

EU report on national coexistence measures

Coexistence to continue to be regulated by member states for the time being

The European Commission has no current plans for EU-wide legislation on the coexistence of genetically modified and conventional crops. The Commission made this announcement on the 10th of March during the presentation of a report on coexistence measures introduced so far by individual member states.

The Commission does however propose the development of crop-specific recommendations for appropriate coexistence measures together with member states and stakeholders. Before making a final decision on the way forward, the Commission wants to engage in a consultative process with various stakeholders. A coexistence conference taking place in Vienna at the beginning of April under the aegis of the Austrian presidency will provide an ideal opportunity for such a discussion.



EU Commissioner for Agriculture and Rural Development Mariann Fischer Boel:

“Growing conditions vary considerably from country to country and experience of GM crops is still limited. It therefore does not seem appropriate to propose unified EU rules at this time.”

Growing conditions vary too much from country to country and experience of GM crops is still limited, said Mariann Fischer Boel, EU Commissioner for Agriculture and Rural Development, in response to the abandonment of unified EU legislation on coexistence. In so doing the Commission endorses current practice: at present Brussels leaves it to member states to decide whether and how they legislate coexistence in detail. The European Commission did no more than adopt a Recommendation on guidelines relating to this in 2003. The Commission Recommendation states that coexistence measures should not go beyond what is necessary to ensure that accidental traces of GMOs stay below the EU labelling threshold of 0.9 percent. The Commission believes that over-restrictive cultivation regulations are just as irreconcilable with EU law as regional bans on the cultivation of GM plants.

Coexistence legislation only in four member states

So far only Germany, Denmark, Portugal and six of the Austrian provinces have legislated on coexistence. Other countries have submitted draft proposals or are still working on plans. Of the twenty draft proposals submitted to the EU, only four

were uncontested. Having examined ten cases, the Commission concluded that the legislation would restrict the free movement of goods when marketing and cultivating GM crops. The Commission considers, for example, that the prescribed segregation distances in some draft proposals are unreasonably high. In other cases Brussels objected to the fact that new coexistence rules would be implemented under environmental legislation, when coexistence is, in its view, in fact purely a financial concern. In this context the Commission stressed that no GM plants "are allowed on the EU market unless they have been proved to be completely safe".**

Spain, the only EU country with an appreciable acreage of GM crops, has not yet legislated on coexistence. Genetically modified Bt maize cultivation amounted to 58,000 hectares in Spain in 2004. This cultivation is based on voluntary recommendations for coexistence measures.**

Follow-up report in 2008

The Commission wants to evaluate the practical cultivation experience from Spain and also from other member states where smaller quantities of GM crops are grown, and in addition the findings from current studies on coexistence. These will then be used as a basis for drawing up recommendations for growing different crop species, which also take into account regional factors such as field size and cultivation structures. The Commission will also gather information on liability rules in individual states in relation to the cultivation of GMOs in order to judge their effectiveness. It has announced a further report for 2008 on the progress and development of national coexistence measures.

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