



**May 2007**

Action alert - Keep seeds GM-free!

## **European Commission Consultation on GM presence in Conventional Seeds**

### **1. Introduction**

After a long period of silence the European Commission has re-started the process of amending the EU Seed Directives to include a threshold for GM contamination of non-GM seeds, including organic. An online questionnaire was publicised to selected stakeholders on 7<sup>th</sup> May. It is the first attempt to seek the views of people in Europe on how they feel about legalising GM contamination of organic and conventional seed.

If seed is contaminated, the presence of GM passes quickly up the food production chain. Food companies have responded to consumer demand for GM-free food and ensure they source non-GM ingredients. In order to protect our right to choose non-GM food and the ability of farmers to grow non-GM crops, it is essential that seed stocks remain GM free.

Please respond by the deadline of 5 June. It is vital that we reject the notion that it is acceptable to allow routine GM contamination of seeds.

### **2. Background**

This process started before 2001 when the first public documents appeared. Since that time the EC's thinking has been based on the assumption that thresholds in seeds were needed to ensure that the final product delivered to the consumer (either food or animal feed) had a GM presence below the threshold at which labelling of GM content is legally required (0.9%).

The EC have not considered the need to either protect human or health or the environment in setting the threshold for seeds.

This approach was heavily criticised by the then English Nature who felt that the EC should set a threshold from the standpoint of what is necessary to protect the environment. For oilseed rape they recommended that the threshold should be as close to zeros as possible because they predicted environmental consequence of a higher threshold, including the stacking of GM traits in volunteer plants potentially making them tolerant to several different herbicides.

So far EC has steadfastly ignored any such precautionary advice and in 2004 announced that the seed threshold should range from 0.3% to 0.5% depending on the species (0.3% for oilseed rape and 0.5% for maize and beet.). Thresholds are for adventitious or technically unavoidable presence (ie accidental) although the EC have never explained how planned and routine GM presence in seeds can be described as accidental. This point was taken up in a legal opinion on Defra's consultation on the coexistence of GM , conventional and organic crops by Paul Lasok QC and Rebecca Haynes [www.foe.co.uk/resource/consultation\\_responses/coexistence\\_legal\\_summary.pdf](http://www.foe.co.uk/resource/consultation_responses/coexistence_legal_summary.pdf)

### 3. Responding to the Consultation

The EC has chosen to make this consultation on line only. The questionnaire can be accessed here: <http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=Seedlabel>

If you do not have access to email we suggest that you send your comments to:

Chantal Bruetschy  
DG Environment  
Head of Unit B.3  
Biotechnology, Pesticides & Health  
Avenue de Beaulieu 9, Office 6/171  
B-1160 Brussels

Copy any response you send to your MEP. You can find your MEP at [http://www.europarl.org.uk/uk\\_meps/MembersMain.htm](http://www.europarl.org.uk/uk_meps/MembersMain.htm)

The form contains multiple-choice questions, which you can tick, and then email and also some boxes for further comments. The EC have decided that comments in these boxes should be limited to 200-300 characters (about three lines!). If you wish to send further comments you can email them to [env-seed-label@ec.europa.eu](mailto:env-seed-label@ec.europa.eu). This is the email address that comes up when you click on the "i" link at the top left of the text boxes.

#### The key points to make in the text boxes and/or via email:

- GM threshold above the limit to detection could lead to unforeseen health and environmental harm
- GM seed thresholds which did not seek to avoid contamination may not be lawful.
- GM seed thresholds above the limit of detection would undermine organic and other non-GM agriculture in Europe.
- GM seed thresholds above the limit to detection would undermine the collection of farm saved seed and erode agricultural biodiversity and the economic viability of non-GM farming in Europe
- GM seed thresholds above the limit of detection would undermine farmers and consumer rights to avoid GM presence and the buoyant non-GM market across the EU.
- There is plenty of evidence of GM contamination of seeds from cross pollination or accidental mixing of seeds from the USA and Canada and the EU, for example the contamination of Advanta Seeds UK's lots of spring oilseed rape seed in 2000 and the presence of two GM traits in seed lots used by Bayer Crop Science in the UK's Farm Sale Evaluations 2000-2003.
- The importance of farm saved seed in the EU has not been properly assessed by the EC
- Seed free of detectable GM presence can be achieved through adequate separation distances for seed crops, the legal right to establish GM-free areas, and good practice by the seed industry and farmers.
- Seed production with no detectable GM-presence is essential to support the EU's markets for non-GM food and feed and organic both of which are vibrant.
- Costs of contamination must be borne by the GM producers not the non-GM and organic sector.
- There are market opportunities for EU farmers to produce seeds free of detectable GM-presence

**Please take the time to complete the questionnaire based on the guidance below.**

#### Advice on answering the questionnaire

At the start of the form you will need to complete the profile boxes which is okay if you are representing an organisation but if you are responding as an individual choose "Other", your nationality and "1-9". The form has 23 questions most of which are multiple choice. The questions are very ambiguous and framed in such a way as to make it difficult to answer in favour of zero tolerance to

GM contamination in seeds. To assist in answering the questions, a group of campaigners has come up with a suggested list of answers which best suit the zero tolerance to GM contamination policy we are recommending, along with the reasoning. These are as follows:

### **Section I**

1. strongly disagree – seed imported into the UK has no detectable GM presence demonstrating that under the right conditions, seeds free of GM contamination can be produced.
2. strongly disagree – the precautionary approach to environmental protection requires no adventitious GM presence in seeds.
3. strongly disagree – see 2 above.

#### **Comments on Section I**

See above for responding to the text box.

### **Section II**

4. strongly disagree – there is no legal uncertainty as no GM presence is permitted in non GM seed
5. strongly disagree – there is no evidence that different contamination thresholds apply across the EU – it would be illegal to allow any GM presence.
6. somewhat disagree – there is widespread agreement that 0.1% provides a reliable and robust limit of detection.
7. strongly agree – labelling any detectable GM presence will mean farmers can avoid GM contaminated seed lots.
8. strongly disagree - choice will be maintained only if no detectable GM presence is permitted in conventional and organic seed.
9. See above for responding to the text box.

#### **Comments for Section II**

See above for responding to the text box.

### **Section III**

10. strongly disagree – The seed industry in Europe will only incur additional costs if GM crops are widely grown. GM free areas can overcome this problem.
11. somewhat agree – There will be testing costs but the GM seed producers will also incur these because they are required to present evidence that no unauthorised traits are present their seed lots (as happened in lots of spring oilseed rape seed used in the UK's farm sale evaluations).
12. strongly disagree – It will be possible to produce seed with no detectable GM presence if strong, legally binding separation distances and strict liability is introduced to protect small seed producers and farmers who save their own seed.
13. strongly disagree – The competitive position of GMO farmers is weak because of the lack of market for their product and concerns about contamination of seeds and crops.
14. strongly agree – Conventional and organic seed producers will be seriously damaged by any GM seed threshold above the limit of detection.
15. See above for responding to the text box.

#### **Comments on Section III**

See above for responding to the boxes.

### **Section IV**

16. strongly disagree – costs of producing seeds at or below the level of detection can be limited by adequate separation distances and strict liability for biotechnology companies .
17. strongly disagree – non GM and organic farmers will be seriously disadvantaged and their costs will rise with any permitted GM presence in seeds and may lose their markets.
18. See above for responding to the text box.
19. strongly agree 0.1% threshold  
strongly disagree 0.3% threshold  
strongly disagree 0.5% threshold

## Comments on Section IV

See above for responding to the text box.

## Section V

20. don't know – the uptake of GM crops in Europe is not a simple matter of seed thresholds but is a complex mixture of market forces, public opinion and decisions on applications. If no GM crops are grown because farmers want to supply other markets then this will be a far greater influence on the extent of GM cultivation.
21. strongly agree – high thresholds will increase the presence of GM plants in the environment and escalate farming, environmental and food chain problems.
22. Not relevant to NGOs, businesses and individuals.
23. See above for responding to the text box.

## Feedback to this consultation – Have you found this questionnaire satisfactory?

It is important to make these comments about the inadequacy of this consultation. If you click on “No-other” a text box appears which limits comments to just 150 characters. To include the points below, email them to [env-seed-label@ec.europa.eu](mailto:env-seed-label@ec.europa.eu) (this is the email address that comes up when you click on the”i” link at the top left of the text box).

- The issues are not well enough explained to permit an informed response
- The questions do not allow for adequate comment.
- Accessibility of this questionnaire is very poor. It was not circulated widely to stakeholders, it is only available online, and is not linked to the main EC consultations web page. This gives the impression that it is ‘invite only’, failing to acknowledge the importance of the issue to a wide range of stakeholders for which the EC cannot possibly have all the contact details.
- The time period for responses of only four weeks is unacceptable and completely inadequate, given the long delay already in resolving this issue and its importance to farmers, consumers and the food industry across Europe and around the world.
- The questions were poorly written, very ambiguous and in some cases misleading.
- No adequate background information was provided and no information was given as to the current political situation and state of scientific knowledge
- There is no information about the decision-making process, including timings and how the responses to this questionnaire will feed in to this.

## 4. Keep informed

Thank you for responding to this poorly conceived and planned consultation by the EC. It is important that European citizens, farmers and seed producers are not left out of this important decision making process which could lead to widespread GM contamination if the wrong decisions are made.

Please stay in touch with us because we are sure your inputs will be needed several times more to prevent an unsustainable GM thresholds being set for seeds. To be informed about future opportunities to help keep our food and farming free of GM contamination you can join our email list here: [http://www.foe.co.uk/campaigns/real\\_food/press\\_for\\_change/join\\_gm\\_list/index.html](http://www.foe.co.uk/campaigns/real_food/press_for_change/join_gm_list/index.html)

## CONTAMINATED SEEDS = CONTAMINATED FOOD

### Contacts:

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