

GMO-Free Europe

A Guide to Campaigning for GMO-free zones in Europe



www.gmofree-europe.org

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1. GMO-free Europe: An Introduction

Europe is at the crossroads: Will we still be able to choose what food we want to grow and eat or will 2004 be the year that sees the biotech industry succeed in flooding European markets with GMO food that nobody wants and that is potentially harmful to human health and the environment?

It is time to campaign for a GMO-free Europe!

More and more regions and local governments all over Europe have started to declare themselves GMO-free and through this grassroots approach national governments and the European Union will be forced to acknowledge the will of the European people who say “No to GMO”.

The aim of this guide is to help groups all over Europe to generate support for a GMO-free Europe, especially within their local or regional authority.

Why now?

The European Union is close to finalising a new set of laws that regulate genetically modified food, feed and crops. New regulations on the testing and marketing of GMOs are already in force and new traceability and labelling regulations come into force in April 2004. Guidelines on national laws on the coexistence of GM and non-GM crops have been published by the European Commission.

However, many regulatory issues are still unresolved. Several EU member states are still in the process of drafting legislation on co-existence, to avoid the unintended presence of GMOs in other products. The European Commission has proposed legislation that allows thresholds for GMOs in seeds. However, decision about these proposals by the Member States have been postponed several times as the Commission's proposals are highly controversial.

This legislation is generally too weak: e.g. it allows accidental GMO contamination to certain thresholds in food and animal feed, which could, in the long term, mean the end to GMO-free food production. In addition the EU Environmental Liability Directive is very weak and does not ensure that GMO farmers or GMO operators will be responsible to repair damage to the environment as a result of releases of GMOs.

Since 1998 there has been a *de facto* moratorium on GMO commercialisation in the EU. The justification for this was the need to strengthen existing legislation and introduce new laws on traceability and labelling, liability and coexistence. The *de facto* moratorium may be lifted during 2004. The European Commission and the EU member states are clearly acting under pressure to soften its policies on GMOs after the USA and its allies have filed a WTO legal case against the EU, arguing that the moratorium would pose “illegal trade barriers” to US imports. A further complaint from the USA and its allies could follow the introduction of the traceability and labelling regulations in April 2004.

This is why a GMO-free Europe campaign must be kick-started now, drawing a map of Europe determined to uphold its right to choose, saying “No to GMO”. Even without a moratorium the case for a GMO-free Europe remains very strong. Consumer resistance against GMOs is still very high and no major supermarket chain in Europe is prepared to put GMOs on the shelves. So if the

moratorium is lifted, this does not mean Europe will be flooded with GMOs. On top of that many farmers, local and regional authorities are reluctant to grow GMOs, since there is a lack of clarity about the liability for economic and environmental damage.

Why target Regions and Local governments?

A number of Governments and EU officials have indicated that they intent to go ahead with the commercialisation of GM crops, ignoring the will of their people (A Eurobarometer opinion poll published by the European Commission in December 2001 showed over 70% of Europeans do not want GM food).

On the other hand EU legislation allows “regional measures” to avoid GM contamination (see legal chapter below), giving regional and local governments tools to declare themselves GMO-free. A European wide grassroots movement of GMO-free regions will force the EU to rethink their policies and will make commercialisation impossible.

By campaigning locally we also get to areas where the biotechnology industry can't reach. So local and regional campaigning is crucial to ensure that we preserve a GM free agriculture and GMO-free food in Europe.

2. Campaigns for GMO free zones in Europe

Already regions and local areas in countries all over Europe have declared themselves GMO-free or are in the process of doing so.

European Network of GMO-free regions

Ten European regions have declared themselves 'the network of GMO-free regions' on 4th November 2003. Coordinated by Upper Austria and Tuscany, a document asserting the right of regions to forbid GMOs within their territories was signed by the agriculture ministers of ten regions:

- Upper Austria
- Tuscany
- Aquitaine
- Basque Country
- Limousin
- Marche
- Salzburg
- Schleswig-Holstein
- Thrace-Rodopi
- Wales

During their joint presentation in Brussels in November the regions also requested that the European Commission clearly specifies “the responsibilities, in case of contamination of products from the conventional and organic farming with genetically modified crops, on the basis of the polluter-pays principle.”

The regions are responding to the Commission Recommendation on measures that EU member states could take to ensure the co-existence of genetically modified (GM) with conventional and organic crops, which was published on 23 July (see also Biotech Mailout September 2003).

They state that the policy laid down in the Commission Recommendation could threaten high quality and organic production systems. According to the ten regions “the acceptance of a coexistence of GM and GM free organism as defined in the Commission Recommendation of 23 July 2003 could imply the fruitlessness of what has been made up to now by the public and private actors at the level of production system, regulation, and regional promotion.”

Since they feel that so far the Commission has failed to protect their interest, some regions have already made their own laws. During the meeting in Brussels several examples of such laws were presented by regional authorities. Agricultural minister Barbini from the Italian region Tuscany explained that his region has made a special law (see Appendix F) that bans GMOs. He stated that Tuscany does not believe in the coexistence concept given the small size of the enterprises in his region, that does not allow for the separation of GM and non GM crops. He appealed to all regions in Europe that have similar conditions to join Tuscany in order to preserve biodiversity.

The 10 regions announced that they want to broaden their coalition and get more regions to co-sign.

The full text of the Declaration of the European Network of GMO-free regions can be found in Appendix E.

GMO free areas

Following is an alphabetical country list of ongoing campaigns, including a short summary of the campaign and a contact person. Please be aware that this can only be an incomplete snapshot at the time of writing (March 2004). For more information see www.gmofree-europe.org

- **Albania**

Twenty-four NGOs are part of a coalition for a “GMO-free Albania”. They have sent a letter to the Albanian Parliament demanding a 5-year moratorium on GMOs (seeds, food aid and experimentations), working via the Socialist Parliamentary Group. Additionally a large number of scientists from different sectors of science and as well as students have also demanded the moratorium.

The parliament's commission of agriculture and food and the commission of environment have already voted in favour for a 5 years ban of GMOs.

So far there are no GMO crops being grown in Albania. Also there is no evidence for GMO food in the country.

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- **Austria**

The region of Upper Austria has passed a law making it a GMO-free zone. 5 other provincial parliaments (Salzburg, Tirol, Burgenland, Steiermark and Lower Austria) have also demanded their governments to declare their province GMO-free.

After the EU has vetoed the Upper Austrian law under article 95(5), the “environmental guarantee” clause, arguing that no new evidence for health or environmental risks was presented, the campaign has called for the Ministry of Agriculture not to back down and to create appropriate legislation for the protection organic agriculture. In the meantime the Upper Austrian government has filed a legal case against the Commission’s decision at the European Court of Justice.

However, the Upper Austrian bid to restrict the growing of GMOs is not lost. Instead of a blanket GMO ban, Upper Austria could consider two other possibilities:

- Under article 19 of Directive 2001/18/EC particular geographical areas or habitats/ecological zones can be excluded from GMO marketing consents, through legal conditions, on a case by case basis

- Restrict the growing of specific GM crops on the basis of the new co existence article in Directive 2001/18/EC that was adopted by the European Parliament in July.

(For more details see legal chapter)

The regions of Carinthia and Styria are part of the ALPE ADRIA Bio region (for details see Slovenia).

In October, the government of the province of Carinthia introduced a draft Biotechnology Precautionary Bill ("Gentechnik-Vorsorgegesetz") that could become a model for anti-biotech legislation across Europe. (A translation of the bill can be found in Appendix G) The period for filing an opinion on the part of the EU Commission (EC) expired last week, so the law might enter into force before the Carinthian local elections in March 2004.

In order to meet the EU criteria on "co-existence" rules, the Carinthians drafted a "more clever" bill than that of Upper Austria (that simply intended to outlaw biotech crops in their whole province). Besides stipulating the obligation to request authorization to plant biotech-containing crops, the bill enables farmers to create "GMO-free" zones on a voluntary basis. In addition, the bill introduces a biotech register to guarantee the traceability of biotech products. Strict implementation of the law could have the same effect as the prohibition of biotech crops. There is also an initiative for a GMO-free province by Tirol and Vienna, so that almost every province in Austria has now indicated that it wants to go GMO-free.

Carinthia and the province of Salzburg (that is preparing a similar draft bill) are part of the European network of regions seeking to restrict or outlaw agricultural biotechnology without breaching EU regulations.

There is also an initiative for a GMO-free province by Tirol and Vienna, so that almost every province in Austria has now indicated that it wants to go GMO-free.

Additionally Global 2000 (Friends of the Earth Austria) and Greenpeace Austria have initiated the campaign "Bürgermeister für ein gentechnikfreies Österreich" (Majors for GMO-free Austria): Majors are encouraged to sign a resolution, pledging their municipality not to grow or release GM-crops, as well as demanding from their regional- and national representatives to strive for a GMO-free Austria. Already more than 100 municipalities have signed the pledge so far.
<http://www.global2000.at/index2.htm?/pages/buergermeister.htm>

An English translation of the pledge can be found in the Appendix.

Austria upholds bans on the GM maize Bt 176, the GM maize Mon 810 as well as the GM maize T25 under Article 16 of EU Directive 90/220/EEC (known as the safeguard clause).

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- **Belgium**

VELT - the federation of ecological living and producing - launched its 'GMO-free communities' campaign in Belgium last year. It has been urging all 308 Flemish local governments to declare their territories GMO-free. So far 39 communities in the Flemish speaking part of Belgium have declared themselves GMO free..

(Find a list of them here: http://www.velt.be/DossierGGO/GGO_vrije_gemeenten.htm).

In the French speaking part of Belgium 81 communities have declared themselves GMO-free led by Nature Progrès Belgique. (Find a map of them here <http://www.natpro.be/commune.htm>).

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- **Bulgaria**

Experts from the Centre for Environmental Law Studies (CELS), the non-government organisation For the Land, the Agrolink company and the Bulgarian Academy of Sciences have called for the law on genetically modified organisms to ban the production and trade in such organisms in Bulgaria until the country joins the European Union.

The first reading of a bill on GM organisms took place in the Bulgarian Parliament in the middle of February 2004. But Alexander Kodjabashev of CELS declared that the draft law is too liberal and if its current version becomes law, it will damage the rights of growers of environmentally clean products in the country.

During the first hearing, activists from Environmental Association "ZaZemiata" (For the Earth) organized a symbolic protest, which will probably be the beginning of a large campaign aiming for a GMO moratorium in Bulgaria.

The coalition "Bulgaria: Zone Free of Genetically Modified Organisms" demands that the bill on GMOs, which is to be discussed at second reading in Parliament, should be rewritten according to European standards. They also seek to hold a wide public discussion on the issue.

The second hearing on the GMO law in the parliament is expected in April 2004.

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- **Croatia**

The Croatian Parliament has adopted several new laws regulating GMOs. These new laws, that in some aspects are stricter than EU law, are highly important since they can set a precedent for the making of GMO law in the Balkans and in others (non-EU) parts of Central and Eastern Europe, where currently regulation of GMOs is usually very weak or completely lacking. The new Croatian laws entered into force in spite of pressure by the US, who threatened Croatia in 2001 with WTO action if it went ahead with its restrictive policies on GMOs.

A new food law came into force in July 2003 requiring authorisation for all GM food and feed placed on the market. The Health Ministry has to keep a register of all GM foods marketed and the Agriculture Ministry has to maintain a register of all GM feed placed on the market. The Food Law also requires the labeling of GM food and feed. It provides no labeling threshold. Thresholds will be set up by by-laws issued by the Ministry of Agriculture.

The new Nature Protection Law agreed in September 2003 regulates the deliberate release of GMOs into the environment. It entered into force in late October. The new law bans the release of GMOs in protected areas and their buffer zones, in areas of organic farming and in areas that are of importance to ecotourism. The law also bans the deliberate release of GM seeds, except for areas specially designated by the Ministry of Agriculture and the Ministry of Environment and approved by the Government.

To date, in Croatia no permits have been granted for the deliberate release of GMOs - either for field trials, commercial cultivation or placing on the market; therefore effectively making the whole of Croatia a GMO-free zone.

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- **Cyprus**

In September 2003 Friends of the Earth Cyprus (working in coalition with the federation of ecological organisations in Cyprus) have called on the President as well as the Minister for Agriculture to declare a GMO-free Cyprus.

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- **Finland**

In Finland so far the councils of two municipalities (Hyvinkää and Loppi, both in Uusimaa-region, southern part of Finland) have banned the use of GMO's in public provisions (schools, day cares, nursing homes etc.)

The People's Biosafety Association is about to launch a GMO-free campaign (either as GMO-free Finland or using a regional approach) at the beginning of next year in alliance with other organisations (e.g. FOE Finland).

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- **France**

Two years ago the campaign “Pas d’OGM dans ma commune” (No GMO in my Community) was launched following an initiative of ATTAC 45, Mouvement Ecologiste Indépendant, Terre Sacrée, as well as various local collectives, mobilising against the contamination of the environment with GMOs. These collectives succeeded in obtaining GMO-free declarations of various levels (declarations of a GMO-free status, declarations of intent and others) of more than three hundred mayors of France.

This campaign has since gone nationwide and it is now supported by twelve Organisations: Les Amis de la Terre (Friends of the Earth France), Greenpeace, Agir pour l'Environnement, ATTAC, Coordination Nationale de Défense des Semences Fermières, Confédération paysanne, Fédération Nationale des producteurs de l'Agriculture Biologique, OGM Dangers, Coordination rurale, CNAFAL Fédération Nature et Progrès and France Nature Environment.

More than one thousand majors have since issued declarations of GMO-free status of their municipality.

Find a map of GMO-free municipalities here: www.infogm.org/article.php3?id_article=436

On the **regional level** three regions have issued declarations of a GMO-free status: Alps de Haute, Aquitaine and Limousin.

Limousin and Aquitaine have joined the “Network of GMO free regions” (see above).

France upholds a ban on the GM swede rape Topas19/2 as well as on the GM swede rape MS1/RF1 under Article 16 of EU Directive 90/220/EEC (known as the safeguard clause).

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- **Germany**

BUND first launched the campaign „Keine Gentechnik auf kommunalen Flächen/Keine Gentechnik auf Kirchenland” (No GM on communal land, no GM on church land) in 1999. The idea was that churches and communities are landowners; they lease land to farmers and can make contracts to oblige farmers not to grow GMOs. The contracts are much more than only a political signal and can act as inspiration for farmers and private land owners. Between 30 and 50 communities declared themselves GMO-free and nearly the whole protestant church has pledged not to grow GM on their land.

In May 2003 the campaign was re-launched as the potential end of the EU moratorium is looming.

Available for download are (in German):

- An introduction to the campaign
- A sample letter lobby letter aimed at the members of the local government’s assembly
- A sample motion for the local government’s assembly, including supporting arguments
- A sample press release
- A detailed briefing of arguments against biotechnology

(See http://www.bund.net/lab/reddot2/landwirtschaft_ernaehrung_2922.htm)

Initiatives

Action-Alliances with the aim of declaring GMO-free regions have been founded in the regions of Schleswig-Holstein, Mecklenburg-Vorpommern, Niedersachsen, Bremen und Hamburg, Sachsen-Anhalt, Thüringen, Hessen, Nordrhein-Westfalen, Baden-Württemberg, Oberrhein Bayern.

Zones of GMO-free agriculture

Organic and conventional farmers have signed agreements to form GMO-free zones in the regions of Warbel-Recknitz and Schorfheide-Chorin.

For more info see <http://vorort.bund.net/faire-nachbarschaft/>

Actions

One of Europe’s biggest farmer protests against genetically modified (GM) foods and crops took place on January 31 2004 in Munich, Germany. Over 80 tractors joined dozens of beekeepers and an estimated 5000 consumers to call for a Bavaria free of GM crops. The alliance of farming groups, beekeepers, consumer and church groups is seeking a new Bavarian law to guarantee GM free food production and to protect the countryside from GM pollution.

Germany upholds a restriction on the GM maize BT 176 under Article 16 of EU Directive 90/220/EEC (known as the safeguard clause).

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- **Georgia**

Georgia is currently elaborating the National Biosafety Legislation that is expected to be ready for April-May 2004. At the moment there is no regulation in place for GMOs introduction and distribution. FoE-Georgia together with other NGOs is very actively involved in this process and is advocating the idea of declaring the country GM-Free.

The Greens Movement of Georgia / FoE-Georgia was the initiator of discussions regarding this issue. As a result the coalition of interested NGOs was formed that also includes biofarming associations and several biofarmers. The coalition is trying to lead the process of law-drafting towards declaring Georgia GM-Free. The arguments for this are that Georgia is such a small country that it is impossible to grow GM and non-GM crops side by side without contamination.

Besides, Georgia can not produce huge amounts of agricultural products, thus it should be focused on production of high quality products. Based on these and other arguments the coalition is systematically declaring the need for making Georgia GM-Free.

Currently FoE-Georgia is conducting several activities to create basis for GM-Free country. These include:

- research on seed import in Georgia
- survey of food producers (black-white listing)
- awareness raising of farmers and food producers, as well as local governments
- legislative activities

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- **Greece**

A series of homegrown movements against GMOs has begun to take root in important agricultural regions around Greece:

From Rhodope in the North, Thessaly in the central mainland, Zakynthos Island in the west and Crete in the south, local authorities, environmental organizations and other civic groups are becoming increasingly vocal in their demands that their regions, and the whole of Greece, be declared GMO-free zones. The opposition is fueled by fears that the genetically engineered crops will compromise local ecosystems and interfere with efforts to develop organic products and local varieties.

These sentiments were echoed in the recent recommendation by the Greek National Bioethics Commission, which has proposed that Greece adopt a temporary moratorium on the cultivation of gm crops, concentrating instead on integrated and sustainable agricultural practices.

Local initiatives began just as the European Union seemed to be on the verge of loosening its de facto moratorium on the genetically modified crops.

Categorically opposed

In 2000 Greenpeace initiated a discussion on GMO-Free Zones with the newly formed National Bioethics Commission. DIO (Organic Certified Body) and Greenpeace asked the Government to support the idea to declare Greece GMO-free zone. Later in 2003 a local council vote on the Ionian island of Zakynthos - a producer of high-quality crops - asked the government to declare all of Greece a GMO-free zone. Shortly thereafter, anti-GMO sentiment spread to the Central Greek Department of Thessaly, a region whose fertile plains have earned it the nickname of breadbasket of Greece.

Here, in a broad and coordinated effort, more than fifty agricultural, environmental and civic groups have created the Panthessalian Network against GM crops, with the purpose of organizing information campaigns for both citizens and farmers and having Thessaly declared a GMO-free zone. They have also called on the rest of Greece to participate in creating a truly Panhellenic network against GM crops. Even before the creation of the Network, the prefectural council of Thessaly's Trikala prefecture had voted its desire to become a GM-free zone.

The prefecture of Rhodope has joined the European Network of GMO-free regions.

Simultaneously, Greenpeace Greece, proposed to all the Local Authorities in Greece to declare their counties GMO-Free zones. The Cretan prefecture was the first that started a discussion, and soon the municipal council voted to declare the area gm-free. The council hopes to open a dialogue with the island's other local authorities with the aim of extending the ban to the entire island. At the moment, twenty seven prefectures out of 54 have voted to declare the area gm-free and nine more are in the process of doing so.

The anti-GMO movement is growing rapidly in the country. Last research results showed that the 93% of Greeks do not want GMO-cultivation on their land nor GMO products on their plate.

Actions

On 30.11.03 a big demonstration took place right in the heart of agricultural production of Greece, Thessaly, where more than 40 groups of farmer Unions, Ecology groups and organizations demonstrated for declaring Thessaly a GMO-free zone.

Greece upholds a restriction on the GM swede rape Topas19/2 under Article 16 of EU Directive 90/220/EEC (known as the safeguard clause).

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- **Hungary**

Since 1999 a comprehensive law on GMOs has been in place in Hungary, complying with EU Directive 90/220.

Article 10 of Hungary's Gene Tech Act XXVII, allows for the creation of genetic protective zones, taking into account "flowering-biological features of the GM and the affected plant species, the environmental and climate relations, the other features of the GM and the affected plant species and environmental and nature protection."

ETK a non-governmental organisation along with other groups principally Greenpeace have been campaigning for GMO-Free Zones in Hungary.

They have been working in three directions:

1. Getting organic farming organisations in Western Hungary to join the trilateral BioAlpeAustria initiative (see Slovenia for details).
2. Working together with Hungarian environmental NGOs in the regions to get their regional councils to pass GE-free resolutions.
3. Checking the legal possibilities to pass local (municipal) decrees limiting the issue of GMOs.

At present Western Transdanubia is being targeted as a GMO-Free region, though Biokontroll are planning to send out declaration requests to all individual farmers they are in contact with.

Other organisations involved in GMO campaigning are;

Biokontroll Kht. - This is the organization which issues organic certificates.

Oko-regio Alapítvány (Eco-region Foundation)

Sokoro Alapítvány

The following website concerns GMO issues in Hungary, though does not deal specifically with GMO-Free Zones. www.zpok.hu/genmanipulacio

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- **Republic of Ireland**

In Ireland the GMO-free Ireland Network includes companies, NGOs and religious groups, and coordinates its strategy with Greenpeace International, Friends of the Earth Europe, and the European NGO Network on Genetic Engineering (for members and Information see <http://www.gmfreeireland.org/>).

GM-free Ireland's objectives are to (1) keep the whole island of Ireland GM-free, (2) help set up GM-free counties, national parks, farms and other local areas, and (3) support food companies, retailers, hotels, restaurants, schools, and landowners who want to stay GM-free.

They have issued a petition demanding the Irish Government to immediately declare the Republic of Ireland a GMO-free zone.

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- **Italy**

The Italian campaign "Comuni Antitransgenici" (GM-free municipalities) started in 1999. The campaign has joined the Italian Association of "Wine Cities" (Citta del Vino). This network of cities dedicated to wine production has approved a decision to declare all 400 members as "GM-free land". Thus at the end of 2003 more than 500 cities in Italy have taken a position against the use of GMOs in agriculture, including Rome, Milan, Turin, Brescia and Genoa. The combined area of those communities that have already signed a resolution against GMOs and those that recently have indicated to ban GMOs, nearly 80% of Italy's territory is declared GMO-free.

For a full list of GMO-free municipalities as well as GMO-regions in Italy and for more information about the campaign go to

http://www.rfb.it/comuni.liberi.ogm/comuni_aderenti/adesioni.htm#Comuni

GMO-free regions

On regional level 10 out of the 18 Italian regions have banned GM crops: Tuscany, Abruzzo, Basilicata, Campania, Puglia, Trentino Alto-Adige, Umbria, Molise, Friuli-Venezia Giulia, Lazio and Marche. These have been democratically taken decisions in regional parliaments and the case of Tuscany, the results has been ratified by the national government - the decision means that regional governments have been given the authority under Italian law to overturn decisions taken at EU level. The law passed by the Tuscany Regional Government can be seen in appendix F.

The region of Tuscany is part of the European network of GMO-free Regions .

The Italian provinces of Friuli-Venezia Giulia and Veneto are part of the trans-national GMO-free Bio-region ALPE ADRIA (see Slovenia for details).

GMO-free Coalition

In November 2003 the Italian GMO-free Coalition, consisting of more than 60 agricultural organisations, food processing and distribution industries, environmental and consumer associations, political representatives, organisations for international co-operation and workers' associations issued a statement demanding:

- 1) A public debate on GMOs.
- 2) The adoption of a regulation based on zero tolerance for conventional and organic seeds as well as on the principle of liability for those who cause genetic pollution.
- 3) The setting up of a control system on seeds, food and feed.
- 4) The creation of a public fund for the realisation of scientifically independent research projects

on the impact of GMOs in agriculture and food.

5) The adoption of rules to declare GMO-free zones at a local, provincial and regional level.

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- **Lithuania**

In Lithuania the Environmental information centre (EIC) has been working on the GMO issue since 1999. Their main activities in this field are active participation in national legislation drafting, public awareness raising campaigns and working with the media.

In 2002 EIC proposed the idea of GMO free zones in Lithuania during the International Conference on organic farming. The karst region of 194 000 ha in North Lithuania was one of the possible regions, as ground water isn't very deep in this area and sustainable agriculture and organic farming are promoted there extensively. The region also has the biggest concentration of organic farmers in Lithuania.

This year the campaign is set to expand even further including associations of organic farmers. The legal basis for GMO-free zones was included in the "Government's strategy on the usage of GMOs", which is not approved yet.

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- **Luxemburg**

In December 2003 the parliament of Luxemburg voted on a law to implement EU directive 2001/18. The law was strongly criticised by farmers' organisations and nature protection organisations as it does not provide any protection and anti-contamination measures in case of a commercialisation of GMOs authorised in other EU member states.

Due to the controversy surrounding the weak law the debate on coexistence and how to maintain Luxembourg GE-free is now high on the agenda. The agriculture organisations, the chamber of agriculture and the agriculture ministry are discussing a proposal for a new law.

There is unanimous agreement amongst the agricultural organisations to keep Luxemburg GM-free, and in order to achieve that in the mid-term, they are planning to set up a GM-free zone Luxemburg.

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- **Malta**

Alternattiva Demokratika, the Green party in Malta demands that Malta should become a GMO-free zone.

In December the Government has set up a Biosafety Co-ordinating Committee which should lead to the formulation of a national policy on the issue.
The Green Party spokesperson for the Environment and Rural Affairs Mark Causon said "In the light of this declaration AD is proposing that a GMO free zone should be declared around the Maltese islands with the sea as a natural buffer." AD recommends that the Bio-Safety Committee within Mepa's Environment Protection Directorate take every immediate measure to ensure that no genetically modified seeds are sown in Maltese soil on a case by case basis. "This can be legally done within the EU and such a policy was even recommended by Environment Commissioner Margot Walstrom", concluded Causon.

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- **The Netherlands**

The Netherlands In the Netherlands Milieudefensie is co-ordinating a campaign for local governments of municipalities as well as provinces to declare themselves GMO-free zones.

For more information go to <http://www.milieudefensie.nl/campagnes/voedsel/index.htm>

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- **Portugal**

In Portugal the Anti-GMO Platform, which brings together about half a dozen NGOs (Quercus, Biocoop, Agrobio, Geota, Cpada and Gaia) has so far approached 9 local governments about a declaration to stay GMO-free: Salvaterra de Magos, Palmela, Satao, Setubal, Sines, Arcos de Valdevez, Tavira, Montijo, Caminha. So far none of them have declined and two of them have expressed particular interest, but no declarations have been made yet.

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- **Russia**

An alliance of Russian scientists has requested President Putin to impose a temporary moratorium on genetically modified organisms (GMOs), Alexander Baranov, a research officer of the Institute of Development Biology of the Russian Academy of Sciences, announced at a press conference on December.

According to Baranov, the Grain Union of Russia has recently submitted to the government a bill that envisages legalization of GMOs in Russia. It is therefore necessary to develop and approve a bill on biological safety as soon as possible, and provide access to GMO-related information, the expert concluded.

- **Slovenia**

Umanotera started in 2001 to work on the campaign to establish the GMO-free Slovenia, publishing a research report making their case (see <http://www.anped.org/PDF/16geslovenia01.pdf>)

For that reason they have established a NGO coalition which now consists of 16 organisations and are ranging from environmental and consumers organisations to the Union of Slovenian organic farmer's associations (USOFA). The USOFA has started to work with other organic farmers associations in the region towards transboundary Bio-region ALPE ADRIA, covering the area of Slovenia, the Austrian provinces of Carinthia and Styria and the Italian provinces of Friuli-Venezia Giulia and Veneto.

In June 2003 a joint GMO-free statement was signed by the presidents of organic farmers associations from the five Alpine regions mentioned above. Agriculture ministers from Slovenia, Carinthia and Friuli-Venezia Guila were present at the ceremony and expressed their support for this initiative.

http://www.foeeurope.org/press/2003/GR_10_June_Transnational.htm

Although so far the Bio-region is not legally protected it could be the starting shot for the establishment of a transboundary GMO-free zone ALPE ADRIA.

In October 2004 the anti-GMO movement led by the organic farmers will organise the 8th Alpe Adria Eco Symposium, which will be held in Ljubljana between 28 -29th October.

Strategies and campaign tools in the campaign for GMO-free Slovenia:

A black and white list (GM and GM-free) of major food retailers

Two postcard campaigns, one focusing on the main retailer in Slovenia Mercator, and the other one on the general public.

A tour of Percy Schmeisser (a Canadian farmer, who's Canola fields were contaminated with Monsanto's Round-Up Ready Canola and who was subsequently sued by Monsanto, claiming that he must pay their Technology Fee) -

A telephone opinion poll of the public

Work with local media

A survey among extension services (which were 18 out of 20 against GM)

A study on coexistence

Targets in this campaign were mainly the government, particular the minister for the environment and the minister for agriculture, who were both supportive. The argument that worked best is the small size of the country and that the fragmented farmland in Slovenia would make it virtually impossible to ensure coexistence without contamination, particular with crops like maize on the market. The other decisive argument is that consumers generally reject GM. Umanotera has conducted a survey sent out to mayors in Slovenia, seeking information about their general attitude towards the GMOs, their knowledge and if they would be interesting in receiving more information and possibly publish it in their local newspaper. The idea of working at the local level is to identify local governments that would be interested in declaring their territory GMO-free.

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- **Spain**

In Spain, several regions have reacted to the authorization to commercially grow GM varieties granted by the central government since 1998.

The Parliament of Castilla la Mancha asked the central government to declare a moratorium on commercial GM crops until a risk assessment is done for crops and food that contain GMOs (May 2000).

In the Balears, the parliament expressed its worries for the introduction of GMOs and asked the central government not to authorize more GMOs until an international protocol guaranty their safety (February 2000).

In Andalucía, the regional Parliament adopted in June 2000 a 5 year moratorium on trials of GM corps and asked the central government to do the same for all Spain.

The Basque country has issued a five year blanket moratorium on GMOs. The Basque Government claims full powers on agricultural policy and thus that they can provisionally ban GMOs. The Basque country has also joined the European Network of GMO-free regions.

There are also initiatives in Cataluña where several organizations are asking for a GMO-free Cataluña. In particular an important catalan farmers union, Unio de Pagesos, have asked the regional government on 9th March to declare Cataluña GMO-free.

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- **Switzerland**

In Switzerland 3 Cantons so far have effectively banned the commercial release of GMOS:

- In the Canton Ticino a law has been included into agricultural canton laws banning the cultivation of GMOs.
- In Canton de Vaud and Jura the canton parliaments have proposed similar laws. In canton Appenzell cultivation of GMO is banned in woodland areas.

The Swiss referendum initiative managed to collect 120 000 signatures to demand a 5-year-moratorium on GM crops.

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- **UK**

Friends of the Earth England, Wales and Northern Ireland launched the GMO-free Britain campaign in October 2002 involving particularly their own local group network, but increasingly also other groups. The timing was crucial as the Government decision whether or not to allow GM crops to be commercially grown across the UK is expected soon.

A number of resources have been produced enabling groups to lobby their local government to declare themselves GMO-free, including campaign action guides, press material, in-depth briefings, as well as promotion material like posters, leaflets and stickers.

(see http://www.foe.co.uk/campaigns/real_food/resource/gm_free_britain/index.html)

An interactive map has been set up on the website

http://www.foe.co.uk/campaigns/real_food/press_for_change/email_la/index.shtml that enables people to

- a) check which areas have gone GMO-free
- b) find out which groups in their area exist that are campaigning for a GMO-free Britain
- c) email their local council asking them to support the campaign and become a GMO-free Area.

AT the end of 2003 106 local Friends of the Earth groups and 47 non-FOE groups were signed up to the campaign.

So far 22 areas in England have approved a GMO-free resolution during the campaign. Most of them have used the article 19 as a legal basis.

In November 2003 the British National Trust voted overwhelmingly at their AGM for the Trust to go GMO-free and to ban GM crops from being grown on Trust land. The Trust is the largest private owner of agricultural land in England, Wales and Northern Ireland, owning more than 600,000 acres of land, over 80% of which is farmed or depends upon farming for its management.

The Co-op also banned GM crops and foods from its entire business last month. The Co-op said no to growing GM crops on its own land, selling GM food under its own brand and investing bank customers' money in GM technology. The Co-op is Britain's biggest farmer (85,000 acres of land) and sells £5bn worth of food annually.

Triggered by the Welsh Assembly's imposition of an Environmental Prohibition Order the UK upholds a restriction on the GM maize T25 under Article 16 of EU Directive 90/220/EEC (known as the safeguard clause).

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Wales

The devolved nation of Wales has declared itself GMO-free. The Welsh Assembly has adopted a GM-free policy and has passed the first statutory separation distances in Europe on the GM maize T25, which automatically triggered Article 16 of EU Directive 90/220/EEC (known as the safeguard clause).

The success followed postcard actions, coalition building (e.g. with the farmers union and the women's institute), legal advice presented to the Assembly by FOE Cymru and pressure from local groups.

35 councils in Wales have approved a GMO-free resolutions.

http://www.foe.co.uk/cymru/english/campaigns/real_food/gm.html

Scotland

In Scotland the Highland Council's Land & Environment Select Committee has recommended the adoption of a revised Highland Council policy on Genetically Modified crops. This policy was homologated by the full session of the Council on 18th December 2003. The policy recommends that the Council:

- (a) take active steps to encourage the establishment of a GM-free zone in the Highlands
- (b) open discussions with the 10 European regions opposed to GM crops and who were appealing on this basis to the European Commission

(c) initiate discussion with the NFUS, SCF and other agencies, adjacent Local Authorities and the wider Highland community to seek their support for the Council's view; and
(d) call on SEERAD to introduce rules on co-existence that would ensure that organic and conventional farms would not be compromised by the presence of GM production, in the event that other parts of the UK became involved in such production
<http://www.gmfreescotland.net/>

In February 2004 the Welsh and Scottish executive blocked the go-ahead for the first GM crop in Britain, a strain of GM maize called Chardon LL or T25 and patented by Bayer. The Welsh executive has pointed out that UK regulations stipulate that a particular crop can be grown in one country only if the other two agree.

Northern Ireland

In Northern Ireland the Green Party and Sinn Fein have called for the Irish Isle to be declared a GM-free zone.

Sinn Fein agriculture spokesman Gerry McHugh said "Cross contamination of crops does not respect borders. The island of Ireland must remain GM-free ".

(See also GM-free Ireland)

3. Campaigning on what level?

First of all it is important to point out that the best campaign tactics will vary between countries. The powers given to regional and local governments are largely different from state to state and therefore the most effective targets for the campaigns vary. The level that you might choose for your campaign might also depend on the size of your organisation and whether you can rely on an active local groups network for campaigning.

This guide can only give advice on some possible routes that can be followed and show examples from ongoing campaigns in various countries in Europe.

Campaigns for GMO-free zones in Europe have been targeting authorities on different levels. There are four main approaches:

- National approach
- Regional approach
- Local approach
- Target big (mostly public) land owners

National:

It might be difficult to achieve immediate success with a campaign for a whole state to go GMO-free, particular for large EU countries. Nevertheless it is important to start to lobby on the national level for co-existence legislation that includes the possibility to install GM free zones. This will make the live of those regions that want to go GM free much easier.

Also a national approach might prove successful in smaller nations, nations that are not or not yet part of the EU and in devolved nations of a sub-state status (e.g. Wales, Scotland etc.).

This path is being followed in, amongst others, Wales, Slovenia, potentially Finland, Malta and Ireland.

Regional:

Regions have become an increasingly important power within the EU; particular since the Committee of the Regions was created by the Maastricht Treaty of 1991, as a representative assembly with the job of giving local and regional authorities a voice at the heart of the European Union. The Treaties oblige the Commission and Council to consult the Committee of the Regions whenever new proposals are made in areas which have repercussions at regional or local level. The Maastricht Treaty set out 5 such areas - economic and social cohesion, trans-European infrastructure networks, health, education and culture. The Amsterdam Treaty added another five areas to the list - employment policy, social policy, the environment, vocational training and transport - which now covers much of the scope of the EU's activity.

Especially in rural policy-making regional engagement in EU affairs has been seen to have a big impact.

Constitutional status and powers of regions differ from country to country, e.g. Belgian regions have full legislative and executive powers over important issues (including agricultural policy) and these cannot be overruled by the central government, even in the area of foreign policy, complicating intra-Belgian negotiations over EU policy positions. The European regions maintain permanent representatives in Brussels. Regions are generally closer to the public and easier to be swung by public opinion than states.

A “Network of GMO free regions” has been set up by ten European regions with the scope to broaden their coalition and get more regions to co-sign (see 2. Campaigns for GMO-free zones in Europe: European Network of GMO free regions).

All this makes regions ideal targets for a GMO-free zone campaign.

There has been much publicity of the case taken by Upper Austria to be declared a GMO-free zone, which was rejected by the European Commission on 2 September 2003. Upper Austria’s failed bid was for a blanket ban of GMOs, using Article 95(5) of the EU Treaty. Under this Article, Upper Austria applied to be exempted from all European GMO legislation.

However, the Upper Austrian bid to restrict the growing of GMO’s is not lost. Instead of a blanket GM ban, Upper Austria could consider two other possibilities:

- Under article 19 of Directive 2001/18/EC particular geographical areas or habitats/ecological zones can be excluded from GM marketing consents, through legal conditions, on a case by case basis
- Restrict the growing of specific GM crops on the basis of the new co existence article in Directive 2001/18/EC that was adopted by the European Parliament in July.

(For more details see chapter on legal tools)

The regional focus is used in, amongst others, Austria, Slovakia, Italy, Spain and Switzerland (though not part of EU).

Local:

Again the powers of local governments vary from country to country, but there are a number of powers local governments in general mostly have e.g. in tenant agreements and provisions. Also Article 19 might be used by local governments to protect their area (see legal chapter).

Local governments are even closer to the concerns of their citizens than regions and they are ideal campaign targets.

More on why and how to target local governments can be found from chapter 5 onwards.

Local campaigns are up and running in Belgium, Finland, France, Germany, Italy, Portugal, UK, Austria and potentially Slovenia.

Big land owners:

Big (public) land owners like (national) Churches, Co-operatives, National Trusts, National Parks etc. can also be well worth targeting. These are often sympathetic towards a GMO-free status. Big landowners like these going GMO-free act as much more than only a political signal and can act as inspiration for farmers and private land owners. Their decisions also often affect large areas that are under their control directly (e.g. British National Trust, who voted to go GMO-free, is the largest private owner of agricultural land in England, Wales and Northern Ireland, owning more than 600,000 acres of land). If landowners rent land to tenant farmers the enforcement of a GMO-free policy may be more difficult because tenancy agreements are legally binding documents which would have to be amended by mutual consent of the tenant and landowner and legal fees would be involved. Some land owners might wish to avoid costs but could instead inform the sitting tenant of their GMO-free policy.

Big landowners are targeted, among others, in Germany and the UK.

These different campaigning levels are by no means exclusive of each other. In fact in many countries campaigns are running on different levels simultaneously, mutually bolstering their effect.

4. Legal tools

1. Article 19

Friends of the Earth England Wales and Northern Ireland have been looking closely with their legal team at the meaning of Art. 19(3)(c) of the new Deliberate Release Directive (2001/18/EC) to see how it can be used by local governments to protect their areas from GM crops. They have published following legal advice:

Local Governments can use Art. 19(3)(c) to ask their Government to seek a ‘*geographical area*’ exemption for their area. Importantly, Art. 19(3)(c) can not be used to gain blanket protection against all future GM crops but must be used on a case by case basis each time that an application for marketing consent is made to the Commission. However, that does not stop local governments agreeing that in future the authority will examine each Part C consent in question and will consider asking the Secretary of State to seek protection for their particular area against any proposed marketing consent for that crop (one suggested form of wording is set out at the end of this letter). In addition to asking the Secretary of State to intervene on behalf of your local government we think that the local government should also write directly to the Commission about each prospective Part C Consent during the 30 day comment period set out in Art. 24 making the same points that they would make to the Secretary of State (see below). The Commission then has a legal duty to circulate those comments to the relevant authorities in every member state. In this way you guarantee that your argument actually reaches the decision makers at the Commission level and those in all other member states.

What is the law?

The Directive sets out a very detailed application route for a Part C (marketing) Consent. Each type of GM Crop needs its own Part C Consent. A Part C Consent application can be made either to the Secretary of State in this Country or to any other EU Member State. Regardless of whether the initial application is made in the UK, our Secretary of State always has the opportunity either to object to the Consent being granted (although she cannot actually stop it on her own), or to argue that if the Consent is granted, it should only be granted subject to certain conditions being imposed.

One type of condition relates to the *geographical area* where the GM Crop can be grown.

Art. 19 contains the key provisions. Art. 19(1) of the Directive provides that a GMO can only be used “*so far as the ... environments and/or geographical areas stipulated in these conditions are strictly adhered to.*”

Art. 19(3)(c) requires that any Part C consent must “[*in all cases, explicitly specify*] ...conditions for the protection of particular ecosystems/environments and/or geographical areas.”

FOE EWNI think that Art. 19(3)(c) clearly allows a condition to be imposed on any Part C consent that the particular crop in question must not be grown in a specific ‘*geographical area*’.

How to back up your case

The argument for seeking a ‘geographical area’ exemption for your area is likely to be even stronger (and therefore more persuasive to your local government) where the reasons for seeking the exemption are environment/human health related and especially where they reflect the specific character or concerns of your area.

Some examples of the types of specifically local concerns might include:

- The amount of land under organic management
- The number and size of designated wildlife habitats
- The number of bee keepers
- The presence of wild relatives of GM crops
- The number of food businesses engaged in local and added value food production
- The terms of any local sustainability or community plans and the objectives of any local biodiversity action plan
- The numbers of farmers who produce their own farm-saved seeds
- Any Sites of Special Scientific Interest or other specially protected areas
- The value of the area’s natural environment and organic agriculture to the local tourist industry
- presence of rare species in any habitat
- number and length of which quality water courses
- extent use of ground water

You will see that some of the above are clearly ‘environmental/human health’ based (e.g. wild relatives, SSSIs, rare species etc), some are clearly not in that category (e.g. tourist industry) and some may or may not fall clearly within the ‘environmental/human health’ depending on how they are phrased (e.g. number of bee keepers, land under organic management etc).

If you would like more details about how to use article 19 to keep your area GMO-free see http://www.foe.co.uk/resource/reports/keeping_area_gm_free.pdf

2. Coexistence legislation

Another possibility that could be used to establish GMO-free zones is the European legislation on co-existence between genetically modified, conventional and organic crops. Co-existence is the term being used to describe the growing of genetically modified (GM) and non-GM crops together.

In July 2003 the European Commission released a Recommendation¹ on coexistence. In this Recommendation the Commission states that as a general principle “operators (farmers) who introduce a new production type in a region should bear the responsibility of implementing the farm management measures necessary to limit gene flow.” (point 2.1.7) Since currently in the EU – except for some regions in Spain - no commercial growing of GM crops takes place, this means in practice that GM operators are responsible to avoid the presence of GMOs in other products. The Recommendation also mentions that “measures of a regional dimension could be considered” (point 2.1.5). This opens the door for those Member States, provinces and regions throughout Europe that

¹ Commission Recommendation on co-existence, C (2003) 2624

want to declare themselves a GMO-free zone. However, according to the Commission, regional measures should apply only to specific crops whose cultivation would be incompatible with ensuring co-existence, and their geographical scale should be as limited as possible.

It is important to note that the Recommendation by the Commission is not legally binding. It is up to the Member States to initiate legislation to protect non GM farmers and non GM operators against the unwanted presence of GMOs in their products and to ensure the availability of GMO-free supply, necessary to provide freedom of choice for consumers.

The EU member states are allowed to do so on the basis of article 26a of Directive 2001/18 that was adopted by the European Parliament in July 2003. The article reads as follows: “ Member States may take appropriate measures to avoid the unintended presence of GMOs in other products”. These measures could include declaring areas as a GMO-free zone, as long as this is justified on a crop-to-crop basis (see Commission’s Recommendation in the paragraph above).

So for campaigners that work on GMO-free zones it is important to get national co-existence legislation adopted and to make sure that this legislation contains the possibility to establish GMO-free zones. Currently in several EU member states (e.g. Denmark, The Netherlands) co-existence legislation is already on the political agenda and it is expected that other member states will follow soon.

3. Model laws

In the Appendices you can find

Appendix E) Regional Law of the Italian region of Tuscany declaring themselves GMO-free.

Appendix F) Biotechnology Precautionary Bill of the Austrian region of Carinthian

Note: The following chapters provide advice on how to lobby your local Government to go GMO-free, drawn from FOE EWNI's briefing "Campaigning with Local Authorities: A Starter Pack". Some of this information might be more relevant than others to your campaign, depending on your target and your national situation. As pointed out before this guide can only provide you with some tips and starting points; you will have to adapt strategies to your situation.

5. Local Governments: relevance and power

Relevance to local governments

There are many areas of local government services and policy that may be affected, for example:

Education: Provision of school meals

Social Services: Provision of meals

Food Policy: Local/regional government may have a food policy which promotes healthy eating and locally grown and organic food.

Farm Policy: Use of authority farmland by tenant farmers.

Nature Conservation: Some authorities will be involved in nature conservation and may have drawn up Biodiversity Action Plans which could be threatened by GM crops.

Parks and Estates: The choice of plants in parks and gardens

Local Economy: Farmers' markets, organic farmers and wholefood retailers specialising in locally grown produce will be undermined if their products are seen to be contaminated by GM crops.

Tourism: May be affected if the countryside is seen to be full of GM crops, especially if competing areas aren't.

Waste disposal: GM material from experimental trials could be transported to local authority approved landfill sites.

Local Agenda 21/ Sustainability Strategy: All authorities are obliged to have drawn up LA21 or sustainability strategies which will include evaluating their performance against criteria such as: improving the local economy, conserving and enhancing biodiversity and protecting the countryside.

Urban or rural?

Not all issues will be pertinent to all authorities, it will depend on which services they are responsible for providing and in particular whether they are based in urban or rural areas. Naturally, a rural authority will be particularly interested in the potential impact on farming and is more likely to be concerned about impacts on the local economy, tourism and nature conservation.

Groups in urban areas may find it harder work to get the local/regional government to see the value of declaring themselves GMO-free. However, it is still important to get a debate going, focusing on service provision, the moral issue of consumer choice and unclear liability. Also, some urban authorities own rural land outside of their administrative boundaries — it's worth asking just in case.

What powers do local governments have to act?

The powers of local governments vary from country to country and it is difficult to give general advice, but the following list is meant to give you an idea what powers local governments may have and how they can use them to keep their area GMO-free.

Service provision

Local governments often have the power to decide what food is used in providing services such as school meals and social services.

If there is a local government GMO-free catering policy already, they are practically half-way there. Such a policy recognises that people don't want GM products, so surely the local/regional government should go all the way and declare themselves a GMO-free area!

Tenancy agreements

In many European countries Local governments and other landlords may include a clause prohibiting the growing of GM-crops in any new tenancy agreements but cannot alter current agreements they have with their tenants. Some existing tenancy agreements may already have clauses which require the local government's or landlord's permission before certain activities can take place on the land. These could cover some aspects of growing GM crops. However, where no clause exists the local government/landlord cannot force the tenant to comply but can merely write to them informing them of their policy on GM crops and encouraging them to follow. A local government wishing to exclude GM crops from its land should inform all tenants in writing as soon as it agrees the new policy, not just when tenancy agreements come up for renewal.

EU Directive

Friends of the Earth considers that GMO-free areas can be provided with legal protection under new EU legislation on GM crops. Article 19 of the EU Deliberate Release Directive (2001/18) specifically mentions the protection of 'geographical areas'. Friends of the Earth suggests that local governments write to their Government asking to use this provision to protect self-declared GMO-free areas against future releases of GM crops and foods. (For more information see the chapter 4 on legal tools)

How to persuade them?

In most areas a sustained campaign will be required, and will involve getting local business and organisations on-side, encouraging the public to show its support and generating media coverage, as well as directly engaging with the political decision makers.

Exactly what you do will vary widely according to your own local situation. There is no right or wrong way to go about things.

6. Messages

Here are a number of arguments you can use to persuade your local government why they should go GMO-free:

Local governments

Local governments will have to devote increased resources to food monitoring and food safety, such as the enforcement of labelling, monitoring for contamination with unapproved GM material and action in the event of contamination or the withdrawal of an approved GM food.

The local government may be liable if problems arise, such as GM weeds appearing on land for which the authority is responsible. Responsibility for the clean-up of GM pollution remains unclear, so it may fall to the local government.

GM material from experimental trials could be transported to local government-approved landfill sites. This is already a means of disposing of material from the farm-scale trials of GM crops.

Farmers

Farmers adjacent to GM crops may experience problems with GM contamination and so could have difficulty in selling their produce as non-GM or organic. GM farmers could lower the value of land and could be liable for problems such as GM weeds.

Non-GM farmers will face increased costs or may be unable to grow particular crops, such as maize or oilseed rape.

Livestock farmers may find it increasingly difficult and costly to meet consumer and retail demands that their animals are not fed GM feed. Farmers may find it increasingly difficult to source certified non-GM seed. Because of contamination, farmers may find it hard to sell crops grown from farm-saved seed.

Food businesses

Local contamination, or a GM pollution incident, could harm the reputation of locally produced or processed food.

It will become increasingly difficult to find non-GM suppliers, and the cost of non-GM products could rise. There is no specific liability regime for GM foods but, because strict product liability laws apply to foods, companies may find themselves liable for harm caused by GM foods that they have produced or supplied. Smaller companies would find it difficult to take legal action against the huge biotech companies that hold GMO marketing consents with strict liability applying to these biotech companies and their directors.

Public

GM crops could be grown nearby, whether the public wants them or not. People could find that they are liable for problems, such as GM weeds, appearing on private land.

It will become increasingly difficult and possibly costly to choose non-GM foods.

7. Top tips for running your campaign

Remember you don't have to be an expert

It is important to be clear about why you are calling on your area/region to declare itself GMO-free but your politicians will not expect you to be an expert on the issues or on the workings of the local/regional Government. You are acting as a concerned citizen.

Find out what else is going on in your area

Are any other groups in your area working on GM already? Could you team up? To find out if other groups are working on the GMO-free Europe campaign, check with your national group.

Divide up responsibilities

This is not a campaign for one person! Perhaps someone in your group has contacts in the local business community and is keen to build links there while another begins working with your LA. Another of you may want to take on the role of media contact and another the organising of events such as the campaign launch. Just make sure everyone's clear about who's doing what.

Make a plan

Once you've found out about your local government, you'll have more idea about the best way to approach it and which of the actions outlined in this pack might be best taken and when. Map out some goals to work towards.

Meet regularly

Feedback on developments, revise your plans, share new ideas, and set further action points at a regular meeting. Perhaps you could set aside part of your usual group meeting for GMO-free Europe?

Keep a record of support

If businesses, organisations or celebrities declare their support, share this at your meetings and keep a record in one place so all of your group know who's already on board. This record will be invaluable when talking to your politicians and the media.

Be positive

Environmental campaigners are often seen as being against everything. It's really important to propose positive alternatives, for example healthy food, organic food, local food production for local consumption, and support for the local economy. All of these provide economic, social and environmental benefits.

Remember that winning is not everything

Although getting your area to go GMO-free is desirable, a local government that's reluctant to act won't invalidate the whole of your campaign. It's most important to raise the issue and increase awareness, generate vocal support within your community and maintain the debate.

8. Staging a public launch

To get your campaign up and running, so it sticks in the mind of a key member of your local/regional government, launch it with a publicity stunt. It will also give you the chance to tell your local media, and all those that read or listen to it, that the GMO-free campaign in your region has begun!

It doesn't matter if you don't yet know everything you want to about your local local/regional government, that can come later.

The food theme

Actions that use any sort of food that is either a regional speciality or locally produced will help to bring home to your audience what's at stake if your area doesn't remain GMO-free. We can choose GMO-free food at the moment, but if GM crops are grown commercially, our right to choose would soon disappear.

- Do you live in a region famous for certain foods?
- Do you live in an area where lots of organic food production takes place?

Food note! Avoid selling food on the high street as there are very strict regulations about this. Also, be clear if any foods contain nuts, as some people are fatally allergic to them.

Some ideas

We know you'll have loads of ideas for your actions, but here are a couple to get started with.

Hamper presentation

Invite a member of your local/regional government to publicly accept a hamper of GMO-free, locally produced food, to show support for the right to choose GMO-free food. If you're short on locally farmed or processed produce, consider presenting home-made cakes or jams. Label up the foods with GMO-free stickers.

The Mayor or Leader of your local/regional government would be the ideal target, but a friendly politician should draw publicity too. The presentation will be non-confrontational so even if they do not want to make any statement of support at this stage, they may well be happy to be seen to be listening to your arguments by taking part.

GMO-free banquet or picnic or reception for local politicians

Set up a table or picnic blanket with local food and the "GMO-free" visuals. Again, the key aim is to get a politician and the local media to attend. You'll need three or more group members to help set up and take part.

Most local/regional government meetings take place in the evening so it will be difficult to do the stunt to coincide with one. If it's practical for your group, you could do the action during a week day outside the administrations offices, when they are full of employees. Seek permission to set up your stunt.

This could also work as a Saturday action. You may be able to get the Mayor or a politician to attend for 30 minutes or so but, if you can't, an unusual, visual action may well achieve media coverage without them. If the Town Hall area is quiet on a Saturday, seek permission to stage the action in a busier part of town.

Getting your stunt into the media

(A draft press release is in the Appendix and there are more tips on getting media attention in section 11.)

Send out your first press release to the media a week in advance of the action. If your paper or radio station has an environment correspondent, they're the obvious target. Otherwise contact the newsdesk.

Follow this press release up with a phone call a day later to explain why it is a good story to cover and tell them about your photo stunt. Find out who deals with arranging for photographers, it may be the reporters themselves or the picture desk of the paper.

If the local newspaper photographers do not turn up, send in your own pictures with your follow-up press release (simply modify the original release). Find out beforehand who to send the pictures to so that they get to the right people in the newspaper office. Send in one close up shot and one of the whole action. Fill the camera frame with your image and make sure the picture conveys your message.

Take photos whether or not a photographer turns up. They'll be useful for your group publicity work and may be suitable for featuring in your organisation's publications or on the website.

If someone has agreed to cover the story and a photographer turns up, give them a call after the event to check they have all the information they need.

9. Lobbying your local/regional government

The way local/regional governments operate differs immensely and this is by no means an exhaustive guide on how to work with them. Rather it is a collection of questions to ask and hints and ideas from which you can pick and choose, depending on your own circumstances.

Research

A crucial first step is to become familiar with the political and administrative structure of your local government. It will inform your campaign strategy and help you to identify who you need to target. Don't be frightened to contact the enquiry service directly and ask questions. They are there to serve the public and may well be individually sympathetic and supportive of your campaign. In many countries local governments have their own web sites.

From the web or enquiry service you'll also be able to find contact details for individual politicians.

The answer to the following questions will help inform your campaign strategy:

- Does our local/regional government support organic farming or have targets for organic farming (which would be threatened by the commercialisation of GM)?
- What are their current policies on GM/
- Do they own or manage land ?
- Do they purchase food for their services, eg schools?
- What is the political balance of our local/regional government?
 - Is it dominated by one party, or is it split between more than one?
 - Is it politically aligned or opposed to your central government?
- How is your authority structured?
 - Is there an elected mayor?

- Is there a cabinet or a committee system?
- Who are the key politicians and officer you need to influence?
- Where are the most relevant areas in the political structure?
 - Is there a cabinet member or committee with responsibility for the environment, schools, social services, LA21, sustainability or any other areas of interest?
 - Where are the most relevant areas in the administrative structure?
 - Remember that administrative officers, like civil servants, often have a lot of influence, act as advisers and are worth educating and getting on side. Target influential officers with a relevant remit.
- When are the local/regional government meetings held that will be relevant for the decision to go GMO-free?
 - Are these open to the public?
 - Are other public meetings held by the local/regional government which we could attend?
- Are resolutions/motions a good way of raising issues within your local/regional government? A sympathetic politician may be able to advise on this one.
- Are there any elections coming up?

Finding allies

The key to running a campaign is finding a sympathetic politician (or two!). With a politician on your side you will find it far easier to progress your campaign. They will also be invaluable at the early stages when you need to find out how your local/regional government operates.

- Talk to your own local ward politicians. If they support your campaign they could be an invaluable ally. You could ask their advice on attending local/regional government meetings or getting a resolution passed.
- Does anyone in your group already know any friendly or sympathetic politicians who may support the campaign?
- Does anyone in your group work in the local/regional government offices? Do they know of potential allies among local/regional government officers?
- Are there any politicians of a “green” party (or one sympathetic towards “green” issues?)

Top tips: how to get politicians on your side and keep them there!

- Be friendly
- Treat them with respect
- Show them you are not a crank and that you are worth listening to
- Present them with the facts
- Be reasonable but firm
- Demonstrate that it is in their interest to support your campaign.

It’s worth bearing in mind that no matter how friendly and sympathetic your politician is, it’s very likely they’ll need constant encouragement from you to take the matter forward – be prepared! Remember, contacts you make now will be useful in future campaigns.

Mailing politicians and officers

Even if you find one or two friendly politicians to work with, it’s worth mailing others, especially those who have a decision-making role in a relevant area such as the environment or social services.

- As a group you could send a special letter to the local/regional government leader and those politicians with key decision making powers (a sample letter is included in the Appendix).

- Send a similar letter to key local/regional government officers who are responsible for advising on relevant issues.
- As individuals, your group members could send their own ward politicians a short letter explaining the campaign and asking them to show support within the local/regional government. If you're writing to a politician with a specific remit (eg for social services) focus on how the campaign is specifically relevant to them. Make sure it's clear who they should contact to follow-up with if they're concerned.

Email

If you have access to email, it's worth sending one to your politician a week or two later checking they got your letter. It's quick, direct and will help draw attention to your letter in their tray of correspondence.

But: Some politicians don't like mass emails so use this sensitively when asking people to lobby particular people.

Local/regional government meetings: questions and statements

Raising GM in a public forum where there are a number of politicians is an effective way to generate momentum for your campaign.

Here are some general guidelines for asking a question or making a statement at a meeting of the full local/regional government, but telephone your local government to find out more about their procedures, or chat to a friendly politician.

Ask a question at a local/regional government meeting

Some authorities allow members of the public to ask a question of a specific politician at the full local/regional government meeting. This is a great opportunity to get an issue on the political agenda. You could for instance ask the politician responsible for Education:

“Will the local/regional government guarantee that every effort is made to ensure that meals provided to pupils in the authority's schools are free of genetically modified organisms.”

It is important that questions are to the point, make clear how the issue affects the duty of the authority, and where possible do not allow vague and evasive answers. This is particularly important as you will not get the opportunity to reply or to ask a supplementary question. Questions usually need to be submitted in writing one week in advance. It is well worth sending the question to local media beforehand as they usually attend full local/regional government meetings and may well be interested in the potential story. Encourage fellow GMO-free Britain supporters to attend to clap or cheer the question.

Get a sympathetic politician to ask a question

The advantage of a politician asking a question is that they may get the opportunity to ask a supplementary question. Be aware of political sensitivity, if the question comes from an opposition politician it may well be treated with suspicion and answered in a defensive manner.

Make a statement

If you or a politician is not able to ask a question, enquire about making a statement. Make sure your statement shows clearly how GM is relevant to local governments and why it is in their interests to go GMO-free. If your statement is well-received politicians may suggest you table a resolution or follow the matter up in a different way.

Take advice from a friendly politician on how long the statement should be. Keep it short by focusing on the key arguments that affect the local/regional government directly and introduce yourself with a friendly 'hello' before you start.

Making a presentation and meeting individuals

If a group of politicians with a relevant remit is interested in hearing more, you could offer to make a presentation at one of their issue-specific committee meetings. You could also ask to meet with the executive cabinet members for the relevant policy area or even the local/regional government leader or mayor in person.

Similarly you could also arrange to talk to key local/regional government officers.

Getting your local/regional government to pass a resolution.

At some point in the campaign you may need to make a judgement about whether or not to proceed with trying to get the resolution passed by local/regional government. (You'll find a draft resolution in the Appendix.)

In some local/regional governments resolutions are the most effective way to raise an issue. In others this system is largely irrelevant. Find out what the case is in your local/regional government (from someone who's on your side!), then find out what the procedure is.

You need to assess whether the resolution has sufficient political backing, particularly from the ruling party group, to get through unscathed. The least desirable outcome is that the local/regional government amends the resolution to the extent that it has no substance, yet they still claim to support the campaign.

A resolution can only be submitted by a politician, and the more political support it has, especially from the ruling party, the better chance it has of passing through unscathed. If you can persuade the leader of the local/regional government or the executive politician with the relevant portfolio to propose the resolution your chances of success are excellent. But once the motion is tabled you should still lobby politicians to get them to vote for it, demonstrating support amongst other local organisations and individuals.

Even if you don't think that the resolution has a chance of getting through you may still wish to ask that it be submitted as it puts the local/regional government's refusal to support the campaign in the public domain. This is a judgement you will need to make together with the politician who has agreed to submit it on your behalf. Be aware that once a resolution is defeated there may be a minimum time period that must elapse before it can be resubmitted.

The local/regional government may be reluctant to pass the whole resolution. If you anticipate that may be the case you could consider splitting the resolution into single issues and deal with them one at a time.

Getting politicians to write to government

If the local/regional government as a whole refuses to support the campaign, ask individual politicians to express their support for your demands to the government minister who is responsible for GM issues. (This could be the minister for Agriculture or for the Environment. Best check with your national organisation if you are not sure).

You could make it easy for them by offering to draft the letter. A very keen politician may be prepared to search out other politicians who are willing to be co-signatories of the letter. The higher up they are in the Local/regional government, the more weight their letter will carry. The Government will also be more interested in what politicians of their own party have to say than any others.

10. Building support

As you approach your local/regional government directly, it will help your campaign enormously if you're also drumming up support amongst local businesses, organisations and celebrities. If your first approaches to the local/regional government fall on deaf ears, more of your time will need to be focused on developing and demonstrating this support.

As well as being vital to progressing your campaign, you'll be generating a ground swell of support for a GMO-free Europe that can be drawn upon to influence the European debate on GM over the next year.

Local businesses

Here are some suggestions of local businesses or business groups you could approach for support:

- Cafes and restaurants
- Independent food stores
- Organic retailers or organic box schemes
- Farmers and beekeepers
- Farmers co-op schemes
- Local Food marketing schemes
- Regional branding schemes
- Guest houses and hotels
- Associations of local traders
- Chamber of commerce

Organisations

Try to find out whether there are any other groups that oppose GM near you. Contact your national organisation to find out whether they are aware of any groups in your area.

In general, groups with a broader remit and without their own specific campaign agenda are more likely to lend support to your campaign. In the first instance you could try approaching:

- Women's groups
- Farming organisations
- Wildlife Trusts
- Greenpeace and other environmental groups
- Local church and community groups
- Residents' associations.

Making contact and keeping in touch

Some tips:

- To start with, list 5-10 local businesses and/or organisations that will be warm to this campaign and are relevant to target. Decide who will approach them. Work on these. Once you've given it your best shot and hopefully have a few on board, others are more likely to be supportive. Maybe the ones who've joined you will offer to help persuade others?
- Begin by sending a short, personalised letter. Stick to a handful of arguments that will interest them in particular - what impact could GM have on them, why is it in their interests to support this campaign and why now?
- Be clear on what you'd like them to do. Prepare three levels of action (see box below). If they do just one thing, what should it be? If they have more time and are interested, what else could they do? In your first approach, ask them just for their support. Once this is achieved, you could broach the idea of further actions.

- Follow up your first letter with a telephone call or visit a week or so later.
- If they are unsure, busy or would like more information, offer to arrange a time for a short informal chat. Be encouraging but keep your communications light and friendly - if they're determined not to get involved, be polite and leave them your contact details so they know they are welcome to get in touch if they change their minds.
- Try and maintain the same contact person for each group or business you approach.
- Look out for supportive individuals who are also involved with your local local/regional government!
- Creating an informal alliance with other groups who want to actively support the GMO-free Europe campaign will help you to co-ordinate action, get practical support, have wider reach and avoid duplicating effort. But, be sure to keep track of what everyone is doing and be very clear of any potential differences in your agendas from the start.

EXAMPLE ACTION LEVELS

1. As a minimum they could write to you or sign a petition, giving you proof of their support and their intention to remain GMO-free themselves.
2. If they would like to do more they should write to the leader of your local/regional government and copy the letter to any other key targets local/regional government you have identified. Offer to help them with this, or provide a draft letter.
Once you have their basic support, encourage them to allow you to keep them informed of progress and invite them to any future actions you arrange.
3. If they are very keen, they could write to the government minister responsible for GM issues too.

A general draft letter to a local business has been included in the Appendix. If possible, try and focus the text more clearly on issues relevant to the type of business you are approaching.

You could consider conducting a survey of local food businesses instead of taking the letter-writing approach. Perhaps begin by asking them if they already avoid GM products and finish by asking if they support the principles of your campaign. You could then follow-up any positive responses.

11. Keeping the media involved

Media work is an important element in making the GMO-free Europe campaign a success. Included in this guide is a template for a press release which is written for your launch but could be modified to suit your purposes at any stage of your campaign.

You don't have to do everything in the first few weeks. If your media are very interested in the issue you might need to think of new stories to keep the interest going. Otherwise you might want to space the stories out so as not to risk 'overkill'.

A local paper or radio station might be willing to take up the campaign as well.

Top tip: Think about the tone of your media work. We want to persuade local governments to work with us. It's probably best not to attack them for not being GMO-free until they've had a chance to do so.

Suggestions for media work after your launch

Here are some suggestions to try and keep the issue going. It's not an exhaustive list, and many of you will have your own ideas.

What is your local/regional government doing?

Keep the media notified of any significant events. What is the local/regional government's response to your GMO-free call? Are they discussing it? Are they voting on it? If they are holding a meeting perhaps you could organise a photo call outside the meeting.

Local/regional government catering policy

A number of local governments have already stipulated to caterers (for schools etc) that food must be GMO-free. Has your local/regional government done this? If not, why not? Parents campaigning for GMO-free food may interest the media.

Local celebrities

Do you have any local celebrities who will back the campaign? Contact them and find out. Will they give you a quote (draft a short quote for them to approve)? Would they take part in a photo call?

Politicians/parties and other influential bodies

Are there any other influential bodies that might back the campaign? What does your Member of Parliament think?

Perhaps local political parties can be encouraged to issue their own press release supporting the campaign. When you get local businesses and organisations on board, consider whether they are significant enough for the media to be interested, otherwise save them up and issue a press release to announce the support of several at one time.

Letters to the editor (Newspapers and Magazines)

These can also be a very good way to get your message across, especially if there is an on-going debate in the letters page. Keep your eye out for opportunities to write letters too. Try to keep your letters short and to the point.

GM survey

Perhaps you could survey public opinion in the High Street. Would the local public support a GMO-free area? You could also survey restaurants in your area. Most will probably have a policy of only sourcing non-GM food because their customers want to avoid GM ingredients.

Responding to GM issues

There are lots of things happening around the GM issue. Some of these will be national or international (for example, the US challenging the EU over GM legislation), some will come 'out of the blue' (such as new research or Government announcements), and some will be local issues (a GM crop being grown near your town). These all have the potential to be of interest to your local media and can provide you with the opportunity to make your GMO-free call.

12. Engaging the public

When communicating with the public, remember the three main points to bear in mind:

- Too many unanswered questions about health, consumer rights, liability and the environment still surround GM crops and food.
- In early 2004 a decision can be expected whether the EU wide moratorium on new GMO will be broken. If it breaks the large scale commercialisation of GM crops could be imminent in your country.
- Your local government can help protect your right to GMO-free food — write to them today, asking them to go GMO-free.

Some ideas for action

Start a petition

Later on in your campaign you can then make an occasion out of presenting it to your local/regional government. An effective way of doing so is asking a supportive politician to present it on your behalf at a full local/regional government meeting. The presentation will probably be made to the mayor or the local/regional government leader and it will then be passed onto the relevant executive cabinet members or committees. You could precede the presentation with a publicity stunt outside the town hall and then encourage campaign supporters to be in the public gallery whilst the presentation takes place.

Be clear on which departments you think the petition is relevant to - you could state this in an attached covering letter. If you have asked people to sign their support for all three 'asks' on growing crops, service provision, and requesting status as a GMO-free area, your petition will be relevant to several departments, but especially Education, Social Services and Farm Policy.

Stalls

Use posters and food labels to set up a crowd-enticing food stall. Give away samples of local or home made foods to attract people's attention and get across the message that GMO-free food is at risk if we go ahead with commercialisation. Ask them to sign your petition. (Once again, avoid selling food on a high street stall and be careful of any foods containing nuts).

Organise a public meeting

These are great opportunities for politicians to meet the public, something they may be particularly interested in doing if there is an election coming up. This is not a light undertaking and it's worth considering only once you've got a few politicians and local 'notables' on side. There are many possible formats, one which can be very effective is the 'Question Time' panel of politicians and experts who, after a very short presentation, take questions from the floor. Be aware of the need for a balanced panel that includes speakers both for and against GM and politicians from all the major local political parties.

13. Sharing information

In order to get a powerful GMO-free Europe campaign on the way it is key that we share information between all the groups taking part and that we can track our successes.

Please send us information about developments in your country, newly established GMO-free zones, recently started campaigns etc. We will use this information to continuously update the website “GMO-free zones in Europe” at www.gmofree-europe.org .

Please also share information like:

- Which approach has worked best for you?
- Have you learnt anything that other groups may benefit from knowing?
- Have you got any great photos that could go on the website?

Please send all your information to kenr@foe.co.uk

Contact

If you would like to find out more about the GMO-free Europe Campaign please contact

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Please also see the website “GMO-free zones in Europe” at <http://www.gmofree-europe.org>

14. Appendices

- A) Sample lobby letter to a local government as used by the German campaign „Keine Gentechnik auf kommunalen Flächen/Keine Gentechnik auf Kirchenland” (No Biotech on communal land, no Biotech on church land).
- B) Sample letter to a local business as used by the GMO-free Britain campaign
- C) Sample GMO-free declaration for a local Government as used by the Austrian campaign “Bürgermeister für ein gentechnifreies Österreich” (Majors for GMO-free Austria)
- D) Sample press release as used by the GMO-free Britain campaign.
- E) Declaration of the European Network of GMO free regions from the 4th of November 2003.
- F) Regional Law of the Italian region of Tuscany declaring themselves GMO-free.
- G) Biotechnology Precautionary Bill of the Austrian region of Carinthian

Appendix A

Sample lobby letter to a local government as used by the German campaign „Keine Gentechnik auf kommunalen Flächen/Keine Gentechnik auf Kirchenland“ (No GM on communal land, no GM on church land). (Translated from German)

To
[Members of the local council]

[name of municipality, date]

Re: No GM on communal land, no GM on church land

Dear.....

I am writing to ask you to table the following resolution at the next meeting of [local council].

As you might be aware the large scale commercial cultivation of genetically modified organisms (GMOs) threatens to become reality in Germany very soon. Already in autumn of this year the *de facto* moratorium on the authorisation and marketing of genetically modified organisms, in place since October 1998, could be lifted. Though neither have the effects of GMOs on human health been sufficiently studied nor can the ecological risks of the Green Biotechnology be assessed yet.

In connection with genetically modified food primarily two health risks are being discussed: the creation of new allergies and additional antibiotic resistances. With the help of genetic engineering, components are being built into our food which never before have been ingredients of human nutrition. Proteins produced by the newly introduced genetic information are suspected to cause food allergies. Furthermore a number of GMOs contain genes for antibiotic resistance, which can be passed on to bacteria in the human intestine. This poses the danger that more and more antibiotics used in human medicine become ineffective.

The following is true regarding the employment for the genetic engineering in the agriculture: All we can be certain of is that we know nearly nothing about long-term, indirect and complex reciprocal effects of GMOs on the agricultural and non- agricultural environment. However where findings are available they are a cause for concern: E.g. genetically modified plants can spread in all ecosystems and can transfer their genes to related wild species. Thus some field herbs have already developed into "superweeds" which can only be fought with a mixture of different plant protection agents. Concerning insect-resistant plants it has been shown that the insecticide produced by the GM plant kills not only the so-called target insects, but also other insects that have taken in the insecticide through the food chain.

Moreover the commercial cultivation of GMOs in Germany would in the medium-term mean the end for the so far still largely GMO-free agriculture and food production. Where this would lead us in Europe can be exemplified by the three main GMO cultivating countries, USA, Argentina and Canada: Here the genetic contamination of conventional and ecological agriculture is already universal. GMO-free products (seeds, feed and food) are increasingly pushed off the market. There

can hardly be talk anymore of freedom to choose food that hasn't come in contact with biotechnology during its production.

Therefore I regard it as essential that our municipality/city ensures that there are no GMOs in use on agricultural land located on its property and that lease contracts are arranged accordingly. Furthermore you should actively encourage all farmers in our municipality not to use GMOs. I am urging you to take on this pledge to ensure that our municipality too can say soon: "No GM on communal land, no GM on church land".

Thank you for your support

Yours sincerely

Appendix B

Sample letter to a local business as used by the GMO-free Britain campaign

SAMPLE LETTER TO A LOCAL BUSINESS

[Tailor the letter to your area and the type of business you are writing to. For example, if you are campaigning from a large urban centre such as London, you may need to talk about your area and 'Britain' rather than your county.]

Dear

GMO-free [Borsetshire]

We are writing to you to ask for your support in the GMO-free [Borsetshire] Campaign which we launched on [date].

Several GM (genetically modified) crops are close to being given full commercial approval in the UK - fodder maize, oilseed rape and beet. Friends of the Earth has considered the experience of the commercial growing of GM crops in North America and concluded that the uncertainties that still surround GM crops and food justify keeping our [county] GMO-free at present.

The enclosed booklet sets out our concerns and explains why it makes sound economic sense to keep the [county] free of GM crops (more detailed briefings are available on request). The levels of contamination of crops through cross pollination and mixing after harvest have already caused serious economic damage in the US and Canada. In a small [area like Borsetshire/country like Britain this could have a serious impact on the food we produce and its image]. It would also threaten consumer choice by seriously undermining the ability of food business to guarantee GMO-free food to their customers.

At present there is no liability legislation to ensure that any harm caused by GM crops, food and feed is borne by the companies marketing the genetically modified organism (GMO). Instead liability is likely to fall to those producing or providing the GMO - farmers, food businesses and other service providers.

The National Assembly for Wales debated and voted on this issue in 2000 and declared unanimously that Wales should be GMO-free and should develop a food and farming economy based on sustainable principles. Since the GMO-free Britain campaign was launched, Local Authorities such as Cornwall County Council have done the same. We believe that this policy makes sound economic sense for [Borsetshire].

We are sure as a leading business in producing and promoting high quality food in [Borsetshire] that you will agree, and we request that you [sign the enclosed business pledge/write to the leader of the council/display the enclosed window sticker] adding your support to this campaign.

We have identified key policies which we are asking the [County Council] to adopt as follows:

- * ensure that no GM crops are grown on land over which it has control
- * adopt a GMO-free policy for all goods and services for which this council is responsible
- * request the European Commission and the Secretary of State for the Environment, Food and Rural Affairs to provide legal protection for their area from specific GM crops in line with Article 19 of 2001/18/EC

We would also urge you to also consider adopting policies to avoid GM foods and animal feeds when you purchase ingredients for your business. If you would like to discuss this matter in more detail please don't hesitate to contact me.

Yours sincerely,

Eddie Grundy
GMO-free [Borsetshire] Campaigner

Enclosed: Now or never booklet
 GMO-free business pledge
 GMO-free Britain sticker

Appendix C

Sample GMO-free declaration for a local Government as used by the Austrian campaign “Bürgermeister für ein gentechnifreies Österreich” (Majors for GMO-free Austria):

(Translated from German)

No genetic engineering on our fields!

Resolution

1. The municipality/ city of _____ commits to the extent of its legal and organizational powers, to cultivate no genetically modified organisms (GMOs) on municipality-owned land.
2. The municipality commits further to use all suitable measures such as discussions and education work to convince farmers and land owners in their area not to cultivate or set free GMOs on their land.
3. The municipality asks the relevant federal and national politicians to ensure that in all of Austria no genetically changed organisms may be cultivated or set free neither now nor in the future.
4. The municipality asks the relevant federal and national politicians to ensure that the interests of those farmers in Austria who want to produce GMO-free are in future legally protected and that all suitable measures are employed in order to avoid any contamination of their land and harvests by GMOs. Further the municipality demands the definition of obligatory liability regulations according to the “polluter pays” principle.

..... Date, signature

Reasoning

1. The cultivation of genetically changed plants has inherent ecological risks. Both the herbicide-resistant as well as the insect-resistant plants authorised in the European Union can have negative effects on the diversity of species and the ecological equilibrium of our region. This applies particularly to other GMOs not or not yet authorised in the European Union.
2. Austria has banned three genetically changed maize varieties, which had been classified as ecologically harmless by the European Union (Bt176, MON 810, T 25), in the past years according to article 16 of the European Union regulation 90/220 based on scientifically founded reasons. This circumstance alone proves that there is large scientific uncertainty in the evaluation of ecological risks and that therefore the precautionary principle as embodied in international law is to be applied.
3. Austria owns a very high diversity of species and a relatively intact environment. This circumstance has contributed to an orientation of our economics towards organic and environmentally friendly land use and food production. The high portion of organic farmers (approx. 10 %) proves that Austria occupies not only an ecological unique position, but also a good position in the ecological market within the European Union. The use of transgenic plants in the Austrian agriculture would destroy this position and its entire development potential.
4. Everywhere in the world where GMOs are cultivated on a large scale the problems of contamination of conventionally as well as organically farmed land by GM pollen and GM seeds are increasing. In the USA and in Canada collective law suits against the manufacturers by GMO seeds have already been filed by organic farmers, because they are not able any longer to keep their harvests GMO-free. In Great Britain the government has set up a commission (The Agriculture and Environment Biotechnology Commission, AEBC), that is to examine whether the coexistence of GMOs agriculture with genetic engineering-free agriculture is at all possible within a country or whether that would result inevitably in contamination of all cultivated areas. The report of this commission has cast major doubts on the feasibility of this "Coexistence".
5. If transgenic plants in Austria should ever be cultivated commercially, it is to be assumed that the organic and GMO-free conventional agriculture are made impossible in the long term due to the constant and large scale contamination.
6. Transgenic cultivated plants have so far not been proven to provide any benefits for farmers, the processing industry or consumers. However they pose large risks particularly for the Austrian situation.
Besides over 70 per cent of all Europeans reject genetically modified food according to the Eurobarometer poll 2001. Therefore it would be not only ecologically but also economically extremely unwise to authorise the cultivation of GMOs in Austria.

Appendix D

Sample press release as used by the GMO-free Britain campaign.

Press Release

Embargo: 7am, Monday 21 October 2003

GMO-FREE BORSETSHIRE CAMPAIGN

PHOTO OPPORTUNITY

10:30am, Monday 21 October, outside [Borsetshire County Hall]

GM campaigners from [Ambridge Friends of the Earth] will be outside the [County Hall] etc etc...

[Ambridge Friends of the Earth] today called on [Borsetshire County Council] to make [Borsetshire] a GMO-free county. The campaign is part of a national initiative. Scores of local authorities will be targeted over the coming weeks and months by local groups across the country as part of Friends of the Earth's GMO-free Britain campaign.

The GMO-free Britain campaign comes at a crucial time in the GM debate. Over the next year or so the Government will decide whether to allow GM crops to be commercially grown across the UK. If it does it would lead to widespread GM contamination of our food, crops and environment, and remove peoples' right to say no to GMOs (Genetically Modified Organisms).

[Borsetshire County Council] can declare [Borsetshire] a GMO-free zone. GMO-free areas have already been declared in parts of Austria, Germany and the whole of Wales. And under new EU legislation [1] the Government can designate areas where GM crops cannot be grown if requested by a local authority.

[Ambridge Friends of the Earth] wants [Borsetshire County Council] to declare the county a GMO-free zone [2], and take the following action;

- * ensure that no GM crops are grown on land over which Borsetshire County Council has control;
- * adopt a GMO-free policy for all goods and services for which the council is responsible, for example, ensuring that school caters provide GMO-free food;
- * write to the Government asking them not to allow any more GM crops to be grown in the county.

[Tom Archer], GM Campaigner for [Ambridge Friend of the Earth] said:

“This is a crucial time in the GM debate; it’s now or never. The Government will shortly decide whether to allow GM crops to be commercially grown in the UK. If it does it will lead to widespread contamination of crops, food and the environment. If that happens, people will no longer be able to say no to GMOs. We want [Borsetshire County Council] to make a stand against GM crops and food by declaring [Borsetshire] a GMO-free zone.”

Recent opinion polls have shown that most people are opposed to GM crops and food. A survey in last month’s Grocer (20 September) found that 58% would avoid products containing GM ingredients. And an NOP poll for Friends of the Earth, published on the same day, revealed that 63 per cent of people that regularly bought honey wanted it to be GMO-free.

A background briefing on the GMO-free Britain campaign is [attached/enclosed /available on request].

More information on Friends of the Earth’s GMO-free Britain campaign can be found online at: www.GMFreeBritain.com

Notes

[1] Article 19 of EU Deliberate Release Directive (2001/18)

[2] A draft resolution for [Borsetshire County Council] to declare itself a GMO-free area is available from [Ambridge Friends of the Earth].

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Appendix E

Declaration of the European Network of GMO free regions from the 4th of November 2003.

Contribution of the regions and local authorities

AQUITAINE, BASQUE COUNTRY, LIMOUSIN, SALZBURG, SCHLESWIG-HOLSTEIN, THRACE-RODOPI, TUSCANY, UPPER-AUSTRIA, WALES

TO THE EUROPEAN DEBATE ON THE

COEXISTENCE OF GENETICALLY MODIFIED CROPS WITH TRADITIONAL AND ORGANIC FARMING

Introduction

The undersigned European regions and local authorities wish to offer the following reflections on the Commission Recommendation of 23 July 2003 on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming (2003/556/EC – OJ L 189 of the 29.7.2003);

This Recommendation of the Commission gives the Regions responsibilities and/or direct governing competences in the area of agriculture, of the environment, of consumer protection and of health;

It is the task of the regional governments and local authorities, respecting the division of responsibilities within each Member State, to ensure an integrated development of the local economies following the subsidiarity and coherence principles among the social, productive and environmental factors present on their own territories.

In this context, taking into account the studies, the considerations, the intentions and the sides taken by their own technical bodies and by the legislative or administrative assemblies, in order to make a contribution to the ongoing debate within the European institutions and in particular on the occasion of the formulation of the opinion of the European Parliament on the Commission Recommendation on coexistence, the European regions and local authorities

Offer the following comments

a) Considering the shared will of pursuing the strategy of quality and excellence of products, protecting and improving the biodiversity on its own territories, intensifying and enhancing the significant economic and cultural value of the European farming on the world scene;

- b) Considering that to achieve these goals several Regions have invested and are still investing a considerable amount of human, technical, financial and/or administrative-legislative resources to ensure high quality and organic production systems;
- c) Considering that for these regions the acceptance of a coexistence of GM and GMO-FREE organisms as defined in the Commission Recommendation of 23 July 2003 could imply the fruitlessness of what has been made up to now by the public and private actors at the level of production system, regulation, and regional promotion;
- d) Considering the morphological, environmental, and farming system peculiarities of a great part of the European territory it might not be possible to guarantee GMO FREE production;
- e) Considering that it may not be possible to avoid genetic cross contamination; this could determine a situation of incompatibility with the preservation of organic agriculture and of all those high-quality products;
- f) Considering that the Commission has already officially granted the quality trademark for many products, it is necessary to protect them from cross contamination from GM products;

Request the Community institutions

1. to clearly define means of avoiding any distortion of competition and establishing a harmonised approach at the European level taking full account of the principle of subsidiarity;
2. to clearly specify the responsibilities, in case of contamination of products from the conventional and organic farming with genetically modified crops, on the basis of the "polluter-pays" principle;
3. to take all possible measures to avoid the presence of GMOs in the seeds for traditional products and organic farming;
4. to agree that the European regions could define their own territory or part of it as GMO FREE zone or region - taking into account the economic and environmental peculiarities and respecting the division of responsibilities within each Member State - without these decisions being considered as an infringement of the free movement of goods principle.

Brussels,

Appendix F

Regional Law of the Italian region of the Tuscany declaring themselves GMO-free.

(Translated from Italian)

L.R. 6 April 2000, no 53

Regional Law on the subject of genetically modified organisms (GMOs)

Article 01 Scope

1. The Region of Tuscany, with the aim of protecting health, as a person's fundamental right promotes all the initiatives necessary to prevent possible risks to human health and the environment derived from the cultivation, production and consumption of products containing genetically modified organisms (GMOs).

Article 02 – Prohibition of cultivation and production

1. Within the scope of art. 1 and in order to maintain and preserve the presence of natural genes also according to the provisions of Regional law no 50, 16 July 1997 “Protection of native genetic resources”, the Region of Tuscany prohibits the cultivation and production of species that contain genetically modified organisms (GMOs)

Article 03 – Labelling

1. In execution of the EU provisions in the area of labelling and, in particular the Regulation EC 1139/98 of the European Council dated 26 May 1998, food products distributed in the territory of the Region, if containing GMOs or derived products, must indicate such a presence in an appropriate label displayed on each single product.

2. To this end, the managers of commercial businesses which operate in the regional territory must ensure that the products on sale carry the correct labelling.

Art 04 – Supply prohibition of products containing GMOs

Waiting for protocols and EU regulations concerning the assessment of the impacts on human health and the environment, the supply of products containing GMOs is prohibited in catering for schools and pre-schools, in the region’s hospitals and convalescent homes as well as in the offices of the regional, provincial and communal administration.

The managers of the activities listed in paragraph 1) must verify, by demanding the appropriate declaration from the supplier, the absence of GMOs.

Article 05 – Information and education

1. In order to achieve the aims of this law, the regional government will organise and carry out within its own education programme on food and agricultural development, a citizen information and education campaign, directed especially at workers in agriculture, school and health sectors,

about the possible risks posed by the introduction into food and the environment of products containing GMOs.

Article 06 – Controls and Sanctions

1. The control on the provisions set forth in article 2 is exercised by the Regional Agency for Development and Innovation in Agriculture and Forestry (ARSIA), as set out in regional law of 10 June 1993. no 37 (Institution of the Regional Agency for Development and Innovation in the Agriculture and Forestry sector (ARSIA)) and subsequent amendments. To this end, within 60 days of the entry into force of this law, the regional government will issue an appropriate regulation containing the enforcement of the controls.
2. Agricultural businesses which use GMOs shall return, within 6 months of the communication of the results of the control, the financial contributions, including interest, obtained from the Region in the last five years starting from the moment of the control, derived not only from the Region, but also the State and EU.
3. Commercial businesses which distribute products containing GMOs without the appropriate label will be punished by withdrawal of their commercial licence to trade for up to a maximum of fifteen days.
4. Contracts for the provision of catering and restaurant services to schools , hospital institutions and the offices of the region, province and communes must provide for specific rules granting the termination of the contract as a consequence of the assessment of any violation of the rules set out in article 4.

Appendix G

Biotechnology Precautionary Bill of the Austrian region of Carinthian

(Translated from German)

27.10.2003

Re no. -2V-LG-690/40-2003

(Revised draft)

A c t of,
enacting the Act on the regulation of precautionary measures for genetic
engineering (Carinthian Genetic Engineering Precautionary Measures Act – Austrian designation: K-
GtVG) and amending the Carinthian Agriculture Act

The Carinthian Parliament has decided as follows:

Article I

Act on the regulation of precautionary measures
for genetic engineering
(Carinthian Genetic Engineering Precautionary Measures Act - K-GtVG)

Section 1

Scope

- (1) This Act governs precautionary measures to
 - a) *stem the inadvertent spread of genetically modified organisms within vegetation;*
 - b) safeguard the option of producing crops in accordance with the organic farming methods under Article 6 and 6a of Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production and indications referring thereto on agricultural products and foodstuffs, OJ L 198 of 22 July 1991, p 1, most recently amended by Commission Regulation (EC) No 1452/2003, OJ L 206 of 15 August 2003, p 17, on agricultural land on which genetically modified organisms are not planted, without the risk of contamination by genetically modified organisms; and

c) *to preserve original stocks of wild animal and plant species and their natural habitats in areas specially protected under nature conservation law.*

(2) This Act shall not affect the official control measures provided for in the Carinthian Crop Protection Act (Austrian designation: K-KPSG), Provincial Law Gazette No 53/2001.

(3) The protection of unused parcels of land provided for in Section 3(1) to be achieved through measures under Section 8(1) to (3) does not extend to forested areas within the meaning of the Forestry Act 1975, Federal Law Gazette No 440, most recently amended in Federal Law Gazette I No 78/2003.

(4) This Act shall not apply to work with genetically modified organisms in a closed system in the sense of Section 4 point 7 of the Genetic Engineering Act (Austrian designation: GTG), Federal Law Gazette No 510/1994, most recently amended in Federal Law Gazette I No 94/2002.

(5) Where the provisions of this Act coincide with the federal government's sphere of competence, particularly in the area of public health, no significance beyond the competence of the province shall be attached to these.

Section 2

Terms and definitions

For the purposes of this Act, the following definitions shall apply:

- a) "GMOs": genetically modified organisms within the meaning of Section 4 point 3 in conjunction with point 1 GTG, or a combination of genetically modified organisms, genetically modified organisms combined with other organisms, or products consisting of or containing genetically modified organisms;
- b) "land application": any activity aimed at *using GMOs outside of a closed system (Section 4 point 7 GTG) on a particular parcel of land (in particular by sowing, planting out, cultivating or grafting), at propagating, destroying or disposing of GMOs or transporting or storing GMOs on site;*
- c) "approval under genetic engineering law": written approval from the competent authority within the meaning of Article 6, 7, 15, 17 or 18 of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC, OJ L 106 of 17 April 2001, p. 1;
- d) "Precautionary measures": *measures provided for in an approval issued under genetic engineering law and otherwise required in each case in accordance with the state of the art, and employed in connection with the application of GMOs in order to prevent contamination by the same;*

- e) “Contamination by GMOs”: *The spread of GMOs to areas outside of land used by the landowner or party otherwise entitled to use the land for the application of these GMOs and implementation of precautionary measures.*

Section 3

Provisions concerning land application

(1) *GMOs may be applied to a parcel of land only if precautionary measures are taken so as to prevent, in accordance with the state of the art, other parcels of land actually or potentially containing natural or anthropogenic vegetation from being contaminated by GMOs. If this is precluded by the size, location or nature of the parcel of land that is to be used, application on this land is prohibited.*

(2) *Paragraph 1 shall not apply if GMOs are also applied to a parcel of land adjacent to the land used and where the risk of crossing is ruled out by lack of compatibility with the GMOs applied to the parcel of land used.*

(3) *With the help of experts and after consultation with the Chamber of Agriculture, the Provincial Government may recommend rules of good professional practice, indicating the precautionary measures under paragraph 1 that are appropriate for typical species of GMOs. In so doing, account shall be taken of the state of the art and of the principles of economic efficiency and efficacy. The recommended rules shall be published on the authority's website and, in addition, made available for public inspection at the district administrative authority.*

Section 4

Duty of notification

(1) The intended use of a parcel of land for the application of GMOs and for implementing precautionary measures is subject to a duty of notification. The landowner or party otherwise entitled to use the land must notify the Provincial Government in writing four months before the intended use.

(2) The following documents shall be enclosed with the notification under (1):

- a) the land registry designation of the parcel of land concerned with the intended use as well as that of the adjacent parcels of land;
- b) proof of land ownership or other right of use relating to the parcel of land intended to be used;
- c) proof of the agreement of the landowner (co-owners) for the intended use for the duration of the application, if the notifier is not the sole owner;

- d) description of the size, location and nature of the parcel of land that is to be used;
- e) details of the use, the ecosystem and the existence of hybridisable wild or cultivated species on adjacent parcels of land;
- f) details enabling identification of the GMOs that are to be applied to the land and of their particular properties and characteristics;
- g) documentary evidence of the approval issued under genetic engineering law, including any conditions and instructions provided for thereby;
- h) a statement of the conditions of application (objectives, schedule for application, methods of application, number of GMOs, procedure for disposal or destruction of the GMOs) and details of possible recipient plants;
- i) details of the proposed precautionary measures and the emergency plan;
- j) information on possible environmental effects on adjacent parcels of land.

(3) Where the parcel of land intended to be used is situated

- a) within the boundaries of an area that is specially protected under nature conservation law (nature reserve, European protected area, national park);*
- b) within the area of a natural monument that is protected (Section 28(1) and (2) of the Carinthian Nature Conservation Act [Austrian designation: K-NSG 2002], Provincial Law Gazette No 79/2002);*
- c) in an Alpine region (Section 6(1) K-NSG 2002);*
- d) in the region of glaciers and their drainage areas;*
- e) on marsh and swamp land, reed and reed bed stands as well as lowland riparian and fenwood forests;*
- f) within an area in which measures have been agreed in the sense of contractual nature conservation (Section 2a K-NSG 2002); or*
- g) within a 500 m radius of the areas referred to in points (a) to (f),*

the authority shall order the intervening party to furnish, in addition to the documents stipulated in paragraph 2, proof that the proposed use of the parcel of land will not harm wild animal and plant species and their natural habitats in protected areas in accordance with (a), (b), (c), (d), (e) or (f); in the case of European protected areas, however, this only applies to the protection aims laid down in each case by means of an Order. The authority shall refrain from issuing such an order if the effects of the use are officially known or are evident from the documentation under paragraph 2, or, in the case of parcels of land in

accordance with (g), if no harm is expected to be caused to an area in accordance with (a) to (f) on account of special biospheric conditions.

(4) If the documents required under (2) and (3) are not, or are incompletely, enclosed with the notification, the procedure in Section 13(3) of the General Act on administrative procedures 1991 (Austrian designation: AVG), Federal Law Gazette No 51, most recently amended in Federal Law Gazette No 117/2002, shall be followed.

Section 5 Procedure

(1) On the basis of the notification and the documents enclosed therewith, the Provincial Government shall ascertain whether the land is suitable for the intended use in accordance with the provisions of *Section 3(1) and the conditions and orders issued in connection with the approval under genetic engineering law.*

(2) The Provincial Government shall prohibit the intended use on the land concerned if, on account of its size, position or nature, the provisions of *Section 3(1) or the conditions and orders issued in connection with the approval under genetic engineering law* cannot be complied with.

(3) If the intended use is not prohibited within four months of receipt of the complete notification, or if the Provincial Government establishes before the deadline that there are no reasons for prohibition, GMOs *for which an approval has been issued under genetic engineering law* may be applied to the land in compliance with the provisions of Sections 3(1). This shall not apply if, before the deadline, it is announced on the official notice board of the authority that the prohibition notice (paragraph 2) is in the process of being served.

Section 6 Duties to provide information

If land application is not prohibited in accordance with Section 5(3),

a) the owner of a parcel of land intended to be used or the party otherwise entitled to use this land shall inform the owners of the adjacent parcels of land of the intended use in accordance with Section 4(1), providing proof *and stating the species of GMO that is to be applied to the land, and in addition they shall publish this information in the professional journal of the Chamber of Agriculture ("Der Kärntner Bauer" ["The Carinthian Farmer"]) or in a daily newspaper with province-wide distribution;*

- b) the Provincial Government shall announce the intended use on the authority's website, citing the essential content of the notification (Section 4(1) and (2)).

Section 7

Suspected contamination

The owner of, or party otherwise entitled to use, land on which GMOs, or GMOs of a particular species, have not been applied, is obliged to report any well-founded suspicion of contamination by GMOs to the Provincial Government immediately.

Section 8

Official orders

- (1) The Provincial Government may order the landowner or party otherwise entitled to use the land to implement the measures necessary to achieve the objectives under Section 1(1) in accordance with the state of the art if the precautionary measures taken, or intended to be taken, by them in connection with land application are inadequate *or if necessary for the preservation of an area specially protected under nature conservation law. The principle of proportionality shall hereby be observed.*
- (2) The Provincial Government shall serve notice to carry out the measures necessary for prevention or removal, including prohibition of unlawful acts, on anyone who has applied GMOs to land in areas contrary to the provisions of Section 3 *or in an area for which no proof in accordance with Section 4(3) has been furnished.* Where parcels of land belonging to third parties are affected, the landowners or parties otherwise entitled to use the land shall be consulted as interested parties in order to safeguard their interests in the use of the land.
- (3) Where there is a threat of imminent danger, the Provincial Government shall immediately order the necessary measures to be taken and, if necessary, have them carried out without delay and the costs reimbursed by the party liable under (2).
- (4) The landowners and parties otherwise entitled to use the land shall permit the implementation of measures in accordance with (1) to (3).
- (5) Measures which are the subject of an official order or official instructions in accordance with (1) to (3) do not require approval under other provincial regulations.

Section 9

Liability for compensation in the case of orders

- (1) If the party who has applied GMOs contrary to the provisions of Section 3 or on land in areas in accordance with Section 4(3) cannot be issued with an order under Section 9(2) and (3), the order shall be issued to the owner of the land on which the GMOs were originally applied. However, the landowner is only liable if he has either consented to or permitted the application. The legal successors to the landowner are liable if they had knowledge of the application, or with due diligence must have had knowledge of the application. Claims for compensation by the landowner and the legal successors remain unaffected.
- (2) If the landowner cannot be called upon either, the Provincial Government shall implement the necessary measures in accordance with the budgetary funds available. Claims for compensation by the province remain unaffected.

Section 10

Powers of inspection

- (1) Where necessary in order to enforce this Act and monitor compliance with the obligations under Sections 3 and 8, bodies entrusted with enforcement and the experts consulted by this body are authorised to access and inspect parcels of land, carry out analyses, demand the necessary information and to take the quantity of samples necessary for analysis, without compensation.
- (2) The landowner, the party otherwise entitled to use the land or the representative of these persons shall be informed no later than when the land is accessed, where possible. If there is a threat of imminent danger and neither the landowner, the party otherwise entitled to use the land nor the representative of these persons is available, subsequent notification is sufficient. The body and experts must avoid any unnecessary disturbance or obstruction to the rights of use.
- (3) The landowner or the party otherwise entitled to use the land is obliged to permit actions in accordance with (1) and to provide the authorities with all the information necessary for the enforcement of this Act.
- (4) The federal rural police and the federal police headquarters shall assist the authority regarding their request for protection in the exercising of their supervisory powers in accordance with paragraph 1 within the framework of their legal sphere of operation.*

Section 11

Change in party entitled to use the land

- (1) Liability for the obligations under Section 3(1) and an official order in accordance with Section 8(1) shall remain for the duration of the application on the land used and shall pass to the legal successor. The permissibility of use under Section 5(3) is not thereby affected.
- (2) If the landowner or party otherwise entitled to use the land changes, the party formerly entitled to use the land, or where this is not possible, his legal successor, shall inform the Provincial Government of this fact in writing immediately.

Section 12

Compensation

- (1) Where damage occurs, as a result of measures under Section 8(2) and (3), to persons who have not collaborated in, consented to or permitted, the unlawful application of GMOs, they shall be suitably compensated by the persons liable under Section 8(2) and (3) or Section 9.
- (2) The duty to provide compensation applies to the damage caused to land and to the products of this land which have not yet been harvested, as well as plants and crops, as a result of the measures taken. If damage is caused to products of the soil that are not yet ready for harvesting, compensation shall be paid in accordance with the value that the products would have had when harvested. In this connection, the costs that would have been incurred by the party incurring the damage during the period up to the bringing in of the harvest shall be deducted. Furthermore, it shall be taken into account whether the products would have been damaged during the period up to the harvest by other agencies and whether the damage could have been compensated for or reduced by means of diligent economic management through reconstruction in the same year. If the damages reach such an extent that without a radical change and renewed cultivation an equivalent crop yield can no longer be expected, compensation shall be paid for the cost of the work required for cultivation and the seed necessary for this as well as the possible lower yield of the second crop.
- (3) The compensation claim shall cease to be valid if the entitled party does not lodge it with the district administrative authority within two months of becoming aware of the damage or of when he could with due diligence have become aware of it, unless he can prove that he was prevented from lodging the claim promptly by an unforeseen or unavoidable event for which he was not responsible.
- (4) The district administrative authority shall take the decision regarding the obligation to provide compensation, unless an agreement under civil law is reached between the parties concerned. Decisions concerning appeals shall be made by the independent Administrative Senate.

Section 13
Carinthian Genetic Engineering Book

- (1) The Provincial Government shall keep records of entitlements in accordance with Section 5(3) and of orders in accordance with Section 8 together with locality maps on which the parcels of land concerned with the use can be seen (Carinthian Genetic Engineering Book).
- (2) The records and the entries on the locality maps shall have no operative effect.
- (3) The Provincial Government may keep records and locality maps by automatic methods, create orders from these by automatic methods and prepare the data referred to in (4) in a suitable form for the Internet.
- (4) The following data may be processed by automatic methods:
 - a) details of the owner of the land being used and the party otherwise entitled to use the land (Section 4(1), Section 5(3), Section 11(2)): in the case of natural persons, name, place of residence and delivery address, in the case of legal persons and unincorporated firms under mercantile law, legal form, company registration number and head office;
 - b) the details referred to in Section 4(2)(a), (d) to (f) and (h) to (j);
 - c) details of the approval under genetic engineering law for the GMOs applied to the land, including precautionary measures, where relevant, provided for thereby;
 - d) results of the investigation in accordance with Section 5(1) based on the information referred to in Section 4(2)(a), (d) to (f) and (h) to (j);
 - e) details of the parties liable under Section 8(1) to (3) or Section 9: in the case of natural persons, name, place of residence and delivery address, in the case of legal persons and unincorporated firms under mercantile law, legal form, company registration number and head office;
 - f) the subject of an official order or official instruction in accordance with Section 8(1) to (3);
 - g) the locality maps.
- (5) At the request of the landowner or party otherwise entitled to use the land or ex officio, parcels of land which belong to a GMO-free farming zone in accordance with Section 2(1)(a) of the Carinthian Agriculture Act shall be indicated on the locality maps (paragraphs 1 and 4(g)). Furthermore, land which is without doubt used for production in accordance with the organic farming methods under Article 6 and 6a of Regulation (EEC) No 2092/91 may, on request, be indicated on the locality maps; there is no legal entitlement with regard to such an entry.

(6) The Carinthian Genetic Engineering Book and the data referred to in (4) and (5) may be viewed by anyone. If extracts are required, these may be provided in writing or by automatic methods according to available technical means.

(7) The Provincial Government shall send the data referred to in (4) to the Chamber of Agriculture and Forestry for the province of Carinthia, provided this forms an essential prerequisite for the performance of the tasks legally transferred to the Chamber.

Section 14

Penal provisions

(1) Unless the act constitutes the elements of a punishable act falling under the jurisdiction of the courts or is threatened with a more severe penalty under other administrative penal provisions, an administrative infringement is committed and shall be punishable by a monetary fine of up to € 3630, or in the case of aggravating circumstances or repeated offence up to € 7260, when a party

- a) applies GMOs contrary to the provisions of Section 3 *or in an area for which no proof in accordance with Section 4(3) has been furnished*, or
- b) contrary to Section 4(1), does not notify the intended use of land for the application of GMOs four months in advance; or
- c) uses land for the application of GMOs contrary to the prohibition under Section 5(2); or
- d) disregards an official order in accordance with Section 8; or
- e) fails to fulfil an obligation under Sections 6(a), 7, 8(4), 10(3) or 11(2).

(2) With the exception of the offences listed in (1)(b) and (e), attempts shall also be punishable.

(3) No contravention of the duty to provide information in accordance with Section 10(3) shall have been committed if a party subject to the duty to provide information refuses to provide the information in order not to incriminate themselves or to expose a close relative to the risk of prosecution.

(4) If the impermissible application under *paragraph 1(a)* is the subject of an administrative infringement, the criminal conduct shall cease only with the removal (destruction or disposal) of the GMOs is complete.

Section 15
Concluding provisions

- (1) This Act shall enter into force on the first day of the month following promulgation.
- (2) If, at the time when this Act enters into force, GMOs have been applied to land, the provisions of this Act shall apply to any further application. Section 4 and Section 14(1)(b) shall be applied with the proviso that further application shall be reported within one month of entry into force of this Act.
- (3) *Section 5(1) and Sections 6, 8, 10 and 13 transpose the provisions of Directive 2001/18/EC.*
- (4) This Provincial Act has been subjected to an information procedure in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services, OJ L 204 of 21 July 1998, p. 37, most recently amended by Directive 98/48/EC, OJ L 217 of 5 August 1998, p. 18.

Article II

Amendment to the Carinthian Agriculture Act

The Carinthian Agriculture Act (Austrian designation: K-LWG), Provincial Law Gazette No 6/1997, as amended by the Act in Provincial Law Gazette No 49/1997, is amended as follows:

The following paragraph 1(a) is inserted after Section 2(1):

“(1a) If applicants for subsidies undertake jointly to exclude the application of genetically modified organisms in the area of their agricultural and forestry holdings on spatially closed parcels of land (“GMO-free farming zones”), this may be subsidised separately in accordance with the provisions of this Act.”