

**PARALLEL WORKSHOP SESSION I**  
**National GMO bans – joint strategizing**

Summary of the workshop, 7 May 2015, Berlin

10:45 - 12:30 Hesse Representation

**Speakers:**

Franziska Achterberg – Greenpeace European Unit

Heidemarie Porstner – Global 200 – Friends of the Earth Austria

The presentation showed the two options for countries to enact bans on GMO crops in their territories (check ppt). Speakers showed the importance to go for option 2 (legislation) rather than option 1 (agreement from the company to exempt the country from EU approval). This directive does not change the EU GM authorisation approval procedure (e.g. it does not change the role of EFSA or the way the risk assessment is done neither the voting rules).

Option 1: only during the process of authorisation or during the renewal process of authorisation for cultivation and on individual crops. It could include all or part of the country's territory. There's no justification needed by the government and also the company does not have to justify a positive or negative response.

Option 2: only after EU authorisation and only if no request to company or request rejected. MS can enact a ban on individual GM crops or a 'group of GMOs' in all or part of the country's territory. This has to be justified by compelling grounds which do not enter into conflict with the EFSA risk assessment, and measures have to be in conformity with Union law, reasoned, proportional and non-discriminatory.

Option 2 is preferable because it's based on a governmental decision. It's politically coherent since MS can ban groups of GMOs and do not leave the decision on possible negotiations on a crop or the other. This gives certainty for farmers, beekeepers, organic sector, etc...

GMO national bans should:

1 - cover groups of GMOs, e.g. defined by trait, such as BT or HT crops

2 - be based on a combination of compelling grounds from the list of the directive and make it more solid

3 - have national not regional scope (where possible): by setting up national bans MS ensure consistency and avoid claims. Moreover, it that central government has to shoulder the costs of possible cross-border contamination into neighbouring countries.

4 - be based on several compelling grounds, specifically (see Directive (EU) 2015/412) combining (a) and (f) with (d): e.g. development of national organic sector, reduction of pesticide use or protection of pollinators, i.e. policy objective or policies relevant to the country, in combination with socioeconomic impacts (d) and also the costs of EFSA risk mitigation measures, or costs linked to long-term impacts of GM crops on biodiversity.

### Update on implementation of national bans.

- AT: ministry of health carried out a consultation on implementing option 1, option 2 was not addressed in this draft. Anyhow, this does not mean that Austria does not want to implement option 2. but option 2 should get implemented on another legal ground than option 1, this is what it is not covered by the national GMO law. To change this, an agreement with all regions has to be found, which is likely to be complicated.
- RO: no plans to implement the directive. There have been changes of ministers three times together with all the ministry staff. It's impossible to advocate on this issue with such amount of changes. Next minister is a new opportunity but seems to be pro-GM, pro-TTIP.
- Croatia: they are currently transposing the directive but still in an early stage of the phases of implementation. They were not aware of the second option. Helped by an advisory group in which Germans are included.
- IRL and UK: IR mostly likely to go for option 1. Wales and Scotland option 2. England probably option 1.
- CZ: likely to go for option 1. No news about the stage of the transposition of the directive.
- DE: also has the issue of national vs regional bans as in AT: the national law transposing the opt-out directive would allow regions to adopt bans. Option 1 is also in the law. Ministry of agriculture is leading. Ministry of environment is against and want national bans and option 2.
- SL: They have draft of implementation of inter-ministries and they have nominated commissions. It was ready really quickly. The draft support option 1. Now discussions will take place. Possibilities to push for option 2 because of the long history of SL against GMOs but the pro-GM scientist lobby is pushing a lot and so to support option 2 more scientists support is needed.

### **CONCLUSIONS**

- There's a need to coordinate the advocacy work among civil society by exchanging updated information about what it's happening each country (e.g. draft of the implementation of the directive already for inter-ministries consultation in Slovenia) and to use the information of what others are doing.
- Some of the countries are going for option 1, since it's easier and some others (like AT) because it's a small country and maybe companies will not be interested on their territory. To go for option 1 is quite tricky since companies could ask for something in exchange, give different responses etc. It gives uncertainty to member states.
- For pushing for option 2, an idea to 'convince' civil servants to push for option 2 is to base the argumentation on the list of considerations proposed by the Parliament on 2<sup>nd</sup> reading plus.
- Pro-option 2 countries should use the rules of the internal market and ask the neighbouring countries to ban GMOs in order to set up trade agreements.
- We need to have good grounds to use option 2, and it's really hard to find them. We need a communication tool to exchange information about experiences on putting the considerations included on option 2 into practice.