



Comité des Organisations Professionnelles Agricoles de l'Union Européenne  
Comité Général de la Coopération Agricole de l'Union Européenne



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**COPA AND COGECA COMMENTS ON THE  
COMMUNICATION FROM MR. FISCHLER TO THE  
COMMISSION ON THE CO-EXISTENCE OF  
GENETICALLY MODIFIED, CONVENTIONAL AND  
ORGANIC CROPS**

# **COPA AND COGECA COMMENTS ON THE COMMUNICATION FROM MR. FISCHLER TO THE COMMISSION ON THE CO-EXISTENCE OF GENETICALLY MODIFIED, CONVENTIONAL AND ORGANIC CROPS<sup>1</sup>**

- 1- In his Communication to the Commission of March 2003 on genetically modified, conventional and organic crops, the Commissioner for Agriculture and Rural Development addresses the concept of co-existence, GM-free zones and liability and proposes policy options. The purpose of the paper is to invite the Commission to provide clear policy directions<sup>2</sup> for the future work on co-existence.
- 2- COPA and COGECA welcome the fact that the co-existence issue is finally addressed because it directly concerns the agricultural activity and contributes to the general debate on the use of gene technology in agriculture<sup>3</sup>. They also welcome the Commission initiative to organise a round table on the results of research on co-existence.
- 3- COPA and COGECA have already had the opportunity to put forward remarks on co-existence on the occasion of a consultation organised by DG SANCO concerning the seed sector. These remarks which still apply can be summarised as follows :
  - 3.1 "Co-existence" presupposes that all producers are free to grow the crop they want to produce. It is fundamental that they can continue to make genuine use of this free right.
  - 3.2 The co-existence concept is not restricted to purely economic aspects. It is much broader as it also implies links, in particular with the environment, biodiversity and health. Although these issues are important, there is already a regulatory framework to address them. Therefore, COPA and COGECA are of the opinion that the co-existence discussions should focus primarily on economic aspects.
  - 3.3 The precondition for co-existence is that the sector must be economically viable under the constraints applied to it. This viability must be secured in the long term and take account of the possible development of GM-crops. Co-existence supposes the existence of different types of agriculture, without excluding one or another type.
  - 3.4 As there currently are conventional "non-GM" sectors and organic production sectors with an economic system that functions, measures must be taken to avoid that the introduction of "GMOs" jeopardises this balance. Therefore, the development of "GM" sectors should take place in such a way that the conventional and organic sectors are safeguarded.

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<sup>1</sup> Reservation from the Italian organisation COLDIRETTI on all comments.

<sup>2</sup> Note from CFCA (Confédération Française de la Coopération Agricole) : Before taking any position on the co-existence of the various crops (GM, conventional, organic) commodities, CFCA would like to point out that the issue must be considered in the context of the multi-lateral relations between the European Union and its trade partners. As a consequence, without closing the borders, technically and economically realistic adventitious presence thresholds must be fixed.

<sup>3</sup> See the position of COPA and COGECA on the use of gene technology in agriculture of 21 January 2000 [Pr(00)06F1] and the COPA and COGECA remarks on the draft Regulations [COM(2001)425] and [COM(2001)182] of 8 March 2002[Pr(02)16F1]. See also letter [SEM(02)09P3] to the Director General of DG SANCO concerning the implementation of action n°77 in the White Paper on Food Safety.

- 3.5 In general, agricultural producers and their co-operatives consider that the development of "GM" and "non-GM" sectors shall not entail extra costs which would form additional constraints for the production sector without financial return.
- 3.6 In the present legislation (no thresholds for adventitious presence), the liability and extra costs relating to the respect of the obligations set to grow conventional crops, "non-GM" or from organic farming rest on producers of conventional or organic seeds only and not on producers who have decided to produce genetically modified plants.
- 3.7 As regards conventional agriculture, COPA and COGECA repeat that it is necessary and urgent as soon as possible to lay down common rules in order to cope with the problem caused by the adventitious presence of genetically modified organisms in conventional seeds. COPA and COGECA support the Commission's initiative to provide for a constraining legal basis for the current provisional "gentleman's agreement".
- 3.8 Producers need legal security in the execution of their activity. According to the opinion of the Scientific Plant Committee of 7 March 2001, the adventitious presence of "GMOs" is unavoidable and realistic thresholds must be fixed : to promise "GMO-free" products to consumers makes no sense. Producers indeed are unable to meet this demand. However, they could meet the demand for "non-GMO" products defined by a threshold of adventitious presence<sup>4</sup>. Several studies<sup>5</sup> have shown that the extra cost generated throughout the production chain directly relate to the threshold of adventitious or fortuitous presence of GMOs fixed to trigger compulsory labelling. Hence, the economic viability of a sector is conditional upon the level of the threshold that shall apply. Fixing too low a level would exclude it, for cost reasons and too high a level will reduce consumer confidence. Both would be unacceptable to producers and consumers.
- 3.9 As regards organic agriculture, COPA and COGECA believe that co-existence of GM-production and organic production in the EU will be difficult, if not impossible to implement if no thresholds<sup>6</sup> are fixed for adventitious presence in organic products. Therefore, it is necessary to fix adventitious presence thresholds and to take the necessary measures so as to facilitate in particular the handling, harvest, transport and storage of non-GMO products. COPA and COGECA urge the Commission to make proposals that grant optimal guarantee to organic production.
4. As regards some specific elements of the Communication, COPA and COGECA would like to make following remarks :

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<sup>4</sup> Note from CFCA : In the present state of the art and on the basis of available documentation, this adventitious presence threshold could, for example, be fixed between 3% and 5% like in the European Regulation (EEC) 2029/91 on organic farming. CFCA suggests that existing technical studies be backed up by other research work. The co-ordination of the conclusions could be ensured by the European Food Safety Authority. For the sake of efficient co-existence, CFCA would like to suggest that this competent scientific authority would put forward a realistic proposal for an adventitious presence threshold to the European decision-making authorities by the end of 2003.

<sup>5</sup> See in particular the INRA study of November 2000 on the economic pertinence and feasibility of a "GMO-free" production chain

<sup>6</sup> The Spanish organisation COAG is against fixing thresholds for the adventitious presence for organic crops because this would mislead consumers.

**4.1 Liability - establishment of collective funds to cover collective damages<sup>7</sup>.** For COPA and COGECA, the liability issue is fundamental and particularly crucial. It is essential to determine where responsibility lies for implementing co-existence measures for all types of crops.

In the case of an adventitious presence, producers must not be made liable and no financial losses must be imputed to them when they have respected the existing rules. COPA and COGECA are totally opposed to a system in which fortuitous presence would eventually be treated by the seed companies as a commercial risk the cost of which will be imputed to the producer because it is impossible for the latter totally to control an adventitious presence. COPA and COGECA are of the opinion that it is up to the European and national public authorities, after consultation with the stakeholders involved, to define general rules concerning cultivation, segregation, labelling ... in order to avoid any adventitious presence. The seed companies must take the responsibility to inform producers of the implementation of these rules concerning the handling of GM-seeds and their production and segregation. COPA and COGECA repeat that they are opposed to any faultless liability system for farmers.

COPA and COGECA are not in favour of a compulsory insurance or financial guarantee system either.

COPA and COGECA reject the idea to set up a collective fund to cover collective damages because they are of the opinion that putting on the market certified seed is the responsibility of the seed companies. This responsibility includes possible financial consequences. Users of certified seed cannot be made liable for an adventitious presence of GMOs in seed mixtures.

## **4.2 Farm management measures**

General "identity preservation" appropriate measures should be developed so as to manage the risk of adventitious presence. Agricultural management measures are only part of these measures.

The definition of the agricultural management measures referred to in the Communication to minimise the risk of adventitious presence shall include storage, transport and distribution throughout the supply chain and concern both the upstream and downstream sectors. It may also be appropriate to develop an information system for farmers so as to inform them of the crops surrounding their own crops.

In its Communication, the Commission specifies that the burden of applying measures to deal with co-existence should fall on the economic operators who intend to gain a benefit from the specific cultivation model they have chosen. COPA and COGECA are of the opinion that the development of "GM" sectors should be sensitive to the need to safeguard the conventional and organic sectors and not entail significant extra costs for producers and consumers, for whatever type of crop.

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<sup>7</sup> Reservation from CFCA on the whole paragraph : Apart from the delimitation of the liability of farmers and operators, CFCA is in favour of the setting-up of a fund.

#### 4.3 Level of actions : national and/or Community

The Commission is in favour of subsidiarity. COPA and COGECA consider that this option is not acceptable. The GMO-issue is transnational and, therefore, a Community issue<sup>8</sup>. Therefore, COPA and COGECA are in favour of a harmonised solution, i.e. at the scale of the Single Market. There must be a Community framework. This framework must be sufficiently flexible so as to take account of local production conditions which vary considerably throughout the EU.

**4.4 "GM-free" production zones** : COPA and COGECA welcome the voluntary establishment of "GMO" or "GM-free" production zones, providing all producers concerned agree. This possibility could form part of common framework provisions.

#### 4.5 Imports :

COPA and COGECA also insist that the EU must address the GMO issue at international level in the most coherent possible way that makes it possible for EU products to be competitive. Use must be made of harmonised sampling and analysis methods.

COPA and COGECA insist that it is indispensable to apply a labelling and control system that is identical for all products, including imports. The system must be reliable and efficient so as to guarantee fair competition between the EU and third countries.

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These are the remarks COPA and COGECA wanted to make at this stage. They express the wish actively to be involved in the debate and will, if need be, make further contributions.

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<sup>8</sup> Reminder : One of the recitals of Directive 2001/18 clearly refers to the fact that GMOs which are released in the environment, be it in big or small quantities, can reproduce in the environment and cross national borders, thereby affecting other Member States.