

European Seed Association

ESA Position on Commission Working Document SANCO 1542/2003



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ESA European Seed Association takes the opportunity to comment on the Commission's Working Document no. 1542/2003 regarding the amending of the Seed Marketing Directives in view of Adventitious Presence of GMOs in seed of conventional plant varieties.

We remind the Commission of our earlier comments on this matter where ESA has consistently objected to the process whereby thresholds for adventitious presence have been set first for food and feed, not reflecting the fact that the seed is at the beginning of the production chain. Thus, the discussion of the seed thresholds has taken place in the context of the need to respect downstream thresholds, and not in consideration of what is practical and attainable for seed producers. We maintain this objection. We regret that the suggestion of ESA to set uniform thresholds all along the chain, i.e. at levels similar to those set in the GM food and feed Regulation, has not been taken up by the Commission.

Nevertheless, given the circumstances in several Member States and despite the shortcomings of the Commission's proposal, it is critically important to implement this legislation as a first step at the earliest opportunity.

In this context, ESA welcomes

- the fact that the Commission has now taken the first step to pursue the urgent matter of setting thresholds for GM presence in conventional seed.
- the Commission's approach to providing for a labelling threshold with no obligations as to the means for complying with these threshold since such means must be left at the discretion of the industry;
- that testing and sampling obligations will be subject to the concrete situation and crop concerned, thus contributing to avoid unnecessary costs and administrative expenditures for the seed industry;
- the intention to come to a final agreement and an entry into force together with the GM food and feed Regulation in order to help to achieve legal certainty to ensure an undisrupted Internal Market and trade in seed.

ESA asks for a rewording of the proposal

- that clarifies the meaning of the following : “or (b) be authorised under Regulation (EC) No ... of ...2003 on genetically modified food and feed for the placing on the market of genetically modified organisms for food or feed use to be used as seeds.”

This clarification should define that the Directive applies to all currently approved GMOs for food and feed uses as well as to GMOs approved in the future.

However, ESA regrets

- that in the absence of product approvals since 1998, the scope of the proposed amendments is extremely limited. We note that the proposed legislation does not cover events:
 - that are still awaiting approval due to the moratorium on authorisations ('pipeline' events);
 - that have been approved for importation, but not for cultivation;
 - that have been approved under Part B for field experiments;
 - that are commercialised in third countries;all of which may be present adventitiously in conventional seed.

Thresholds for all these events must be set. They must be practical and science based and should be set to achieve the desired high level of environmental and consumer protection without discriminating against a new technology by unrealistic, disproportionate and unnecessarily costly legislative provisions. ESA retains its reservation to the Commission's still undocumented opinion that no legal base for the setting of such thresholds exists. However, if proven necessary, we urge the Commission to provide for such legal base as quickly as possible.

- that no provision for the Adventitious Presence of so-called 'pipeline events' similar to the one contained in the Regulation on GM food and feed is foreseen. As the whole Working Document as well as its entry into force are designed to complement and coincide with this recently passed Regulation, this lack of consistency should be remedied by introduction of a respective threshold of 0.5%.

Conclusion:

ESA considers the Commission Working Document as a first step in providing the necessary legislative environment to end the disruptions in seed trade and some of the legal uncertainty of the industry both in the EU and for our partners in other countries.

However, due to the limited scope of the proposal, further legislation is urgently needed to address fully the issue of adventitious presence of GMOs in seed.

The further development and increased use of GM plant varieties in the EU and throughout the world demands that Europe establishes a full set of thresholds addressing all possible sources of adventitious presence of GMOs in seed of conventional plant varieties. Such thresholds should be regularly assessed and reviewed in the light of practical experience.