

DS 751/08

**AGRILEG
ENV**

MEETING DOCUMENT

from : Presidency
to : Ad hoc Working Party on Genetically Modified Organisms (GMO)
dated : 5 September 2008
Subject : Working document

In preparation for the meetings of the Ad hoc Working Party on 5 and 24 September 2008, delegations will find attached, as provided for in the mandate approved by COREPER on 2 July (11339/08), a set of notes drawn up by the Presidency to structure the work on the different discussion topics planned.

These topics are as follows:

- boosting the environmental assessment;
 - taking into account socio-economic criteria;
 - improving the way in which the scientific evaluation works;
 - European labelling thresholds for seeds; and
 - taking into account certain sensitive and/or protected areas.
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Item 3: Rapid definition at European level of thresholds for the adventitious presence of authorised GMOs in conventional seeds

ISSUES:

1/ General context

The legislation currently in force provides that adventitious or technically unavoidable traces of authorised GMOs exceeding 0,9 % of the product have to be labelled as GMOs. This 0,9 % threshold applies to all GMOs (whether or not intended for food) with the exception of those intended for growing and for derived foodstuffs. Article 21(2) of Directive 2001/18/EC makes it possible to define a similar labelling rule for seeds but so far no threshold value has been set. In 2006 the Agriculture Council and recently the Environment Council advocated progress in this area and the Commission has begun a detailed study of the impact of rules setting a threshold, or thresholds, for seeds.

Pending progress by the Community, there is a need to plug this gap. Indeed, if a threshold has been fixed downstream, in the interests of consistency a threshold which will ensure the viability and coexistence of GMO and conventional channels must be put in place upstream. A farmer who does not want his produce to be subject to a labelling requirement must be able to obtain an assurance that the seeds he buys from a seed producer will enable him not to exceed the 0,9 % GMO threshold in his produce without the need for him to carry out systematic checks. In addition, a farmer whose specifications stipulate the absence of GMOs must also be able to comply with his clients' requests.

2/ Need for and characteristics of a harmonised threshold for adventitious presence

Because of the intrinsic characteristics of living things and the transport and storage conditions of products, there is always a danger of adventitious presence of GMOs in crops. We know there can be no such thing as absolute purity when it comes to seeds. However, adventitious presence of GMOs in seeds is not the only factor resulting in the 0,9 % threshold in products being exceeded. Defining a threshold below which contamination of seeds could not contribute to exceeding the labelling threshold at the crop stage would safeguard the marketing of seeds produced without recourse to genetic engineering. In accordance with a general principle, compliance with this threshold would be at the seed producer's expense.

A threshold of this kind will allow us to set a legal framework within which economic stakeholders can work. Having such a threshold will:

- make it possible, when the presence in seeds of GMOs authorised for growing is below the threshold, to market them without any specific labelling in compliance with freedom of movement in the internal market;

- in the case of seeds for which labelling is obligatory, make it possible to give objective information to users.

Setting thresholds for the adventitious presence of authorised GMOs in conventional seeds is not something which can simply be done at Member State level. It must be done at European level so as not to hamper the freedom of movement of seeds within the European Union.

Owing to the biological characteristics of various plant species, such as mode of reproduction, quantity of pollen produced, viability of pollen, natural methods by which seeds are transported in the wild (animals, wind, etc.) and the viability of such seeds (new growth, etc.), and in view of cultivation practices and the pedoclimatic features of various environments, it is necessary to set different thresholds in terms of the specific characteristics of each species. It has always been the position of the Scientific Committee on Plants (SCP) and of France that each case should be looked at on its own merits.

STARTING-POINTS FOR DISCUSSION

1/ Possible need for European legislation on adventitious presence of GMOs in conventional seeds

How do Member States deal at national level with the adventitious presence of GMOs in conventional seeds? Do they apply thresholds and, if so, what thresholds? Are these thresholds laid down by laws or regulations or by some other method?

What consequences does the lack of European legislation on the adventitious presence of GMOs in conventional seeds have for trade in seeds between Member States?

What consequences does the lack of European legislation on the adventitious presence of GMOs in conventional seeds have for trade in seeds outside the European Union?

Is it necessary to set thresholds at European level, possibly for each species?

How can we ensure the sustainability of crops which meet "non-GMO" specifications, (i.e. conventional or without any trace of GMOs), as laid down, for example, in French law?

2/ Member States' possible positions on threshold levels

Do Member States have strong opinions about the level(s) of threshold(s) which they would like to see adopted at European level?

What criteria will they take into account in making those choices (environmental, economic, co-existence, etc.)?

How can we ensure consistency between the concerns reflected in the work on evaluation and consideration of the appropriateness of thresholds for seeds?

3/ Progress of work under way

Can the European Commission submit the results of the economic impact study which it ordered, or let us know what progress has been made with that study?