

Brussels, 23 May 2005
LW/cv CAB (2005) D/10115
CAB (2005) A/ 10285

Dear Mr Ritsema,

Thank you for your letter dated 17 March 2005 and signed by several non-governmental organisations and other institutions concerning the EU policy on genetically modified organisms (GMOs) in agriculture.

I have, with great interest, taken note of the positions stated in your letter, and I would like to address in my response to you some of the points that appear to me of particular importance.

On 22 March 2005, the European Commission took stock of the EU legislative framework on GMOs. During the debate, the Commission confirmed its full confidence in the existing regulatory framework on GMOs - one of the strictest in the world - which provides for a high level of scientific assessment and, at the same time, safeguards the consumers' right to choose. The Commission concluded that it would continue to comply fully with its legal obligations and proceed with the approval of pending authorisations as appropriate. While continuing to fulfil the responsibilities conferred on it by the EU legislative framework, the Commission has reflected on the need to develop consensus between all interested parties.

Over the past four years, the EU has put in place a stringent system to regulate genetically modified food, feed and crops. The authorisation procedure under this new system ensures that only GMOs which are safe for human and animal consumption, and for release into the environment, can be placed on the European market. Clear labelling rules allow farmers, other users and consumers to choose whether or not to purchase such products.

Individual authorisations are granted following scientific evaluation on a case-by-case basis. Requests for authorisations that do not fulfil all criteria have been and will continue to be rejected.

Concerning the thresholds for adventitious presence of GM seeds in conventional seed lots, a number of issues have to be considered. In particular, consideration has to be given to both, the measures required to meet the thresholds at the farm level (co-existence), and the practical means and associated cost of producing conventional 'non labelled' seeds. The detection methods used for enforcement, including their feasibility and costs, also need to be considered.

Furthermore, labelling thresholds for the adventitious presence of GMOs in conventional seeds have to be proportional to the objective to be achieved. Account must also be taken of the fact that the EU imports seeds, in particular maize seeds, from third countries where GM maize is widely cultivated.

These thresholds obviously have a financial impact on the production costs of seed and crop producers. The GM content in seeds furthermore has an impact on the costs of measures for ensuring coexistence in crop production. Therefore, a balance will have to be found in order to preserve the interests of all stakeholders both from the view of the producers, their neighbours and the public at large. The setting of thresholds in a balanced way should ensure that the overall costs of production are not higher than is necessary to make sure that, if good agricultural practices are followed, the appropriate labelling thresholds can be consistently met. The Commission fully understands the implications of setting seed threshold values, and on this basis has taken the decision to refine its economic and scientific assessment before establishing such thresholds in a Commission Decision.

It should be pointed out that the assessment and management of the potential environmental impact of the cultivation of GM crops, as well as potential health aspects, are already fully harmonised at Community level by Directive 2001/18/EC on the deliberate release of GMOs into the environment and by Regulation (EC) No. 1829/2003 on GM food and feed. This guarantees a high level of

protection of the environment and human health in all EU Member States.

On co-existence, the Commission is of the opinion that this issue could best be addressed through approaches and strategies developed at the level of the Member States. This is because the agricultural conditions, such as climatic factors, farm structures (field sizes, etc.) and the production of different agricultural products (such as different crops, seed versus crop production, etc.) vary greatly between different Member States, and even between regions within one Member State. Member States should have the possibility to tailor the measures needed to ensure co-existence to the needs of their own agricultural sectors, while ensuring that all Community requirements regarding purity standards, labelling and traceability of GM products be met. The aim is to ensure co-existence as a prerequisite for consumer choice in a sustainable and economically feasible way.

In 2003 the regulatory framework for the authorisation and use of GM crops has been specifically modified in order to provide Member States with the possibility to adopt such national co-existence measures. This amendment of the regulatory framework was approved by the Council and the European Parliament. In the same year the Commission adopted a Recommendation (Recommendation 2003/556/EC) in order to help the Member States develop national approaches and strategies for co-existence. What needs to be addressed by the Member States is the economic impact of the cultivation of GM crops. In doing so - and many Member States are currently developing co-existence legislation - the rules should be adapted to the local conditions in order to avoid any unnecessary burden for the operators concerned.

The Commission is committed to report to the Council and the European Parliament on the state of implementation of national co-existence legislation later this year. On the basis of this report the Commission will decide about any necessary and possible steps to take in the future.

I hope that with this information I have addressed your major concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Andrius Baublys". The signature is written in a cursive, somewhat stylized font.