



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 May 2006

9810/06

**AGRI 191
MI 124
ENV 310
DENLEG 35
CONSOM 44
SAN 150**

NOTE

from : General Secretariat
on : 24 May 2006

Subject : Coexistence of genetically modified, conventional and organic crops
- freedom of choice

At its meeting on 22 May 2006, the Agriculture/Fisheries Council adopted the conclusions¹ which are set out in Annex.

¹ EL abstained. Note also that a statement by this delegation and a statement by PL have been entered in the minutes of the Council session.

Council Conclusions on Coexistence

The Council

1. RECALLS the recommendation of the European Commission on guidelines for the development of national strategies and best practices of 23 July 2003 to help Member States develop national legislative or other strategies for co-existence.
2. WELCOMES the report by the European Commission on the implementation of national measures on the co-existence of genetically modified crops with conventional and organic farming adopted by the European Commission on 9 March 2006.
3. WELCOMES the outcome of the Conference “Co-existence of genetically modified, conventional and organic crops FREEDOM of CHOICE” (Vienna, 4-6 April 2006), which has allowed that broad discussions with representatives of all stakeholder groups took place.
4. WELCOMES that this conference has contributed to a better understanding of the wide-ranging challenges Europe is facing with co-existence, and that it has allowed a transparent debate focused on the questions of how to implement co-existence and how we can best guarantee freedom of choice.
5. RECOGNIZES that freedom of choice means European farmers should have a sustainable possibility to choose between conventional, organic and GMO production. Farmers who would like to continue with their current farming practices should be able to do so without having to change their practices. On the other hand, those who want to cultivate GMO crops, should also be able to do so. Similarly, consumers must have a continued choice between conventional, organic, and genetically modified (GM) food products. The EU labelling and traceability rules play an important role in this context.

6. RECOGNIZES that, although the EU has arguably the most stringent and thorough risk assessment and authorisation procedure for GMOs in the world, some parts of the European population still feel concerned about the safety of authorised GMOs.
7. NOTES that a discussion is going on concerning the authorisation process of GMOs, including the risk assessment carried out by the European Food Safety Authority (EFSA), and NOTES that these issues will be explored at the Environment Council in June 2006.
8. RECOGNIZES, however, that the question of co-existence addresses the socio-economic aspects of cultivating authorised GMOs alongside conventional and organic crops.
9. RECOGNIZES that with the global reforms of agricultural trade policy the competitiveness of EU agriculture in the global marketplace becomes increasingly important for farmers and for rural areas as a whole, and that this includes responding to consumer demands for, for example, organic products and products linked to traditional practices and geographical origin. At the same time, competitiveness is linked to innovation, which includes that science, including biotechnology, can be put at the service of agriculture and NOTES therefore that it is in the interest of Europe to avoid lagging behind in biotechnology-
10. UNDERLINES that it is necessary to safeguard the European Model of agriculture with its sustainable balance of socio-economic, environmental and territorial aspects.
11. UNDERLINES that it has to be avoided that the introduction of GMOs in European agriculture inflicts economic damage or losses on conventional or organic farmers by requiring them to change their current practices.
12. STRESSES that the purity standards for seeds are key to ensuring a sustainable approach to co-existence. UNDERLINES that Community labelling thresholds for seeds are therefore necessary and that these should be set in such a way that it is in any case possible to respect the labelling threshold for the final product at the end of the food production chain.

13. UNDERLINES that co-existence implies that the decision to produce GM or non-GM crops should be with the individual farmer or with groups of farmers that decide to use one of these production types. STRESSES that it should therefore be the aim to find sustainable solutions along these lines for all regions of the EU.
14. STRESSES the need for GMO and non-GMO farmers to be fully informed about their rights and obligations concerning the cultivation of GMOs including information about liability rules and compensation.
15. STRESSES that there is a need for Community guidelines for the development of practical crop-specific co-existence measures, to supplement the existing Commission Recommendation, while enough flexibility should be maintained for Member States and regions to tailor the measures to their needs, conditions and specific circumstances, such as parcel size, land fragmentation and climatic conditions. Such guidelines should take into account the economic costs of co-existence measures as well as their technical effectiveness.
16. STRESSES that particular emphasis should be given to cross-border issues and that, in this context, the creation of an information system between Member States should, among other things, be considered. RECOGNIZES that the expert network on co-existence (COEX-NET) can play a role in this regard.
17. STRESSES that that transparency and open dialogue with all stakeholders involved are key to addressing this issue and that this dialogue should therefore be intensified in the future on all matters concerning co-existence, with particular emphasis on the exchange of information and experiences concerning research on crop-specific distances, liability and cross-border issues, and monitoring methods for co-existence.
18. EMPHASISES that the use of COEX-NET should be intensified and its role strengthened, in order to provide an on-going platform for the Member State for exchange of information regarding, for instance, crop segregation and liability measures.

19. RECOGNIZES that the Member States and the Commission should continue to explore whether further steps towards common principles regarding co-existence should be taken.

INVITES THE COMMISSION TO:

1. Take account of the above-mentioned elements.
2. Come forward, as soon as possible, with Community labelling thresholds for seeds, which should be set in such a way that it is in any case possible to respect the labelling threshold for the final product at the end of the food production chain. The level of these thresholds should allow freedom of choice throughout the whole food production chain, and it should not create a disproportionate burden for any group of operators.
3. Identify, in close co-operation with the Member States and stakeholders, best practice for technical segregation measures and, on the basis of this work, develop guidelines for crop-specific measures. At the same time, ensure that the crop-specific guidelines leave the necessary flexibility for Member States to take account of their regional and local factors (share of different crops in cultivation, crop rotations, field sizes, etc).
4. Intensify the use of COEX-NET to exchange information regarding crop segregation and liability measures, including cross-border problems in relation to co-existence, and to discuss possible solutions should such problems be observed.
5. Explore with Member States possible ways of minimizing potential cross border problems related to co-existence.
6. Explore sustainable solutions, which are in line with EU law, for areas where agricultural structures and farming conditions are such that farm level co-existence is difficult to achieve for a given crop.
7. Strengthen the European research on co-existence in order to fill current knowledge gaps, and make existing research results available to the Member States.

8. Study, as the Commission proposes in its report, the different national civil liability systems relating to their application in case of economic damage from the admixture of GMOs in non-GM crops, including in cross-border situations. In this context, examine also specific compensation and insurance schemes developed in the Member States.

 9. Continue to explore, together with the Member States and in a transparent way, whether further steps towards common principles regarding co-existence should be taken.
-