

# European Seed Association



**Position  
on  
Report Trakatellis  
on GM Traceability and Labelling  
and  
Report Scheele  
on GM food and feed  
(Recommendations for 2<sup>nd</sup> Reading of the Committee  
on the Environment and Public Health)**

**Brussels, 26.05.2003**

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## **Context**

The Commission presented proposals on Regulations for the Traceability and Labelling of GMOs and on Traceability and Labelling of GM food and GM feed to supplement the existing GM related legislation (e.g. Directive 2001/18/EC on the Deliberate Release of GMOs into the environment) and to fulfil a request from the Council and the European Parliament prerequisite for ending the current de-facto Moratorium on authorisations for new GMOs in the European Union. A cornerstone of these proposals was the provision for a threshold of 1% for authorised GMOs below which no traceability or labelling requirements would be imposed.

The European Parliament adopted its opinion in first reading in July 2002 lowering this threshold to 0.5%. The Council reached political agreement on its Common Position in December 2002 with the formal adoption of the texts in March 2003. In these texts, two thresholds were provided, one of 0.9% for authorised GMOs and one temporary threshold of 0.5% for GMOs that had already entered the authorisation process and had received a formal positive opinion on their scientific risk assessment.

The European Parliament's Committee on Environment and Public Health adopted its recommendations for the second reading on 22.05.2003 (reports Trakatellis and Scheele) by majority. In these reports, again the level for adventitious presence of authorised GMOs was lowered to 0.5% and the Council provision for a temporary threshold for events that had benefited from a positive scientific risk assessment was deleted.

## **Assessment of the ENVI Vote**

The Environment Committee adopted more than 20 amendments in the Traketellis report and more than 40 amendments in the Scheele report. Most of these amendments were adopted against a significant number of votes. The Scheele report as amended was adopted only against the vote of the EPP-ED group and other MEPs. It must therefore be questioned if either amendments or the report as such will gain the required absolute majority of 314 votes of Members in plenary to change the Council Common Position.

## **ESA Position**

ESA is convinced that the reports as adopted by the Environment Committee will lead to a continuing standstill in the EU's biotech policy. The decisions taken by the majority in the Committee neglect the legal scope of the original proposals, introduce unrelated subjects under discussion in other policy areas into these Regulations and are partly openly requesting the upholding of the GM authorisation moratorium.

In particular, ESA deplores the adoption of

- An amendment deleting the detailed clarifications of what is and what is not defined as 'placing on the market' of a GMO.

The term 'placing on the market' of a GMO is defined in Directive 2001/18/EC on the deliberate release of GMOs into the environment. The respective Article in the GM food/feed text as put forward by the Commission and also as adopted by the Council does take over this existing and legally binding definition from Directive 2001/18/EC by using the exact same text including a number of clearly defined exemptions. The ENVI Committee, by deleting all the exemptions for defined activities such as research in laboratories, has built in a legal inconsistency between Directive 2001/18/EC and the future GM food/feed Regulation.

**ESA urges the European Parliament for a restitution of the full definition, including the exemptions, of the term 'placing on the market' of a GMO in order to assure legal consistency and certainty to all operators.**

- Amendments lowering the threshold agreed by the Council for Adventitious and technically unavoidable presence of GMOs in non-GM products.

The level of 0.9% as proposed by Council and Commission constitutes the very backbone of the legislation. Lowering this threshold to a level of 0.5% renders the envisaged setting of practical thresholds for seed impossible as proven by the Scientific on Plants in its opinion of March 2001 and subsequently supported by all available scientific and practical studies.

If supported by plenary, a threshold of 0.5% might lead to a labelling of virtually all conventional products with the take-off of GM production in the EU and possibly already today of all imports from countries with a significant GM production.

**ESA strongly urges to re-introduce the threshold level of 0.9% for the adventitious presence of GMOs in the Trakatellis report and to vote against any amendments designed to lower this level.**

- Amendments deleting the provision for a threshold of 0.5% for GMOs that are in the authorisation procedure and have already benefited from a favourable scientific risk assessment, i.e. are cleared as safe to the environment and public health.

All GMOs used in field trials following part B authorisation by provision of the existing legislation must first receive a positive scientific risk assessment.

This very provision for authorisation of GMOs and introduced not least by the EP to assure the necessary scientific clearance of any GMO released into the environment would be meaningless with such amendments.

The European seed industry is convinced that GMO events authorised for deliberate release in the EU and with that have passed the requirement of a favourable scientific risk assessment must also be accepted if adventitiously present in conventional products at trace levels.

**ESA consequently supports amending the Scheele report by re-introducing provisions allowing a threshold of 0.5% for adventitious presence of GMOs having obtained a favourable risk assessment in both the GM food/feed Regulation and an amendment to Directive 2001/18/EC.**

**ESA recommends to vote against all amendments and parts of the report that delete this crucial provision from the future legislation.**

- Amendments introducing provisions for that are outside of the scope of the two legislative proposals such as e.g. detailed provisions on co-

existence of agricultural production of GM and non-GM products and regulations as to the Seed Marketing Directives.

The amendments concerning the Directives for the Marketing of Seed as well as those on Co-existence of GM and non-GM agricultural production are neither traceability nor labelling nor safety related to any GM food or feed product.

The practical management of GM production as well as non-GM production is currently discussed within the European Commission by also bringing in all available outside expertise, e.g. voiced at the Roundtable discussion of 24.04.2003.

The Commission has clearly committed itself to issue guidelines on this issue by July 2003. Any detailed provisions in the two Regulations here would not only be outside their scope but also premature in view of the ongoing discussion.

**ESA considers these provisions beyond the scope of the Regulations, in view of the current scientific, practical and political debate premature and designed in again a further attempt to build up additional conditions to maintain the GM moratorium in the EU. ESA therefore urges Members of the European Parliament to delete these provisions from the reports.**

### **Recommendation**

The Regulations on Traceability and Labelling of GMOs and on GM food and feed are key to ending the deadlock of the current Moratorium of authorization of new GMOs in the European Union.

In order to be practical, economically viable and in view of the WTO agreements sustainable, these Regulations must accept both, the fact of adventitious and technically unavoidable presence of GMOs in conventional products and the need for setting thresholds for this presence that will allow for real choice of consumers.

**ESA therefore recommends to:**

- Re-introduce the full definition of the term 'placing on the market' of a GMO including the exemptions as clearly defined and laid down in Directive 2001/18/EC**
- Re-introduce the threshold of 0.9% of Adventitious Presence of GMOs in the Trakatellis report**
- Re-introduce the threshold of 0.5% of Adventitious Presence for such GMOs that are in the authorization process that have already benefited from a favorable scientific risk assessment. This provisions needs to be re-introduced in the GM food/feed Regulation and by re-introducing the respective amendment to Directive 2001/18/EC**
- Oppose the provisions on Co-existence and amendments regulating seed marketing as they are beyond the scope of the Regulation and designed to maintain, not to overcome the GM moratorium**