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NOTE

from the Netherlands delegation
to : Council

Subject : International Conference on GMO's in European Agriculture and Food Production
(The Hague, 25-26 November 2009)
- Information from the Netherlands delegation

Delegations will find hereto an information note submitted by the delegation of the Netherlands to be presented under AOB items at the Council session on 14-16 December 2009.

“International Conference on GMOs in European Agriculture and Food Production, The Hague 25-26 November 2009”.

The benefits and risks of the use of genetically modified organisms (GMOs) in agriculture and food production, in particular the cultivation of genetically modified crops, are continually discussed in the EU. This was reiterated by the adoption of Council Conclusions in the EU Environment Council in December 2008. These called for a further improvement of the implementation of the EU legal framework, while acknowledging the need for the continuing timely processing of applications for the placing on the market of GMOs and fulfilment of relevant international obligations. An efficiently functioning framework is required to allow the EU to continue to make proper assessments of future GMO applications, in particular when GMOs could contribute to more sustainable agriculture or better quality food production.

The international conference on GMOs in European Agriculture and Food Production was held at the initiative of Ms. Gerda Verburg, the Netherlands’ Minister of Agriculture, Nature and Food Quality, and Ms. Jacqueline Cramer, the Netherlands’ Minister of the Environment and Spatial Planning.

The conference sought to take an inventory of stakeholder opinion on the present EU policy framework in the EU and to explore possible ways forward. Participants were invited to discuss a proposal to give EU Member States the authority to make a final decision on the cultivation of GMOs on their territory. This proposal had been put forward by the government of The Netherlands in March 2009 in the EU Agriculture and Environment Councils. A second element of the conference was the exchange of information and the building of a knowledge base on the socio-economic aspects of the use of GMOs in European agriculture and food production.

The conference took place on 25 and 26 November 2009 in The Hague, The Netherlands and was attended by more than 250 participants from Europe and beyond. These included both representatives of the EU Member States and the European Commission as well as farmers, consumers, agri-business and trade partners, non-governmental organizations and representatives from the biotech industry and the scientific community.

The conference offered a two-day programme with speakers representing the different stakeholders from around the world. The conference programme also presented an extensive opportunity for participants to make an active contribution. Working groups, side events and poster presentations provided participants with a platform to present their views and experiences. Furthermore, the conference programme contained a ministerial roundtable meeting that was attended by EU ministers of agriculture and environment and their delegates. Also, representatives of DG Agriculture and Environment of the European Commission took part in the meeting. The conference was chaired by Minister Verburg.

The main findings of the ministerial are attached. A comprehensive summary of the conference will be made available in a booklet and on www.minlnv.nl/gmoconference2009.

Main findings of the Ministerial Roundtable of the Conference on GMOs in European Agriculture and Food Production

Part I: Cultivation

- a) Ministers and representatives highlighted the new challenges we are facing worldwide and which agriculture is facing in a changing environment.
- b) Both the opportunities that GMOs could represent in terms of increasing agricultural competitiveness, productivity and fighting hunger in the world, as well as concerns relating to seed diversity, access to knowledge and food security were expressed.
- c) Many ministers and representatives underscored the need to make a distinction between authorisation of GMO products and cultivation within the EU. They highlighted the need to maintain the current authorisation criteria in the field of human, animal and plant health, including the science based risk assessment. The crucial and important role of EFSA was clearly stated.
- d) Ministers and representatives expressed support for the concept of granting Member States and/or specific regions the right to decide on cultivation of GMOs on their own territory. Some representatives expressed reservations.
- e) In this context, several participants referred to subsidiarity, proportionality and the right of self determination as important concepts to respect when considering EU GMO policies, taking into account regional agricultural, ecological, geographical, co-existence and other legitimate factors.
- f) It was pointed out that this approach could improve the effectiveness of the GMO procedures in the EU.
- g) It was noted that GMOs in food and feed should be treated differently from GMO cultivation. The EU should remain in a position to not only import, but also produce GMOs. In this respect attention was drawn to the issue of zero tolerance in the EU for non-authorized GMOs.
- h) Different views were expressed as to how a framework could be developed to encompass this issue.
- i) In this regard, it was pointed out that it is important to take into account practical and legal considerations and to ensure a firm international and European legal basis.
- j) It seemed appropriate to first assess whether solutions could be found within the current framework for GMOs. If this would prove impossible, changes to the framework as proposed by several Member States could be considered.

- k) In any case, the implementation of the current framework should be improved, including the safeguards therein for environmental, food and feed safety. In this context, several participants emphasized the importance of maintaining the science-based Risk Assessment of GMOs.
- l) Different participants considered it desirable to include in such a framework the possibility for member states to base their decisions on cultivation of GMOs on their territory on socio-economic considerations. Some representatives wanted these discussions to enrich also the process of authorization.
- m) However, other participants described the taking into account of socio-economic aspects as opening Pandora's box, raising many new questions. In this respect they underscored the need to comply with international treaties and agreements, especially WTO.
- n) Given the broad desire for a swift solution and the need to accelerate the process for coming forward with proposals, participants called upon the European Commission to put forward as soon as possible proposals to encompass the issues raised.

Part II: socio-economic aspects

- a) As a second and clearly separate issue, the Roundtable exchanged views on socio-economic implications of GMOs in European agriculture.
- b) A number of ministers and representatives expressed support for the nine criteria as identified by the Netherlands. Others stated reservations or the need to have more time for study.
- c) Other issues mentioned included plant breeding, patent rights, ethical criteria and threshold levels for adventitious presence of GM seeds in conventional seed batches.
- d) Some participants pointed to the generally negative public opinion on GMOs in general. In this regard it was suggested that consumers should be made more aware of the thorough scientific risk-assessment that underpins market authorizations of GMOs.
- e) Several participants agreed that a further analysis of socio-economic consequences of GMOs, including possible adverse effect but also socio-economic benefits and opportunities to stimulate innovation, would be worthwhile.
- f) In that regard, it was recommended to promote independent socio-economic and agronomic impact studies of GMOs.
- g) Furthermore, involvement of all affected stakeholders in the discussions on this issue was considered essential.

- h) Views diverged as to whether and how socio-economic aspects could be included in EU policies and authorization procedures. Some participants were in favor of including such aspects. Others expressed reservations, pointing for instance to a possible increase in administrative burdens or complicating the process of authorization.
- i) In any case, the EU should comply with international agreements such as the WTO agreements. Also the issue of non-trade concerns under the WTO should be taken into account.
- j) Some participants considered that appropriate and transparent methodologies for the assessment of socio-economic criteria might be required.
- k) Also, any efforts in the context of socio-economic aspects should not jeopardize the scientifically based risk-assessment procedure.
- l) Some ministers and representatives pointed out that the relevance of specific socio-economic aspects can differ between Member States.
- m) Different opinions were expressed on the issue whether it would be appropriate to have a policy for import in relation to the policy for cultivation within the EU.
- n) Establishment of GMO free regions in the EU could be considered, eg. to preserve traditional cultivation methods. A GMO free status was considered by some representatives to be a market advantage.
- o) Mention was made of difficulties arising from the increasing number of incidents with GMOs cultivated outside the EU, but not authorized in the EU and the high dependency of the EU on imported feed.
- p) Ministers and representatives noted that the current procedure allows for the exclusion of specific regions from GMO authorizations for scientific reasons. The challenge seemed to be to find the scientific data that allows for such exclusions.

When considering any changes to the legislative framework, it was recommended to strive for a very limited change to the current EU legislation.
