RFI6437 – RESPONSES TO DEFRA'S CONSULTATION ON THE COMMISSION'S CULTIVATION PROPOSALS

BRITISH SOCIETY OF PLANT BREEDERS

Dear Stuart

Thank you for the opportunity to comment further. BSPB has seen the submission that SCIMAC intends to make to you on this subject and fully endorses the SCIMAC position with nothing further to add.

Regards

British Society of Plant Breeders Ltd.

Woolpack Chambers

16 Market Street

Ely

CAMBS

CB7 4ND

Dr Stuart Wainwright
GM Team
Food and Farming Group
Area 8A Millbank
c/o 17 Smith Square,
London, SW1P 3JR

13 August 2010

Dear Dr Wainwright

Re: **COMMISSION PROPOSALS ON THE FREEDOM FOR MEMBER STATES TO DECIDE ON THE CULTIVATION OF GM CROPS**

I am responding to your letter of 9 August relating to the proposal from the European Commission that Directive 2001/18/EC should be amended to provide Member States with the latitude to restrict or prohibit the cultivation of EU approved GM crops in their territory. This response is made on behalf of the Agriculture and Horticulture Development Board in line with the policy position on GM crops of this organisation and following discussion among those Divisions for whom the proposed Regulation has greatest relevance (HDC, HGCA and PCL).

1. The attempt by the Commission to introduce a measure that is designed to speed up the process of approval of GM crops in the EU is to be applauded. However, we believe that using the vehicle of this proposed amendment will create significant new problems for Member States. The Commission should be encouraged to be robust in using powers already at its disposal to ensure that the GM crop approval process is not unnecessarily delayed once safety on environmental and health grounds has been clearly established by the EU authorities.

2. We conclude that the proposed amendment has the potential to open the door to creating a complex and potentially unmanageable mosaic of agricultural practice and regulation between countries and between regions within countries throughout the EU. Given that there are farming companies that conduct their business across large areas of one country or across several countries, this proposal would place a major constraint on efficient business operations.

3. We consider that the costs of inspections and verifications could be considerable and highly disadvantageous to farmers at a time when removing costs and regulation from agricultural production is a high priority. It would also be completely impractical to police all small-holders, allotment holders and home gardeners; a regulation without the means of realistic enforcement is clearly something to be avoided.

4. If the amendment is indeed adopted, the only possible solution that could be workable (with difficulty) is that the whole of Great Britain, with no allowed regional variation, was to be defined as "the territory". At the same time, the types of criteria that would be allowable as reason for restriction or prohibition would need to be carefully and clearly defined.

5. If the amendment is adopted, we believe delineations of regions (large or small) as territory where the cultivation of GM crops is sought to be restricted or prohibited should not be allowed if this is on purely theoretical grounds (i.e. without the existence of an actual approved GM crop that a grower wishes to plant). Any application to seek restriction or prohibition should be made on a case-by-case basis by reference to a specific crop cultivar or cultivars. The reasons for seeking a restriction or prohibition should also be directed to specific concerns about the particular crop cultivar under discussion.

6. One reason why restriction or prohibition might be sought could relate to the coexistence of GM and non-GM crops and the notion that proximity of the former may somehow cause the latter to fail to meet some specified quality grade (previously determined by a third party). However, failure to make some specified grading standard does not make a product unmarketable and is a circumstance frequently encountered in agriculture and horticulture; the producer simply sells the produce in a different market. If the GM crop in question has been fully approved on environment and safety grounds, we believe the onus is on the concerned producer of the non-GM crop to take the necessary steps to meet the desired (self-imposed) standard. Seeking to restrict or prohibit the growing of an approved product should not be allowed on this basis and should not be among the defined criteria referred to in 4. above.

In summary, we believe the proposed amendment, if adopted, would be extremely difficult to operate and would be likely to create a substantial amount of confusion, disharmony and unnecessary requirement for inspection and verification. Once a GM cultivar is approved on the science-based evidence by the EU authorities, it should be the market which determines whether it is grown, where it is grown, and by whom. We consider any suggestion that there could be regionalisation in Great Britain such that different countries, regions or even parishes were able to exert influence over a process of restriction or prohibition to be impractical and unacceptable.

AHDB will always be pleased to assist Defra further in this matter should this be required.

Yours sincerely

BRITISH BEEKEEPERS ASSOCIATION

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2nd Sept 2010

Dr Stuart Wainwright

Head of GM Policy and Regulation Team

DEFRA

Re: COMMISSION PROPOSALS ON THE FREEDOM FOR MEMBER STATES TO DECIDE ON THE CULTIVATION OF GM CROPS

Dear Dr Wainwright,

The BBKA is supportive of the proposal to revise the EU legislation for the regulation of the cultivation of GM crops (Directive 2001/18/EC). We consider that the flexibility and provision of a legal framework to regulate both on a per-Member State basis and for areas within a Member State will provide for a more considered approach to the licencing and planting of GM crops.

We also regard the provision of a legal structure supporting grounds for consideration aligned to the ‘public interest’ (as well as those covered by the environmental and health risk assessment) as a welcome development.

Yours Sincerely,

BIODYNAMIC ASSOCIATION

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Dr Stuart Wainwright

Defra - GM Policy and Regulation Team

Nobel House

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London SW1P 3JR

Re Commission Proposals on the

Freedom for Member States to Decide on the cultivation of GM crops

September 3rd 2010

Dear Dr Wainwright,

Thank you for the opportunity to comment on the these proposals from the EU Commission. I am writing on behalf of the Biodynamic Agricultural Association, an organisation which has long been concerned with the production of high quality food, sustainable farming practices, high environmental standards and an overall concern for the future well being of humanity and the earth.

A number of concerns arise with regard to this proposed amendment to Directive 2001/18/EC.

From the introduction it is clear that the Commission's primary aim (p2 parag.2) is to “ensure the safety of GMOs while establishing an internal market for them”. In other words it has a pro-active stance in favour of GM products. This, despite the fact that over 70% of Europe's citizens neither want nor need genetically modified food products. The Commission's stance is also demonstrated (p2 parag 4) with the reference to the Council having four times“rejected by qualified majority all Commission proposals to repeal national safeguard measures on GM cultivation”. Easing the way for the introduction of GM crops throughout Europe would thus seem to be the main purpose behind these proposals for amending the Regulations.

I would like to make a number of comments to the detail of the proposal.

1. Giving Member States the possibility “to restrict GMO cultivation from large areas of their territory” is of course a good step and clearly a reason why countries such as Austria support this proposal. There are however some worrying caveats including:

a) The need to prove that “other measures are not sufficient to prevent the unintended presence of GMOs in conventional or organic crops”.

b) Accepting the proposal will mean that it will no longer be possible for Member States to make use of the 'Safeguard Clause' (Article 23 in the Directive) when considering the prohibition of GM crop cultivation in a given area. This means that issues relating to health and the environment – currently both areas of major concern – could no longer form part of the case.

2. While the maintenance of a free and open internal market is an important objective, it can only be fully operational and fair if the playing field is truly level. This means that the availability of genuinely GM free products must be assured and consumers must have access to all the information they require to make an informed choice. This means that all imported GM materials (including animal feeds, textiles etc.) must be clearly labelled throughout the food chain.

3. GM products are novel products and their long term effects on health, the environment and genetic diversity are largely unknown (although many negative side-effects are appearing). It is suggested (p 4. parag 5) “(organic) production may require stricter segregation efforts” However to ensure the continued existence of

GM free products, the onus is surely on those working with GMOs to prevent the genetic contamination of neighbouring areas and not the GM free producer.

4. It is also stated (p7 parag. 2) that “Measures should refer to the cultivation of GMOs only and not to the free circulation of genetically modified seeds and plant material” This is unacceptable since it is the indiscriminate spreading of GM seeds that is primarily to blame for the contamination of areas and regions currently free of GM pollution.

In summary any change to the existing rules needs to ensure that Member States retain the right to prohibit GM crops on the basis of health and environmental as well as socio-economic and ethical concerns. Control and prohibition of the production and trade in genetically modified seed should also be an option. Liability for the contamination of neighbouring crops should lie with the grower of GM crops and labelling of GMOs throughout the food chain must be mandatory..

I understand that a number of other countries have already indicated that they will reject the proposal as it stands and suggest, unless it is amended, that it would be wise for Defra to do the same.

Yours Sincerely

NATIONAL ASSCOCIATION OF AGRICULTURAL CONTRACTORS

The Old Cart Shed, Easton Lodge Farm, Old Oundle Road, Wansford PE8 6NP

NAAC Ref: 218 DATE 3rd September 2010

Representing Agricultural and Amenity Contractors Ref: NAAC 218 To: Dr Stuart Wainwright, Head of GM Policy and Regulation Team, DEFRA.

By email stuart.wainwright@defra.gsi.gov.uk DATE: 3rd September 2010

Dear Dr Wainwright

Consultation on the Commission proposals on the freedom of Member States to decide on the cultivation of GM crops

Thank you for the opportunity to comment on the above proposals. Founded in 1893, the National Association of Agricultural Contractors (NAAC) represents contractors in the UK who supply all types of land-based services to farmers, government, local authorities, sports and recreational facilities. It is committed to representing the interests of its members at national and European level; it will offer information and advice; promote the services of its members and assist contractors in providing a professional and competitive service to farmers and the community. I will base our comments around the activities of the NAAC and our member's activities:

COMMENTS

The NAAC cautions against this Commission proposal. We feel that allowing individual states to choose their own paths is at variance with the aims and legal structure of the single market and it seems to suggest that The Commission has addressed concerns that have previously been expressed by Member States when in fact it has not. In December 2008 The Council set out its views for improving the regulatory proposals for GM approvals. These views called for the strengthening of risk assessments, the adoption of appropriate GM thresholds in seeds and other improvements which have yet to be achieved.

National Association of Agricultural Contractors, The Old Cart Shed, Easton Lodge Farm, Old Oundle Road, Wansford PE8 6NP

NAAC Ref: 218 DATE 3rd September 2010

The single market cannot have a level playing field if different areas are allowed to develop competing, and perhaps non-compatible, agricultural growing systems. This is particularly so as the systems have intellectual property systems that are not compatible.

It is hard to see how the relationship between the competing systems can coexist within the EC if the legal relationships have not been ironed out first at Commission level. It is also hard to see how the EC could develop an effective negotiating position with the WTO when individual EC states have already committed to conflicting positions.

Within the EC there is much disagreement about how effective any coexistence systems could be. The complex agricultural landscape which comprises the EC makes it hard to see how the competing growing systems – organic, non-organic and GM – could maintain themselves separately, particularly under the pressure of corporate interests.This situation will be made worse practically if different regimes are allowed to develop independently:

Who will monitor GM presence in seed that is marketed across borders?

How will cross boundary and border contamination be monitored and compensated for?

Who will resolve disputes on cross border farms which have differing regulatory codes?

It is apparent that the GM lobby consistently push for lighter regulation. It could be deemed in their interest to allow leakage of their gm traits into established non GM growing systems. Without the confidence to maintain their purity non GM systems will flounder. It is thus important that all interests in the market are happy that the market as a whole has developed secure coexistence regulations. Individual states and agricultural models must not be allowed to put this market at risk .

I hope that our comments will assist you and that you will endeavour to keep the NAAC up-to-date and aware of any changes that will affect my members.

Many thanks

SCIMAC

To: Wainwright, Stuart (FFG-EKB)

Sent: Thu Sep 02 16:54:31 2010

Subject: SCIMAC response to Defra

Dear Stuart

Many thanks for the invitation to comment on the European Commission's proposal to amend EU legislation on the cultivation of GM crops (Directive 2001/18/EC) to enable individual Member States to ban the cultivation of EU-approved GM crops for reasons other than safety or co-existence.

SCIMAC's position remains in line with our original response of June 2010 (attached), namely that this second, legislative component of the Commission's proposals should also be rejected on the basis that it would:

- Disrupt the EU single market by allowing the use of arbitrary and unscientific criteria to ban the cultivation of approved GMOs on an ad hoc and unpredictable basis;

- Establish a two-tier market in which imported GM crops circulate freely while cultivation of the same crops can be restricted within the EU, disadvantaging the EU food chain from farmers through to consumers;

- Undermine free-market principles, denying producer and consumer choice to access approved GMOs on the basis of arbitrary, opinion-based or politically motivated criteria;

- Abandon EU legal principles and WTO obligations which stipulate that trade restrictions must have a scientific basis, and be justified in terms of human health or environmental safety;

- Discourage research and innovation, by sending a negative signal of the EU's attitude towards agricultural science and technology, offering no long-term legal certainty for future R&D investment within the EU.

We are also aware of serious doubts over whether the Commission's plans to execute a 'surgical' legislative change will be possible without opening up the legislation to a full review, which could result in many years of further political wrangling and delay.

In summary, SCIMAC is concerned that the Commission's proposals look set to introduce further discriminatory barriers and delays, and urges the UK Government to work constructively with the European Commission and other EU Member States to ensure that decisions relating to the approval, cultivation and use of GM crops

within the EU continue to be made on scientific grounds, and to be justified only in terms of human health and/or environmental safety.

SCIMAC EARLIER RESPONSE ATTACHED TO THEIR EMAIL:

SCIMAC response to Commission proposals on the nationalisation of GM crop cultivation decisions

SCIMAC is extremely concerned at the potential impact of proposals emerging from the European Commission regarding the nationalisation of GM crop cultivation decisions.

As they stand, the Commission's proposals represent a serious dereliction of regulatory responsibility, creating an EU-wide charter for discrimination against the products of agricultural biotechnology and establishing the basis for future innovation, GM or not, to be blocked or restricted without scrutiny or justification.

Furthermore, they are set to remove the very element of EU consumer choice that has previously been a cornerstone of attempts to develop EU biotechnology policy.

In the short-term, the Commission's proposals focus on the use of national co-existence measures as a mechanism for Member States to restrict GM cultivation in their territories.

Yet the overriding aim of co-existence, as the term implies, should be to establish the practical measures and conditions through which farmers' freedom to choose different (approved) crop production systems - whether GM, conventional or organic - can be mutually recognised and respected.

This proposal sends a clear message that, within the EU, it is perfectly legitimate to discriminate unfairly against GM crops on the basis of prevailing economic or social prejudice.

The Commission appears to be abandoning its EU-wide co-ordinating role in the development of national co-existence measures, effectively removing the established requirement to reference or justify the scientific or technical basis for any co-existence measures adopted.

Applying different threshold levels and co-existence regimes in different Member States has the potential to disrupt the single market, disadvantaging Europe's farming and food industries, and removing the legal certainty required to support future investment in the technology within the EU.

Furthermore, the proposed approach is directly at odds with the fresh, evidence-based approach on agricultural biotechnology which in March 2010 Commissioner John Dalli insisted would be applied by the new Commission.

For the following reasons, SCIMAC urges the European Commission to amend its proposals to ensure the established EU-wide GM labelling threshold of 0.9% is upheld, and that decisions relating to the approval, cultivation and use of GM crops within the European Union continue to be guided by internationally recognised obligations which stipulate that any trade restrictions must have a scientific basis, and be justified in terms of human health or environmental safety:

1. Disrupts the single market

The proposed approach threatens to undermine and disrupt the integrity of the EU internal market by allowing different Member States or regions to impose arbitrary and unscientific criteria to restrict the cultivation of approved GMOs, including the application of varying threshold levels for GM presence below the 0.9% statutory EU labelling requirement.

2. Establishes a two-tier market disadvantaging the EU food chain

Allowing Member States to disregard the established 0.9% GM labelling threshold in setting their own national cultivation rules could open up a two-tier market, in which imported GM crops circulate freely while cultivation of the same crops can be restricted within the EU, placing Europe's farmers, food industry and consumers at a competitive disadvantage.

3. Threatens the market for conventional seed

Allowing Member States to disregard the established 0.9% GM labelling threshold in setting their own national cultivation rules will effectively impose a de facto EU threshold level of 0.1% or below for GM presence in conventional seed. This is likely to result in damaging cost implications for seed supply to the EU, particularly as the number of GM crops and traits in commercial cultivation globally is predicted by the EU's own Joint Research Centre to increase significantly over the next five years.

4. Undermines free-market principles

In relation to GM crop authorisation, the role of Government should be to protect the safety of consumers and the environment. It is contrary to fundamental free market principles to impose arbitrary, opinion-based or politically-motivated criteria to the GM crop approvals process. Such intervention in the market place is entirely inappropriate for national Governments, and by denying producer and consumer choice would undermine the basis of the EU as a free trading economy.

5. Abandons EU legal principles and WTO obligations

The Commission's proposals conflict directly with the European Union's own guiding legal principles of non-discrimination, proportionality and practicality, and disregard internationally recognised obligations which stipulate that trade restrictions must have a scientific basis, and be justified in terms of human health or environmental safety.

6. Discourages research and innovation

The proposals send a negative signal of the EU's attitude towards agricultural science and technology, offering no long-term certainty for future research investment within the EU. Ultimately the consequence of such a move would be to deter research investment, stifle innovation and block access to the tools EU farmers may need to help address the major challenges facing 21st century agriculture.

7. Establishes a damaging precedent for agricultural science and technology

By abandoning the established legal principles of science-based authorisation according to health and environmental safety, the proposals set a potentially

damaging precedent beyond GM crops for the future regulation and application of modern, science-based agriculture generally within the EU.

SCIMAC understands that the original rationale for introducing national approvals on GM crop cultivation was constructive in seeking to unblock the current EU logjam of GM crop applications and allowing more progressive Member States to move forward with the technology.

Yet the Commission's proposals are accompanied by no assurance that they will support a functional GM authorisation process or influence voting behaviour within the Council of Ministers, and the focus is very clearly on the development of measures to 'prohibit, restrict or impede the cultivation of GMOs'. Instead of facilitating the technology's development according to sound, science-based principles, the proposals look set to introduce further discriminatory barriers and delays.

SCIMAC

June 2010

AGRICULTURAL INDUSTRIES CONFEDERATION

3rd September 2010

Dr Stuart Wainwright

Head of GM Policy and Regulation Team

Defra

Area 8A, Millbank

17 Smith Square,

London.

SW1P 3JR

Dear Stuart

Re: **Commission proposals on the freedom for Member States to decide on the cultivation of GM crops**

Thank you for the opportunity to comment on the announcement from the Commission concerning national competence on GM cultivation.

For information I have attached a note which we prepared in early July in response to the information coming from Brussels on what was being proposed. This remains valid although there are additional points which we would want to pick up.

One of our over-riding concerns is that this action by the Commission has served only to delay further attempts to develop a technical solution to the zero tolerance problem experienced on the import of feed materials such as soya. The need for a solution to this issue is, we contend, a more urgent problem and one that has caused the animal feed industry considerable cost already, both in the UK as well as the wider EU.

Given the practical situation concerning GM production in the EU, beyond that which is already taking place in countries such as Spain, where the market is resolving issues such as tolerances, premiums, liability etc., we can only conclude the EU has sought to progress the cultivation dossier because it is either unable or unwilling to

move forward on import issues. We believe the UK should, along with other affected Member States, be pressing the Commission to give stronger assurances on the timetable for a resolution to the particular zero tolerance matter, and before the industry is faced with another real threat of vital vegetable protein imports to the EU being restricted.

You draw attention, in your letter, to the proposal introducing a legal provision to ban the cultivation of an approved crop for reasons other than safety or co-existence. We find it difficult, if not implausible, for the Commission to argue such a move will not compromise either EFSA or the European Coexistence Bureau or indeed that such a move would not be at odds with existing legislation such Regulation EC 178/2002 which laid down the general principles of food law and established EFSA. The preamble to that legislation stated that "There are important differences in relation to concepts, principles and procedures between the food laws of the Member States. When Member States adopt measures governing food, these differences may impede the free movement of food, create unequal conditions of competition, and may thereby directly affect the functioning of the internal market." It would seem the Commission is, for the purposes of political expediency, now guilty of introducing the very measures they sought to remove through the introduction or Regulation 178/2002.

AIC has long supported the UK Government position of decisions being taken on the basis of sound scientific information which, in turn, permits full and informed consumer choice. As an industry body we have worked long and hard, with you and colleagues, to develop procedures, deliverable through best practice guidelines (SCIMAC) and existing industry structures (Farm Assurance) which will deliver that. The Commission proposal threatens to undermine that principle of consumer choice whilst allowing a legal and approved technology to be hijacked as a national political football.

Finally we have a very serious concern at the wider implications this proposal could have on our industry. By proposing national action be permitted in this instance it sets what we would argue is a very dangerous principle for such measures then to be available in other areas. Whilst we would agree there are issues of a regional and local dimension this is not unique to the cultivation of GM crops. Nor is it unique to GM cultivation that the demands of production chains and consumers will be closely entwined. Such issues are however most appropriately – and most effectively – dealt with by the market place as part of meeting consumer choice and expectation. This proposal will remove the ability to meet market demand and remove from the consumer the right of choice. We therefore do not support any

attempts to move decision making to a national regional or local level and would not agree with the Commission’s arguments for doing so.

Yours sincerely

HEMEL MEMPSTEAD GM ACTION GROUP

Concerning the consultation on the Proposal for a Regulation of the European Parliament and of the Council as regards the possibility for Member States to restrict or prohibit GMO's in their territory.

Dear Stuart Wainwright,

Many thanks for making the European Commission's Explanatory Memorandum of the above available for response. As this consultation is 'to help inform' your 'thinking' it appears that this process is therefore not an obligation on your part and therefore more appreciated.

1.1 the proposal in hand looks at first sight very attractive, particularly as the Commission has in the past taken an overt pro-GM stance in wanting to force GM crops into Europe as a whole and without exception. To give member states a choice based on more local and national level seems therefore a departure from its previous hard line.

1.2 However, there is an insuperable hurdle incorporated in the Proposal in as much as any choice made could not include objections on health and scientific grounds. This implies that a member state choosing to object to GM crops would tacitly acknowledge that since health and environmental issues had been resolved at EFSA level and hence taken as carved in stone. This is no longer acceptable as science has moved on and it is not a prerogative of the EFSA but of science, wherever it is practised. And this evolving science is identifying a host of health and environmental problems (3). Consequently the EFSA's so-called 'science based standards for the assessment of potential risks for human health, animal health and the environment' (see chapter 1 second paragraph) are no longer accepted by a number of member states, nor by a large section of scientists or people in general.(2). Unless this hurdle is removed and member-states can refuse the cultivation of GM crops also on scientific grounds, the proposal is unacceptable as it violates the scientific integrity of member governments.

1.3 The second objection is just as serious as the first, namely that the underlying intention is to process 'applications without undue delay' of GM crop cultivation in Europe. This is not wanted by the vast majority of its population, nor is it needed.

1.4. For the Commission to wish to force GM crops into the European countryside is nothing but a political trade war. And this is a dangerous one as modern science

in examining GMOs and its farm management increasingly highlights the health dangers to humans, animals and the environment.(1) No country should be forced to have its countryside contaminated with GMO's on doubtful scientific or other grounds. The subsidiarity principle as far as GMOs are concerned is the new dictatorship, which is discrediting the European Union. This is pushed by the GMO lobby, the multinational seed companies, the WTO and the United States and their trade interests.

1.5. Hence the Proposal is really a tool in disguise to spread GM farming in Europe.

1.6. The Proposal must therefore be rejected as it is against the fundamental rights of the people.

2.1. The Regulation of the European Parliament and of the Council amending Directive 2001/18/EC stipulates in section 2, that 'GMOs for cultivation shall undergo an individual risk assessment before being authorised before being put on the Union market' 'to ensure a high level of protection of human life and health, animal health and welfare, and of the environment and consumer interests whilst ensuring the effective functioning of the internal market'.

There is a fundamental flaw in this risk assessment as it cannot 'protect' whilst it also 'ensures'. The emphasis of the Proposal is on ensuring the proliferation of GMOs rather than protecting human life and health.

2.2. In section 4 the Regulation states that Member states are not authorised to 'prohibit, restrict or impede' the 'free circulation within their territory of 'the marketing of seed and plant propagating material'. The European super state has arrived to interfere with the most crucial national sensitivities.

2.3. With the Proposal 'more freedom to decide' is given. This ensures the 'slavedom' to the rest of the regulations, see section 6.

2.4. Section 7 confirms the limited offer of the 'Proposal' by saying 'Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, or in products and products of their harvest'.

2.5. Section 8 stipulates that 'according to the legal framework for the authorisation of GMOs the level of protection of human/animal health and of the environment chosen in the E.U. cannot be revised by a Member State and this situation must not be altered'. Totalitarianism controlling the national integrity in

protecting the safety of their own citizens and their own country has won the day in the European Union. This must change.

2.6. What also must change is that the European Union is subject to the international obligations of the World Trade Organisation.

3.1 There is a series of other obstacles to making the 'Proposal' acceptable.

3.2 The precautionary principle does seem to be abandoned in the face of 'application without undue delays'.

3.3 The question of co-existence is still vigorously debated.

3.4 The problem of party politics rather than concern for the consumer is an acute dilemma. Nearly all Conservative M E Ps voted against the motion to have products derived from animals fed on GM feed labelled. This is scandalous.

3.5 The problem of keeping secrets and thus undermining independent research into the safety of GMOs is still being supported by the authorities. It has not dawned on the legislators that no Disclosure of the research by the GM industry would by necessity mean No Exposure i.e. No Sale. It is human health that is at stake.

3.6 The question of patenting of living organisms is a dark cloud hanging over all trade agreements as profit linked to patents on life drives the whole GM enterprise.

3.7 The question of 'choice' as against 'compulsion' is a basic problem in the European Union context.

3.8 The problem of 'substantial equivalence' is still being debated.

3.9 'The polluter pays' is a principle that needs to be affirmed.

4.1 The sensitive question whether certain European Union regulatory bodies are trustworthy has been raised again and again.

4.2 Right at the centre of the Union is the fact that accounts have not been audited officially for years.

4.3 Serious questions have also been voiced regarding the trustworthiness of the GM panel of the EFSA particularly in terms of the conflict of interest, which is well

documented.(1). The terms ‘corruption’ and ‘not fit for purpose’ are sometimes heard. If there is the slightest doubt as to such ethical concerns, then the safety of man, animal and the environment are at stake. An enquiry may be needed.

4.4 The tests to determine the safety of GMOs are inadequate and hence scientifically untenable.(4). This makes GM food and feed potentially hazardous across the board.

4.5 All the above has a bearing on the Proposal.

5.1. The question of cultivating, the importing and consumption of GMOs is one of the most divisive topics in the European Union.

5.2. The ‘Proposal’ above is likely to formalise and harden this division.

5.3. Instead of a European Union, we would create European Schism based on GMOs putting some countries on a legal war footing and pitting one country against another.

5.4. Legal and political tactics are rife in the various authorisation bodies of the Union to manipulate and force issues.

5.5. Independent research on the safety of GMOs has been regularly attacked, killed off and marginalised to the detriment of researching the truth.

5.6. The control over the food chain is bitterly fought over at the heart of the European Union.

5.7. The battle is trade and profit as against human and animal health; trade and profit as against the environment; trade and profit against biodiversity.

5.8. A recent book and film under the title ‘The World According to Monsanto’ gives an indication of the power of the GM multinationals over our regulatory systems. (4).

5.9. We hope that humanity and good science will win over the trade-profit orientated elements in the European Union and reject the tactical proposal by the Commission to give doubtful freedom for Member States to decide on the cultivation of GMOs in Europe. In this context we reject the Proposal.

6.1. As an addendum to our response, we would like to add that we hope Defra will respond to our endeavour in answering your request for help to inform your thinking, by sharing with us your thinking, which will have matured with our help. We believe that this is a professional procedure in a democratic society, where your work is paid for by us tax payers.

6.2. We would beg to be informed a) who responded, b) how many were for c)how many against and d)how many were undecided; regarding this consultation.

6.3. Please include us as stakeholder in any future consultations.

6.4. We hope that you find sufficient material of substance in our response, that we can look forward to a time when we and our children can live without the threat of GMOs being forced on to our plates and the countryside. Please help.

Yours sincerely

References

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A Review of the European Food Safety Authority and its work on Genetically Modified Food and Crops'. -

November 2004.

2. 'Safety Evaluation of Horizontal Gene Transfer from Genetically Modified Organisms to the Micro flora of the Food Chain and Human Gut'.

http://ec.europa.en/research/quality-of-life/ka1/volume1/qlkl-1998-vo527.htm

3. Crii-Gen, Effects of the herbicide Roundup on human embryonic cells, press release, May 2007, www.criigen.org

4. The World According to Monsanto, Marie-Monique Robin, the New Press 2010. Press release.

FOOD & DRINK FEDERATION

3 September 2010

Dear Stuart,

COMMISSION PROPOSALS ON THE FREEDOM FOR MEMBER STATES TO DECIDE ON THE CULTIVATION OF GM CROPS

Thank you for your letter of 9 August 2010, in response to which I enclose FDF's initial thoughts on the Commission's proposals. You will appreciate that, in view of the holiday period and our general policy not to hold our committee meetings during August, we have as yet had no opportunity for open discussion of views within our membership. Nevertheless we circulated the consultation widely and the enclosed response reflects our current thinking.

We shall be pleased to be kept informed of any developments as the proposals are discussed both at UK level and between the Member States.

Thank you for the opportunity to comment at this stage.

Yours sincerely,

1. About FDF

This submission is made by the Food and Drink Federation, the trade association for the food and drink manufacturing industry. Food and drink is the largest manufacturing sector in the UK (about 15% of total manufacturing output) turning over almost £73bn per annum, creating GVA of around £22bn and contributing around 2% of the UK's total GDP.

2. Background

2.1 In our response to Defra's consultation on the Socio-economic aspects of Genetically Modified (GM) Crop Cultivation and Placing on the Market of GM Seeds (December 2009) when the Commission's current proposal was anticipated, we expressed a number of reservations about the approach then under discussion:

- We expressed concern that a proposal to shift responsibility away from the existing EU structures and back to the Member States would be a retrograde step, and would have the potential to create further barriers to trade and further complicate an already arcane procedure.

- That said, we suggested that if the proposal were to relate only to decisions as to whether or not to grow GM crops in specific territories, it could create a degree of inter-Member State competition in both GM and non-GM or organic directions.

- We questioned, however, the basis for EU harmonisation of all GM legislation unless clear principles and workable criteria were developed to underpin the subsidiarity approach to decision-making in this area and could be seen to be operating effectively.

- We were concerned that the inclusion of socio-economic factors could amount to a charter to oppose the planting of GM crops on grounds that consumers do not want them, without any serious consideration of a full cost/benefit analysis, which in any case would add an additional hurdle and further delay the already very lengthy decision-making process.

- Another difficulty would be in obtaining data on experience of growing a particular crop when it could be argued that there is no experience in comparable conditions to those of the Member State concerned. We questioned how, if evidence of lack of negative socio-economic effect were needed prior to approval, where such evidence would come from.

2.2 We note that in framing the proposal under discussion, the Commission has removed any reference to socio-economic criteria and cost-benefit analysis, hence the latter two points appear to be no longer a consideration. We have therefore examined the proposal from the perspective of our members and the issues raised in earlier discussions, as the short notice and timing of the consultation period do not allow us the in-depth discussions we would need to explore fully the implications of the proposal in the detail we would wish.

3. FDF's views on the Commission's proposal

3.1 Our response is predicated on our position as representing the food and drink manufacturing sector. As such we have no direct interest in cultivation, but speak for a sector that purchases approximately two thirds of UK agricultural production and is also a major importer of food raw materials and commodity crops. Some of our members are also users of raw materials produced by animals, for whom the crops on which they are fed is also a consideration.

3.2 A key principle of our members is to offer consumer choice, in terms of product category, composition, means of production (e.g. organic), and price. This is an important consideration in the GM debate, as many of our customers, whether retail, catering, or direct consumers, specify a requirement for non-GM, identity-preserved (IP) raw materials and products. Moreover, as we have previously commented, there is as yet no commercial cultivation of GM crops in the UK and only limited experience elsewhere in the EU. However, increasing pressure on availability and price of non-GM sources of certain crops, and new developments which may in time produce crops modified with traits perceived as more beneficial to consumers, and/or more sustainable from an agricultural and supply chain perspective (such as the blight-resistant potato currently being trialled in the UK), we anticipate that GM-derived food raw materials and ingredients will enter the UK and EU markets in greater quantities in the foreseeable future. Any change in GM policy positions should therefore take account of both current and future market expectations.

3.3 Our view on the cultivation of GM crops in the EU has always been that farmers and growers, and their customers, should be in a position to adopt the agricultural system of their choice, be it organic, conventional or GM, and the Coexistence Framework (Commission Recommendation of 23 July 2003 on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming) offered sufficient flexibility to Member States to determine any provisions needed to safeguard the

interests of all farming methods according to local climatic and topographical conditions, and the type of crop to be grown. Contrary to the Commission's intentions, these provisions appear to have been used mainly to erect barriers to the cultivation of GM crops through the application of fiscal and excessively bureaucratic measures. Member States have also delayed and opposed authorisations for the marketing of GM crops for food and feed use by invoking safeguard measures, though to the best of our knowledge none has ever survived scrutiny by EFSA. Delays in authorisations have seriously impacted the food and drink manufacturing industry, particularly when traces of GM material from a GM crop variety not yet authorised in the EU but commercially grown elsewhere in the world have been found in conventional consignments imported to the UK and elsewhere in the EU. The application of the EU's "zero tolerance" policy in such situations, irrespective of a positive safety assessment of the products concerned, caused major disruptions to trade and costs to industry in 2009, with the anticipated solution still not on the negotiating table. From our perspective this is a far more immediate issue than that of decisions on whether or not to cultivate GM crops in the EU, and the ability of Member States to ban such cultivation without need of justification.

3.4 In its Explanatory Memorandum, the Commission cites the fact that some Member States have voted on non-scientific grounds as justification for the new measure (paragraph 2.1 A). The following section suggests that the measure will bring legal certainty to the current system. Whilst we are not expert in the deliberate release area of GM legislation, Directive 2001/18/EC under which the measure is made, we find it hard to perceive this as anything more than political expediency dressed up as legal certainty. Moreover, we see nothing in the measure which explains how the EU would deal with legal redress if, for example, GM material were to be found in certified non-GM consignments, even if from a country/zone not growing GM crops. The EU regime still lacks a seed threshold for GM, a measure which the food and feed supply chain has been calling for since at least 2006, when coexistence was last high on the political agenda. The Commission acknowledges that "Managing segregation will be more demanding in regions where conventional seed production overlaps with high shares of GM seed or GM crop production." (Para 2.2.1 A.) At our point in the supply chain this could lead to greater uncertainty and potentially greater burdens in contractual and testing requirements.

3.5 We do not see how the Commission justifies the statement in its economic impact assessment that "it is expected that consumers' and operators' choice between three different types products [sic] – organic, conventional and GM – would increase" when the measure appears to be designed to maintain the status quo (para 2.2.1 C). Moreover, it is not clear whether or not the Commission has undertaken any research on the potential of this measure to skew the agricultural

supply system towards or away from any particular crop, or if this might have any impact, either positive or negative, on the Common Agricultural Policy (CAP).

3.6 We accept that there could be a benefit in allowing Member States to take decisions to ban or restrict the cultivation of GM crops in all or part of their territories under this measure if they desist from invoking safeguard measures for spurious reasons (para 3.1, sub-para 1). This would prevent abuse of the current regulatory system and the implication that GM crops and their derivatives that have undergone a positive safety and environmental assessment by EFSA are unsafe, either to human, animal or environmental health. This may in time increase overall confidence in the EU regulatory regime and in GM crops themselves.

3.7 We welcome the clear statement in the proposal (Recital 7) that “Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest.” The Recital goes on to state: “Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.” It is important in this respect that thresholds are workable, and supported by an effective sampling and testing regime that takes account of analytical uncertainties. The food and drink supply chain currently works to the 0.9% “labelling” threshold in respect of imported commodities or, in the case of organic production, a lower threshold where specified. Any change in this threshold in respect of EU crop production could have cost implications for the supply chain. Consequently we are concerned that the new coexistence regime allows for the setting of thresholds other than 0.9%, and wonder how thresholds lower than this (we think it unlikely they would be set at a higher level) would be achievable in the longer term, and in the absence of a seed threshold..

4. Conclusion

4.1 In our response to Defra’s consultation on the Socio-economic aspects of Genetically Modified (GM) Crop Cultivation and Placing on the Market of GM Seeds (December 2009), we concluded that the existing coexistence framework should be considered as a basis for any renewed discussions on cultivation of GM crops, and that the tools to allow Member States to take decisions on whether or not to cultivate GM crops on their territories were already enshrined within that framework. We are concerned at the change to this framework, without consultation, and in particular the introduction of flexibility on the setting of thresholds.

4.2 The use of genetic modification (GM) in food has thus far failed to gain public/consumer acceptance in the EU, hence schemes to preserve the identity of conventional crops and their derivatives remain necessary to facilitate consumer choice. We remain committed to this principle of providing consumer choice, but as we have also commented, believe that in principle, all farmers and growers, and their customers, should be in a position to adopt the agricultural system of their choice, be it organic, conventional or GM. This is unlikely to be the case under this proposal.

4.3 We are concerned that the measure could lead to greater burdens in terms of contractual and testing requirements at our point in the supply chain, given the potential for differences in thresholds between regions and Member States.

4.4 We remain concerned that this proposal could create further barriers to trade and further complicate the regulatory procedures in respect of GM and other types of cultivation, in terms of both the sourcing of raw materials and sale of finished products. It remains to be seen whether or not this measure will increase competition or intra - Union trade, or facilitate purchasing or supply chain management for our members.

4.5 We are not convinced that the underpinning criteria, in particular the flexibility to set thresholds, are either workable or desirable.

4.6 FDF welcomed the overall thrust of Defra's 2006 proposals on coexistence, which were set within the context of the European Commission's framework guidance and a commitment to managing sustainable systems with respect to specific national and local conditions. We would be interested to know how Defra will now respond to these latest proposals from the EU in terms of a national regime for the UK and if the devolved administrations will adopt their own policies.

FDF

3 September 2010

Annex

The UK Food and Drink Manufacturing Industry

The Food and Drink Federation (FDF) represents the food and drink manufacturing industry, the largest manufacturing sector in the UK, employing around 440,000 people. The industry has an annual turnover of over £72.8bn accounting for 15% of the total manufacturing sector. Exports amount to almost £10bn of which 79% goes to EU members. The Industry buys two-thirds of all UK's agricultural produce.

The following Associations are members of the Food and Drink Federation:

ABIM Association of Bakery Ingredient Manufacturers

ACFM Association of Cereal Food Manufacturers

BCA British Coffee Association

BOBMA British Oats and Barley Millers Association

BSIA British Starch Industry Association

CIMA Cereal Ingredient Manufacturers' Association

EMMA European Malt Product Manufacturers' Association

FA Food Association

FOB Federation of Bakers

FPA Food Processors' Association

GPA General Products Association

MSA Margarine and Spreads Association

SB Sugar Bureau

SMA Salt Manufacturers' Association

SNACMA Snack, Nut and Crisp Manufacturers' Association

SPA Soya Protein Association

SSA Seasoning and Spice Association

UKAMBY UK Association of Manufacturers of Bakers' Yeast

UKHIA UK Herbal Infusions Association

UKTC UK Tea Council

Within FDF there are the following sectoral organisations:

BCCC Biscuit, Cake, Chocolate and Confectionery Group

FF Frozen Food Group

MG Meat Group

ORG Organic Food and Drink Manufacturers' Group

SG Seafood Group

VEG Vegetarian and Meat Free Industry Group

YOG Yoghurt and Chilled Dessert Group

BCPC

Dear Dr Wainwright

Commission Proposals on the Freedom for Member States to Decide on the Cultivation of GM Crops

BCPC (The British Crop Production Council) is pleased to have the opportunity to comment on these proposals ahead of the forthcoming discussions. This response may be made public without restriction.

Given the certainty that some Member States would not and will not agree to the Commission's original proposals relating to the cultivation of GM crops within the EU, we can see little alternative to the present proposals. At least, these proposals appear to offer a way forward that would enable the cultivation of GM crops in those Member States which wished to grow them.

This is a regrettable position because it is clear that the opposition expressed by some Member States in the Council was not based on any evidence of adverse effects, or risks of adverse effects, on human health or on the environment. But this should be no surprise, given the history of lawmaking on matters affecting GM crops within the EU. As BCPC has pointed out on numerous occasions, the present EU legislation on GM crops is full of inconsistencies and illogicalities. These arise mainly because the legislation has been framed in terms of "process" and not in terms of "outcome". Thus, for example, two cultivars containing the same gene for herbicide tolerance (that might be considered an environmental hazard) would be treated very differently if the gene had been transferred into one cultivar by GM technology and transferred into the other cultivar by non-GM technology. The environmental hazard from the herbicide tolerance, if there is any, rests in the gene itself, and in its expression, and not in the technologies that were used to effect its transfer into the new crop cultivars.

We are concerned that the implementation of the Commission's proposals will almost certainly result in a raft of new issues and problems for agriculture and consumers in the EU. However, this outcome may well be no worse, and may

perhaps be better, than that which would come to pass by continuing with the current legal framework unchanged. For this reason, BCPC would not oppose the proposal.

We note that the Commission's proposal should provide a basis for the adoption of a regional approach to the cultivation of GM crops within any Member State that wishes to implement a zonal system to facilitate separation between GM and non-GM crops, for example, to deal with the issue of "co-existence". Within the UK we would argue strongly against any zoning at a level below that of the territories covered by the four administrations with responsibility for agriculture, i.e. the four territories of England, Scotland, Wales and Northern Ireland.

One unintended benefit of the proposal is that it will provide a valuable precedent for territorial derogations in other areas of activity covered by EU legislation where decisions have been driven by political considerations rather than scientific risk assessment.

There is, of course, a delightful irony in the Commission's proposal, given that the original driver of the EU was to provide a "single market" with a level playing field for trade. The proposed territorial derogation will allow those Member States that see a marketing advantage for their crop products if they take a "No GM" stance, to opt-out of the "single market" and seek to gain by this approach. Equally, the territorial derogation will allow a market advantage to those Member States whose producers can utilise the GM technology effectively in the increasingly competitive production of foodstuffs and crop products.

Please do not hesitate to contact us if you require any further information or wish to discuss any of the points we have raised.

Yours sincerely

NFU

Dear Dr Wainwright

European Commission proposals on the freedom for member states to decide on the cultivation of GM crops

The NFU represents 55,000 farm businesses in England and Wales, which is the equivalent of about 150,000 farmers and growers. We also have 50,000 'Countryside' members who are individuals with an interest in the countryside and rural issues.

Background

NFU members have a very wide range of views on GM crops. This goes from those with an ethical objection to the technology and those who do not want GM crops grown in UK, through to farmers who see significant potential for business benefit and are extremely keen to plant GM crops as soon as possible. The NFU policy position is therefore based on farmers' ability to choose whether or not to grow GM crops and use GM feed. As there are currently no GM varieties on the market for our members to plant, and little prospect of any in the next few years, it requires a leap of imagination for most growers to seriously consider policy issues related to cultivation in the UK.

The NFU discussed the original proposal from the Dutch government in March 2009. We considered there to be a number of pros and cons. At that stage our policy was to support the principle of giving member state governments a level of discretion on whether approved GM crops could be grown commercially in their country. This was on the basis that it would ease the current problems of slow and asynchronous approvals and the highly politicised legislative process for GMOs in the EU. We recognise that the positions of Austria, Italy, Greece etc. will not be shifted by scientific evidence through the authorisations process. The NFU therefore viewed the proposal as the only idea on the table that may break the deadlock, and therefore deserving of further consideration and development.

Despite not being against national discretion, we do not support the Commission proposals as published in July 2010. The attached letter sent to Commissioner Dalli and President Barroso from NFU President Peter Kendall before publication sets out our views of the drafts we had seen at that stage. The attached media release explains our reaction on publication of the proposals.

Our concerns relate to the following key points:

- Confusion and uncertainty in food and agriculture supply chains
- Practical and political difficulties between devolved administrations
- Increased political and legal pressure
- Distortion of the internal market
- Reduction in farmer choice of crops to grow
- Immediate application of guidelines to facilitate a ban, compared to years for legislative change that may enable cultivation
- Rules affecting producers' right to grow approved varieties being based on socioeconomic factors or farming conditions in advance of any commercial cultivation
- Setting a precedent towards removal of harmonised EU regulation for controversial issues
- An anti-technology message from the EU

Coexistence guidelines

The NFU wants the single legal EU labelling threshold for GM presence in all non-GM products, including organic, to remain and for it to be the basis of coexistence and liability arrangements on farm and in the supply chain. Without a single legal threshold, producers, food companies and consumers could not be sure of the 'GM-ness' of products. It would follow that some countries or regions would require (in law) and market products at different degrees of 'GM-free' or 'non-GM'. Trade between these areas would be problematic, with the likelihood of all being forced to achieve the lowest threshold. Costs along the food chain would increase (and most likely passed down to the farmer) if such requirements were in place, enforcement

bodies and the food industry may have to do more testing and the potential for the consumer to be misled would significantly increase.

We do agree that coexistence deals with the economic context, as noted in the Annex of the Commission paper, but to operate this must be based on achieving a common threshold. Any voluntary, market-based, lower thresholds must be achieved through measures taken by those wishing to access those markets. This is consistent with current approaches for products of certain premium specifications e.g. seed crops. Any 'stricter segregation' measures, as discussed in 1.1 of the Annex, should certainly not be regulated on a statutory basis. It is not appropriate for national or even regional/local regulations to require the 'lowest possible presence of GMOs', whatever this means, when a labelling threshold is set in EU law. Measures put in place to 'guarantee the non-GM price premium' should not be a matter for legislation but for the market. The guidelines appear to place all responsibility on the GM grower, rather than recognising how essential it is to have cooperation between neighbours to achieve coexistence.

Farming conditions are certainly very diverse across Europe and coexistence measures may need to vary. However, this should mean farm-level decisions are made, based on scientific evidence of cross-pollination etc., and it does not follow that national or regional rules must be put in place. The differences between farmed environment and production systems within one region may be far greater than between two countries, for example. Furthermore, it appears from the Commission papers that it envisages coexistence measures being used to restrict or ban GM plantings rather than to ensure non-GM crops can be grown alongside. This is not a principle the NFU can support.

We do strongly support the assertion that measures 'should avoid unnecessary burden for farmers, seed producers, cooperatives and other operators associated with any production type'. However, it is not clear how this can be achieved if coexistence measures are developed specifically so that the burden is sufficient to stop GM crops being planted. The guidelines talk about 'sufficient levels of purity' only being achievable by a total ban on cultivation. Defining what is 'sufficient purity' and then acting upon the accompanying demands to achieve it would be highly problematic for government, authorities and farmers.

We are unsure how the stark differences in policy between the devolved administrations of England, Wales and Scotland will be reconciled to ensure 'cross-border cooperation' and 'guarantee functioning of co-existence in border areas'. We

are concerned about the impact on our members in both England and Wales, and on the bordesr, if different policies are enacted or if England was forced to concede to Wales and/or Scotland to make arrangements work in practice.

Conclusion

The NFU would not want to see an effective moratorium on all GM approvals being put in place while the legislation is revised. However, we are concerned about the timing of the changes. As we understand it, the new coexistence guidelines to facilitate restriction of GM planting applied immediately on publication, with no consultation. Changes to the legislation, which may help member states who support the technology, would require co-decision and would take several years. During this time, GMO policy and legislation will be inconsistent and contradictory across the EU. The situation would lead to intensification of pressure from anti-GM groups; an increase in international concern (the Farm Bureau in the US is now urging the administration to take trade sanctions against the EU and more WTO challenges are likely); and would make it more rather than less difficult for those countries and regions wanting to grow GM crops to go ahead with commercialization.

If the guidance and legislative proposals are fully adopted as published and the principles on which they are based i.e. enabling countries or regions to ban approved GM crops with no health or environmental safety or scientific justification, and to use coexistence measures to effect a ban, it could be damaging to our members' businesses. The uncertainty in food supply chains and risk of renewed escalation of a negative GM debate in the UK would be extremely unhelpful to British farmers and growers, as well as to the future of what should be an innovative and efficient industry sector. The Commission guidelines do not refer at all to the functioning of the supply chain and trade between regions and countries, including with third countries, if different thresholds are set.

We would like to be kept up to date with Defra's analysis of the implications of the proposal and would be very pleased to discuss questions further as they arise. We want to see an outcome that is in the best interests of British farmers and consumers, as well as the environment and economy of the UK in the long term. Given the current global status of GM technology and the speed at which its applications in agriculture are developing, it is essential that legislation is set and

implemented with consideration of future decades and is not based on current politics and perceptions.

Yours sincerely

18 June 2010

ATTACHED TO NFU RESPONSE:

Letter to Commission etc. re. latest proposals on Member State decision making for GM crops

The National Farmers' Union is extremely concerned about the direction the Commission appears to be taking in dealing with the dysfunctional legislative process for GM cultivation in Europe. We foresee significant and damaging consequences for European industry competitiveness, Europe's position as an innovation-led knowledge based economy, third country trading relationships and the operation of the single market. Pursuing the current proposals would jeopardise any claims the European Union could make about science-based policies or international leadership in research, technological development and sustainable innovation.

The NFU welcomed the widespread agreement in the Commission and amongst MEPs that the current legislative process has created an obstruction to trade and progress and puts Europe out of step with other parts of the world. However, the proposal that we understand will be officially released on 13 July will create serious problems for Europe and its farming and food industry. It in no way offers solutions for member states that want to encourage innovation for sustainable agriculture and enable genuine market-driven choice. It does not guarantee a speeding up of the process or a way to stop challenges against the EU by third countries.

The coexistence element of the proposal, in particular, has the potential to cause unintended consequences in terms of the legal and political functioning of the internal market. It could severely compromise member states' ability to make science-based policy decisions. It departs completely from the principles underpinning coexistence and the 0.9% labelling threshold for food and feed. It would damage European competitiveness, creating a two-tier market by enabling

imports to be based on the 0.9% threshold while domestic production is restricted. It is not based on any real evidence of the need for lower thresholds to prevent economic losses in, for example, organic farming. It would make it impossible to have an internal market for seeds. It would put farmers and the food industry in a very difficult position in terms of labelling and marketing their products. It would create confusion amongst consumers.

It seems that the scaremongering tactics and one-sided debate led by anti-GM pressure groups have prevailed, despite the recent robust words of Commissioner Dalli and President Barroso. We are extremely concerned the new approach would leave national governments open to significant pressure of legal and political challenge, effectively making it impossible for them to maintain coexistence measures based on science.

It appears that the Commission may present the proposals as its final position and is not planning to consult stakeholders or member state governments. If this is the case, it would be completely unacceptable and counter to inclusive and transparent policy making. It also sets a dangerous precedent for how other politically difficult issues could be dealt with in Europe.

It is essential that there is a reconsideration of this proposal and a full analysis of the consequences for Europe within the global economy.