

European Seed Association



**ESA Position
on
Proposed Directive on Environmental Liability
with regard to the prevention and remedying
of environmental damage

(Report Manders)**

Brussels, 12/05/2003

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The report of Mr. Manders on this important legislative proposal was voted on by the Legal Affairs Committee last week. ESA sees the report as adopted by the Legal Affairs Committee as a practicable compromise that we support.

Although affected only by a limited number of provisions, the EU seed industry wishes to highlight some important elements of the proposed environmental liability regime that we consider are fundamental to a future system that provides the legal certainty needed also by our industry, e.g. as far as specific seed related technologies are concerned.

The Legal Affairs Committee in its vote on 29th April underlined the need for a regime based on such clear legal principles.

ESA fully supports this position and highlights in particular the following elements:

- Operators must be encouraged to conform to environmental standards and should not be held liable where they comply with their permits. This is vital to ensure the prevention of environmental damage by emphasising the need to adhere to the conditions in a permit. Without it, the permitting system will be undermined. This very likely would also reduce the possibility of providing insurance or financial security to and for operators.
- A clear link between an activity and the damage occurring must be established, with operators liable only for the proportion of the damage they caused.

Finally, ESA particularly supports the Report of the Legal Affairs Committee in view of the provisions foreseen for GMOs and rejects all amendments not approved by the Legal Affairs Committee calling for unnecessary and unjustified GMO-specific legislation. GMOs are already covered by the present Commission proposal and such amendments would unjustifiably discriminate against the development of biotechnology in the EU.