis to become a GMO free area”

COUNCILLOR BILL HOBMAN (GLOUCESTERSHIRE, UK), CHAIRMAN OF THE AER'S WORKING GROUP ON CAP REFORM AND RURAL COMMUNITY DEVELOPMENT ISSUES THROUGHOUT THE EU.

Photo : Gloucestershire



Councillor Bill Hobman,
Gloucestershire-UK

In the UK, a majority of people are opposed to GMOs. How do you therefore explain Britain's support for the development of GM cultures?

The British consumers are concerned about the development of GMOs in the open environment.

They are thinking principally about the food on the table, about additives, organics and the control of local production. The British Government is looking at the wider technical use of GM cultures in laboratories for the development of vaccines and other scientific purposes. Their dilemma is that if they oppose the first, they may close the doors to the second. They are anxious not to lose scientific research, the knowledge and the prosperity it brings, to other countries. The large companies are trading on this.

Would this mean that the only way for people to be heard is to preach civil disobedience?

No. To be fair, the Government did launch a major consultation last year and here in

Gloucestershire we did host a public debate and issue a formal response. There were also farm trials and a scientific review. What has been agreed to is GM herbicide-tolerant maize but only under tight conditions. Civil disobedience is part of a range of tools which could be used if the political process were not picking up wider concerns. As a local authority, it is not one that we would advocate. In any case, the consensus amongst the local authorities here in the South West shows analysis and argument is working.

Gloucestershire recently asked to be legally recognized as a GM-free area. How did you manage this process?

Since 1999, agreements for new tenants on the farms we own prohibit the growing of GM crops. Existing tenants are encouraged not to grow GM crops but we have no powers to prevent them. A resolution agreed by the full Council in January resolved to lobby the Secretary of State for Environment, Food and Rural Affairs about the issue. We adopted a GM-free policy for all goods and services for which we are responsible such as our main catering contracts, school meals, for instance.

We are also resolved to consider each GMO marketing consent as it comes forward and to

request of both the Secretary of State and the EC that a condition under Article 19§3C of 2001/18/EC be added to exempt Gloucestershire from the scope of such consent. However, at present there is scant legal basis to become a GMO free area other than by working within our own powers of competence.

What is now the next step in this dossier?

The next step for us is to urge the Government to lobby the EU further. This is to ensure that there are measures in place to guarantee that no GM crop production is sanctioned until there is concrete scientific evidence that there are benefits to the population, and no harmful side-effects; and further that such crops can safely co-exist with other varieties without potentially causing damaging cross-contamination. There is more scope for concerted action across the South West region which has the largest number of organic farms in the UK and where several local authorities have supported the idea of a GM ban as we have. It is planned to bring the debate to the South West Regional Assembly at the end of July in order to achieve a new joint resolution. This would give us a more powerful mandate to try and influence the EU. <

“Imposing GMO crops on the regions is against the principle of subsidiarity”

GERALD LONAUER, REPRESENTATIVE OF UPPER AUSTRIA TO THE EUROPEAN INSTITUTIONS IN BRUSSELS.

Photo : VBBOE



Gerald Lonauer,
Representative
of Upper Austria-A
to the EU

Upper Austria is currently at the forefront of a regional anti-GMO movement. Could we describe this as a task force defending the interests of organic and conventional farming?

More than a task force, I would say that we along with Tuscany were behind the setting up of a network of regions

worried about the implications of opening up the internal market to genetically modified substances. The group, founded on 4 November 2003, initially comprised Aquitaine, Limousin, the Spanish Basque Country, Marche, Salzburg, Upper Austria, Thrace-

Rodopi, Wales and Schleswig-Holstein. The Highland Council (Scotland), Drama Kavala – Xanthi (Greece) and Burgenland (Austria) have recently joined us.

What is the precise role of this growing network?

We act in three main areas: defining responsibilities in the event that conventional and organic products are contaminated by genetically modified crops, on the basis of the Community principle that the polluter pays and the precautionary principle; setting up measures aimed at stopping GMOs from contaminating seeds used in conventional and organic farming; and enabling regions to define all or part of their territory as a GMO-free zone or region without this decision being seen as contrary to the principle of the free circulation of goods.

This is clear opposition to transgenic crops. Is it not a little dogmatic?

Not at all. The fact is that at present we have two options. We could adopt a passive attitude, and then the regions would no longer be masters of their destiny in agricultural regulations. Or we could adopt a rather more proactive strategy, thinking about the real consequences of introducing GMO crops into Europe.

Yes, what would be the consequences of introducing GMO crops?

If we are to believe the Commission, the idea would be to have conventional and genetically modified crops growing side by side. But the most recent scientific studies show that “co-habitation” is not really possible in view of the proven risk of inter-field contamination.

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A worrying outlook...

Indeed, and that's not all. Let us take the example of a farmer whose "organic" crops have been contaminated. Not only would his obligations as an organic farmer mean that he could no longer sell his produce, he would also have to prove that the contamination was not his fault. Just think what this would cost, as he would have to commission and pay for expert reports to prove his innocence before the courts.

Would the creation of GMO-free regions be a realistic option?

Yes: Limousin and Aquitaine have already taken this step. How else can organic farming and high-quality products be protected from cross-contamination?

But such action seems contrary to the rules of the internal market...

That is indeed what the Commission claims. But I would put the question the other way round. Could we not also argue that imposing GMO crops on the regions is at present contrary to the principles of subsidiarity, prevention and precaution?

Given the disagreement between the Commission and the regions on this matter, are we not at an impasse?

No. There are things that can be done, though we want to concentrate on talking to the Agriculture Commissioner Franz Fischler and the Environment Commissioner Margot Wallström with a view to reaching agreement. At

the moment it is true that our main option is the Court of Justice of the European Communities. This is the reason why Upper Austria has taken the action, since the Commission claims that the region does not have the power to pass laws banning GMOs from its territory. But the interpretation of article 95§5 of the Treaty of the European Communities could not be clearer: as soon as a State is in a position to put forward new scientific data showing that the production and sale of GMOs is not without risk to health or the environment, extraordinary measures such as those taken by the region of Upper Austria do not in any way contravene the rules of free circulation of goods. Now the matter is before the Court in Luxembourg which will have to decide. <

Regional action on GMOs

RESISTANCE IS BEING ORGANISED THROUGHOUT EUROPE. AT THE FOREFRONT OF THIS MOVE, SEVERAL REGIONS WANT RECOGNITION OF THEIR GMO-FREE ZONE STATUS AND ARE CALLING FOR THE PRINCIPLE OF SUBSIDIARITY TO BE RESPECTED.



Photo : Andreas Fischer

The European citizens demonstrate their opposition to GMOs

In France ten regions have already undertaken to join with local authorities in fighting any presence of experimental or commercial GMO crops on their land. In Italy, several regional parliaments have passed laws banning crops containing GMOs throughout their territory, warning that any contravention of the law will lead to the farm in question being closed down and the immediate withdrawal of benefits such as regional aids and access to quality labels. The same trend is seen in the UK, where Gloucestershire, for example, has argued for its right to remain a GMO-free region (see *interview with B. Hobman*). At the same time, regional bodies are becoming organised at continental level: in November 2003, eleven European regions (Tuscany, Upper Austria, Aquitaine, the Basque country, Limousin, Marche, Thrace, Salzburg, Schleswig-Holstein and Wales) applied to the Union for permission to define all or part of

their territory as a GMO-free zone without this decision being regarded as a barrier to the free trade of goods. The aim was to protect traditional crops and to allow organic crops and products of designated origin, which consumers see as a guarantee of diversity and quality, to be produced without threat. However, several obstacles stand in the way of such undertakings, mainly thanks to the generalised and binding nature of European regulations. In France, local authorities and regions are not considered to have the legal power to declare themselves GMO-free. In Italy, the national government has just entered into a legal trial of strength with the regions, taking the view that regional parliaments do not have the power to prohibit the cultivation and sale of GMOs. Upper Austria is battling with the Commission at the Court of Justice in Luxembourg (see *interview with G. Lonauer*). These battles which the regions have taken up will be long and painful, and the outcome could be highly significant. Some take the view that if the Union permits GMO crops on its land, the long-term future of all conventional and organic farming is under threat since there is no guarantee that GMO seeds will not contaminate organic plants. This is why the AER has decided, following the conclusions of its Conference in Bari (May 2004), to launch a

campaign of information and prevention to help regions wanting to defend their interest to lobby effectively until such time as a satisfactory answer to the arguments for and against GMOs has been reached. <

All readers are encouraged to view the AER website (<http://www.a-e-r.org>) for current information.

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