

THE DANISH COEXISTENCE LAW

USEFUL LINK WITH COEX-SCIENCE

<http://www.agrsci.dk/gmcc-03/>

Worth looking critically at DIAS report:

” Al erfaring viser, at dyrkning af en normal reproduktiv afgrøde i et område på sigt vil medføre en spredning til de tilsvarende afgrøder i området. Omfanget af denne spredning kan dog i varierende omfang forsinkes og reduceres ved forskellige tiltag/virkemidler”

(lost in translation.... sameksistensrapporten s. 107)

BE AWARE!

- AG-commissioner Boel is the minister behind the DK-coex law. As ag-minister she asked Fischler to copy DK approach (june 2004).
- AG-council Oct 2004 endorsed the DK/I proposal of a GMO-task-force on coex.... So the DK law might become template for EU-coex.

Deterrents:

- **TAX ON GMO CULTIVATION**

13.3 Euro/hectare GMO-tax that GMO-farmers have to pay to finance the compensation scheme. Except for sugar beet this DKK100 (13.3 euro) tax will actually outweigh the govt's estimated savings (?) on pesticide use.

- **GMO-FIELD LOCATIONS PUBLIC**

Information about where the GMO-fields are located will be publicly available on the web (still to be clarified if this info is made available early enough). Immediate neighbours and contractors must be officially notified.

- **COMPULSORY TRAINING FOR EVERYONE**

The law introduce "GMO-driver licence" that farmers, their employees, and all who transport/handle the GMO crop must have (but it only takes two days to get the licence).

- **COVERS THREE CROPS + THREE BANNED**

Only beets, potatoes and maize are covered. For OSR, grass and clover no effective coex measures could be established. There exists a broad political compromise agreement that these crops are banned by administrative methods in DK.

- **MEASSURES TO REDUCE CONTAMINATION**

Separation distances (weak), intervals (separation in time), cleaning equipment, fighting volunteers and wild relatives.

Maize conventional production 200m

Beets conventional production 50m (2km for seeds)
(No non-GM beet on field for 3 yr (8 yr for seeds))

Potatoes conventional production 20m
(No non-GM potato for 3 yr (4 yr for "seeds"))

**Other distances suggested in DIAS report
(But these crops are not covered – yet)**

Tricitale conventional production 50m

Barley conventional production 0m

Wheat conventional production 0m (300m in Canada)

Oats conventional production 0m

Rye conventional production 250m

Pees conventional production 20m

Broad beans conventional production 400m

Lupin conventional production 400m

OSR conventional production 150m

- **ENCOURAGE USE OF CLEAN SEEDS**

The DK coex-report presupposes clean (0,1%) seeds. In the law this is reflected only in the compensation scheme. If GMO-free farmers do not use clean seeds their access to compensation is reduced

- **COMPENSATION SCHEME**

(Except it is a joke)

Organic farmers get compensation if they need to re-certify their fields following GMO-contamination

- **THE STATE WILL PROSECUTE GM-FARMERS**

Whenever compensation is paid the DK authorities are obliged to always try to recover compensation costs by prosecuting the nearest GMO-farmers.

CONS:

- **MINIMUM 0.9% CONTAMINATION**

No action is taken until contamination exceeds 0,9% in the field (totally ignores both later links in the food chain and the “*inadvertious or technical unavoidable*” in **final** product wording)

- **NO GMO-FREE ZONES**

For ideological reasons Boel would not allow the DK law to even mention the possibility of GMO-free zones

- **ONLY COVERS UNTIL 1ST TRANSACTION**

The law does not deal with dedication of shared facilities (shared machine stations, feed plants, storage/drying facilities, etc).

- **BIOTEK FIRMS NOT LIABLE**

The law does not introduce objective product liability for the companies that introduce the new varieties (liability is with the GMO-farmer)

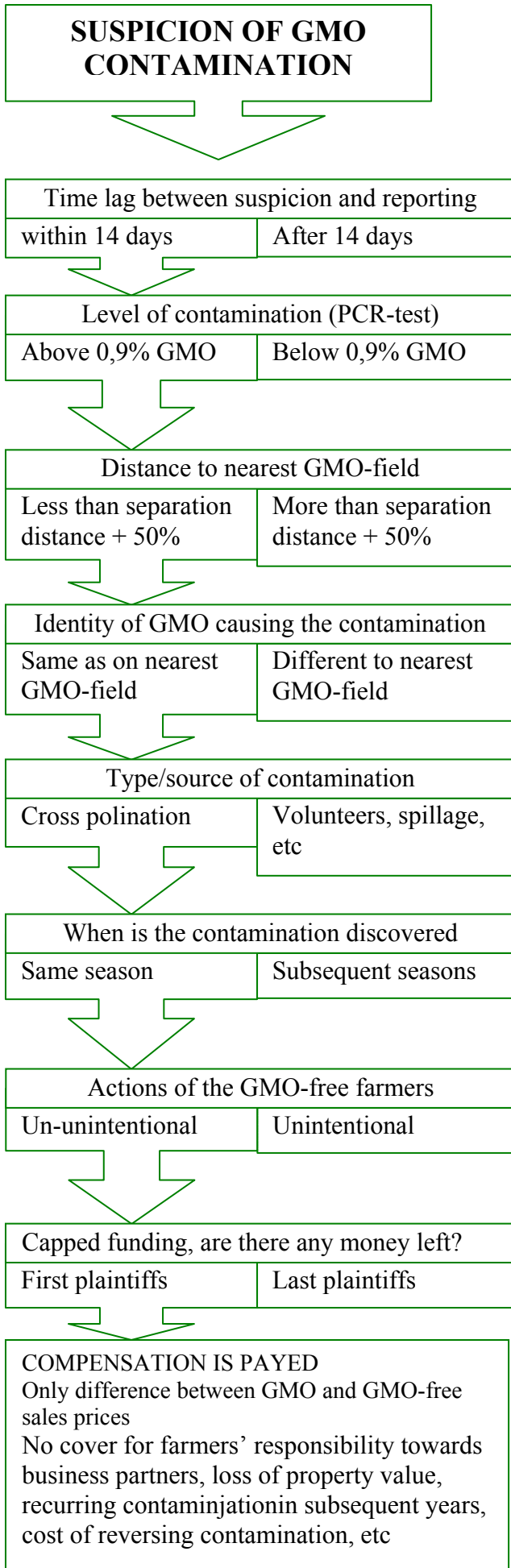
- **THE COMPENSATION SCHEME IS A JOKE**

It does not cover contamination occurring outside a narrow distance and occurring as a result for other sources than cross pollination, and is reported the same year as the same crop is grown on a neighbouring field (so no compensation if the contamination is caused via the soil-seed-bank, truck spillage, discovered in following years, etc). The many restrictions for compensation actually highlights that the govt knows that contamination is inevitable.

Compensation only covers loss defined as difference between GMO-free sales value of crop and GMO sales value of crop. No compensation for GMO recurring following years or for loss in property value or for other costs caused by the contamination (somewhat better for organic producers)

- **WEAK MEASURES**

Separation distances remain ridiculously low. For all three crops the GM-farmer is also obliged to clean trucks and farm equipment after having been used for GM-crops; to fight volunteers before flowering and to inform neighbours.



NO COMPENSATION!

The requirement that contamination must exceed 0.9% before anything is done is in conflict with "inadvertent or technical unavoidable" Encourages farmers to not report until contamination until it is big enough to result in compensation.

GMO-free farmers that apply for compensation, but are unsuccessful in getting compensation will have to pay all case costs: administration + sampling + quantitative PCR-test = approx 500-700 euro. 500-700 euro is incidentally nearly the same as the average production costs per hectare for most crops. Average field size in *DK is less than 5 hectare, so 500-700 euro = 16-20% of farmers costs.

Not even the DK govt believe its contamination limiting measures will work. So lots of effort devoted to making compensation limiting measures to ward of claims from contaminated farmers

Illustration lånt fra Sameksistensrapporten figure 4.6 side 71



ROOM TO IMPROVE

- Act as soon as contamination exceeds 0,1%
- Allow GMO-free zones (as a minimum on voluntary basis acc to Commission recommendations July 2003)
- Web site with GPS coordinates over GMO fields myust be poublic before non-GMO farmers buy their seeds.

- Compensation scheme must cover all costs of contamination
- Compensation scheme should NOT contain conditions of:
 - Max distance to GMO fields (and thus no demand that same type GMO is found on neighbours' field)
 - Contamination being discovered in same growing season
 - That the contamination must result from cross-pollination.
- Product liability (?)