

COEXISTENCE = CONTAMINATION

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Coexistence myth or reality?

- The term “coexistence” neglects the biological reality
- Mounting evidence - coexistence impossible in practice.
- Unintentional mixing is inevitable, too many sources of transmission: seed, pollen, volunteers, food supply chain
- Greenpeace and Genewatch UK: GM Contamination Register (www.gmcontaminationregister.org)
- Several contamination scandals:
 - Bt10
 - LL601, LL62, LL604
 - Bt63

The example of Spain

- Greenpeace Report “**Impossible Coexistence**”
- Tests results:
 - Aragon: 100% of the samples in 2004 contaminated with MON810 and Bt176 between 0.07% - 12.6%
 - Reduction of organic maize plantations - 124 hectares in 2004 - 37 hectares in 2005

The example of Spain

- Misleading labelling of GE seeds (Bt technology, Maize protected against corn borers, Yieldgard technology)
- Non-existent distances
- Contamination of seeds during sowing (no cleaning of machinery by contracted companies)
- Contamination during harvest (no cleaning of machinery by harvesting companies)
- Lack of segregation during transportation, drying, storage and sale. No traceability possible.

EU Commission approach

- Co-existence reduced to a purely economic issue
- Health and environmental issues not considered
- The 0.9% labelling threshold adopted as a target figure (*“measures shouldn’t go beyond what is necessary to comply with EU threshold levels”*)
- Non-mandatory measures favoured (e.g. segregation, insurance schemes)

Commission approach - criticisms

- Co-existence measures must consider **economic, environmental, ethical** and **agronomic** aspects
- Co-existence concerns **the long-term freedom of farmers and consumers to produce and consume non-GE products**
- 0.9% labelling threshold is “legally irrelevant” when setting up on co-existence measures
- Dir. 2001/18 exempts labelling when the presence of GMOs is **“adventitious and technically unavoidable”**, (operator proves that he has taken all the necessary steps to prevent it)

Key principles of anti-contamination laws

- **Respect of other individuals rights and liberties**
- **Full application of the Precautionary Principle** - strict co-existence rules, monitoring systems, traceability measures effective recall mechanisms
- **Full application of the Polluter Pays Principle** – Covering additional costs required by co-existence measures.

Minimum requirements

- Strict measures
- Purity of seeds safeguarded - labelling rules set at the detection level (0.1%)
- GE public registers
- GE operators responsible for implementing coexistence measures & the additional costs

Minimum requirements

- Mandatory measures for all production stages (sowing, cultivation, harvest, transport, storage, processing and sale)
 - Buffer zones
 - Isolation distances
 - Proper management of sowing and harvesting machinery
 - Effective segregation systems
 - Specific training for GE farmers
- Recognition of the right of Regions and municipalities to declare themselves GE-free

Minimum requirements - Liability

- **Strict liability**, application Polluter-Pays principle (no fault-based liability)
- EU liability law is inadequate (Environmental Liability Directive)
- National liability laws are inadequate (both civil law and common law systems)
- “Polluted pays” principle applied in practice
- Ecological and economic damages
- Burden of proof on GE operators
- Financial security systems - Mandatory insurance policies for all GM growers

EU, National or Regional laws?

Positive example - German Act

- Obligation to comply with ‘**good farming practice**’ and prevent “**substantial negative effects**” of GMOs
 - crops contaminated with non-authorised GMOs (field trials) cannot be marketed
 - crops contaminated with authorised GMOs must be labelled as ‘GM’
 - crops contaminated with authorised GMOs cannot be labelled as ‘organic’
- Institution of a **public registers**
- Institution of a **compensation scheme**

Positive example - German Act

- Obligations apply to **cultivation** and **handling**
- Obligation to **prove adequate knowledge, skills and equipment** before handling GMOs
- Obligation for those who place GMOs in the market to provide **accompanying information** on how to avoid substantial negative effects
- **Joint liability** of all neighbouring farmers

Negative example - Spain

- Proposed legislation:
 - No GMOs registers (only info on distribution by Regions + register not publicly available)
 - No liability system
 - No segregation measures = no traceability

CONCLUSIONS

- TEMPORARY SOLUTION: Commission should
 - set up **minimum standards** capable to prevent any GM contamination
 - foresee **strict liability** measures
 - allow Member States and regions to ban GMOs if they pose an unacceptable risk to their environments
- PERMANENT SOLUTION:
Stop import and cultivation of GMOs

Thank You



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