

CHARTER OF THE REGIONS AND LOCAL AUTHORITIES OF EUROPE ON THE SUBJECT OF COEXISTENCE OF GENETICALLY MODIFIED CROPS WITH TRADITIONAL AND ORGANIC FARMING

Having regard to the Treaty establishing the European Community and to the relevant International Treaties

Given that:

(1) The European Constitution, that has been already ratified or is under discussion from European Union's Member States, indicates human health protection (art. II-95 and III-278), consumer protection (art. II-98 and III-235) and environmental protection (art. II-97, III-233 and III-234) as European Union sustainable development strategic objectives and it assigns an essential role to local authorities in the carrying out of said objectives (art. I-5 and I-11);

(2) the Communication of 5 March 2003(1) stressed the need to promote "responsible governance" of biotechnologies' development in such as away as to involve all European, national and regional institutions;

(3) according to the Cartagena Biosafety Protocol, signed in Montreal on 29 January 2000 and ratified by the Member States, and the Convention on biodiversity of Rio de Janeiro of 3-14 June 1992, approved by Council Decision 1993/626/EC of 29 October 1993,(2) the States are responsible for preserving biological diversity on their territory and for the sustainable use of their biological resources, and, moreover, evaluate that from such biodiversity rises the agricultural and crop biodiversity, on which certified-quality agriculture is based, and the faculty to choose the form of farming suited to the various environmental, cultural, social and economic conditions;

(4) the principle of food sovereignty should be regarded as the logical consequence of the principle of international law according to which the peoples freely dispose of their own wealth and natural resources, as provided for in Article 1 of the United Nations Charter;

(5) free access to genetic resources for the purposes of reproducing or propagating plant materials is guaranteed to farmers, as an exception to the regulations on biotechnological inventions, as provided for by Directive 1988/44/EC of the European Parliament and of the Council of 6 July 1998;(4)

(6) the protection of agricultural biodiversity requires the native resources of the various types of agriculture to be conserved. Such protection, with specific reference to seeds, is governed by Council Directive 1998/95/EC of 14 December 1998,(4) only partly implemented at Community level, which can provide protection against biopiracy in that it provides for the setting-up of a varieties register also protecting varieties which are not internally homogeneous and therefore offers a legal basis to coordinate the action of the Regions for safeguarding their own biodiversity heritage for agricultural use and also to avoid it being contaminated by external genotypes, including genetically modified ones;

(7) the sixth Conference of the parties on the biological diversity (Convention on Biological Diversity - April 2002) lays down provisions concerning the fair and

equitable distribution between users and suppliers of profits derived from the use of genetic resources; such profits must be directed towards the conservation and sustainable use of biodiversity;

(8) Directive 2001/18/EC of the Council and of the European Parliament of 12 March 2001(5) states that the effects of releasing genetically modified organisms into the environment can be irreversible and that the protection of human, animal and plant health and of the environment must be ensured by the principles of "prevention" and "precaution" and in accordance with the "ethical principles recognised in a Member State" examining all possible negative effects (direct, indirect, instant, delayed, long-term cumulative) caused by the deliberate release of GMOs and any associated conflicts of interest. On the other hand, the Directive does not provide guarantees for farmers growing certified- quality produce nor does it set out the rights of farmers choosing conventional agriculture to protect their crops from genetic contamination;

(9) The Recommendation of 23 July 2003(6) provides that in the European Union no form of farming, whether conventional, organic or using GMOs, may be excluded, and that at the same time a free choice between conventional, organic or transgenic farming must be guaranteed to farmers as well as the possibility of maintaining separate farming systems whenever mixing of transgenic and non-transgenic crops could potentially cause harm to health, the environment, rural development, biodiversity or free choice for consumers;

(10) Directive 2001/18/EC does not regulate the civil liability of biotechnology firms in the event of contamination of other crops and therefore does not refer to the "polluter pays" principle set out in Article 174 of the EC Treaty (Article 130 R since the entry into force of the Treaty of 2 October 1997, signed in Amsterdam), nor to the "White paper on liability for environmental damage"(7) or in general to the fundamental principles set out in the Treaty of Nice of 7 December 2000(8) and in the European Constitution.

(11) The EESC own-initiative opinion (NAT/244 "Coexistence between genetically modified crops and conventional and organic crops" of 16 December 2004) asks the European Commission to set out how the extra costs of coexistence are to be shared according to the "polluter pays" principle in order to avoid any negative impact on the prices of the final products (paragraph 4.8.3); the EESC believes that provisions to regulate or ban cultivation of certain GMOs can be pertaining to the regions on the basis of territorial peculiarities, economic relevance and cost-benefit considerations (paragraph 4.9.2) in order to safeguard quality and origin regional products;

(12) on 4th November 2003 ten European Regions signed a document that engaged themselves to ask the European Commission to give assurances to avoid the GMO presence in the traditional and organic farm. Such agreement has been confirmed during the second Conference on 27th April 2004 in Linz.

Whereas:

- in the current state of affairs it remains great uncertainty over the effects of GMOs on human health, and there are real possibilities of contamination of the natural environment and biodiversity through gene flows carried by mechanical and

biological vectors, whereas the precautionary principle establishes the need of actions to avoid risks that, according to available scientific and technical data, are also only possible and not yet provable;

- the impact of GMOs on the environment and on the social and economic circumstances of the community depends to a large extent on the characteristics of the territory concerned and may conflict with the principle of ecocompatible development;

- to ensure effective coexistence, i.e. a guarantee of total separation between transgenic and other crops, the following are required at regional level: a) high-level scientific research aimed at acquiring knowledge on environmental and economic impact on specific territories;

- b) appropriate monitoring and control systems; c) effective sanctions; d) specific systems for traceability throughout the production process; e) appropriate training for farmers and operators in the agri-food industry, and public information; f) sound financial resources from both public and private institutions for implementing the measures set out above;

- The Regions promote certified-quality produce and biodiversity, whose value would be irreparably compromised by genetic contamination;

- the current rules on the labelling of GMOs do not offer sufficient protection for producers of organic and certified-quality produce in general, which are required to be totally free of genetically modified organisms according to their production discipline.

THE SIGNATORY REGIONS AND LOCAL AUTHORITIES OF EUROPE, IN ACCORDANCE WITH THEIR COMPETENCES AND THEIR OBLIGATIONS UNDER COMMUNITY LAW, HEREBY UNDERTAKE

- 1) to pursue the process started with the Brussels declaration of the 4th November 2003, confirmed by the Linz conference of the 27th April 2004, that remains in force;

- 2) to promote the implementation at the regional level of specific plan and/or technical rules, with the possibility to foresee a protection to the conventional and organic crops against GMOs on large areas, including a whole region;

- 3) to revise specific plan and/or technical rules on the basis of thorough feasibility studies involving the analysis of the environmental, socio-economic and cultural impact of growing GMO crops; to provide within the plans for:

- safeguard of the agricultural areas basing their production on certified-quality standards, such as products of designated origin and organic produce, and of the areas subject to current European rules or national/regional rules for special protection and constraints for safeguarding biodiversity, specific local produce and environmental heritage, from possible genetic contamination, preventing or discouraging growing of

GMO crops in those areas;

- to define specific parameters for delimiting "GMO-free" areas or regions, for safeguarding agricultural economies based on the added value of certified-quality produce, including the study and implementation of separation belts to boost the protection of biological uniqueness and originality;

- the activation of procedures to identify areas left out from growing GMO produce only based on common scientific, economic and environmental methods so as to ensure that the result of such procedures are not regarded by the European Union as a hindrance or barrier to the operation of the internal market at Community level;

4) to ask the European Commission and the other European Institutions to propose a system of sanctions able to attribute the costs and responsibilities for direct and indirect damage to operators causing it;

5) to ensure that where GMO research is allowed, it is carried out in observance of strict safety protocols and within authorised areas and to make public the descriptions of the analysis processes and the results of the agronomic research funded with public money or carried out by public institutions;

6) to support and to assure technically the principle of reproductive seeds being GMO-free;

7) to promote the conclusion of international agreements intended to guarantee supplies of high-quality raw materials certified as "GMO-free";

8) to protect the biodiversity of the Regions by means of measures to encourage the registration of native varieties and species in biodiversity conservation catalogues and to exploit these varieties and species in the farming industry, so preventing this heritage becoming patented;

9) to arrange with the European Union Institutions so that the procedures for authorising new GMO varieties are subject, not only to compliance with the principles of precaution, prevention and ethics, but also to the existence of positive effects for consumers and the community in general;

10) to expand and strengthen the Network of European Regions and local authorities that share the principles set out, with the intention of carrying out joint action, such as: exchanges of information, assistance, training, research, setting-up of territorial databases, advice, as well as coordination of initiatives for influencing the European Institutions and Member States to revise the current regulations on GMO in light of the general principles set out above.

Signed in Florence, on the 4th of February 2005

On behalf of Regione Toscana [Italy]

On behalf of Land Oberosterreich [Austria]

On behalf of Regione Marche [Italy]

On behalf of Région Aquitaine [France]

On behalf of Regione Lazio [Italy]

On behalf of Région Bretagne [France]
On behalf of the Región Euskadi [Spain]
On behalf of the Región Wales [UK]
On behalf of Région Ile de France [France]
On behalf of Région Poitou-Charentes [France]
On behalf of the Highlands and Islands Region [UK]
On behalf of Land Schleswig Holstein [Germany]
On behalf of Région Limousin [France]
On behalf of Regione Emilia Romagna [Italy]
On behalf of Land Burgenland [Austria]
On behalf of Land Steiermark [Austria]
On behalf of Regione Sardegna [Italy]
On behalf of the Drama-Kavala-Xanthi Region [Greece]
On behalf of Provincia Autonoma di Bolzano [Italy]
On behalf of Land Salzburg [Austria]

- 1) Communication from the Commission to the European Parliament, to the Council and to the European Economic and Social Committee. Life sciences and biotechnology - A strategy for Europe: progress report and future orientations; COM (2003) 96 final, Brussels, 05.03.2003, consultable at <http://www.europa.eu.int>.
- 2) OJEC 309, 13.12.1993.
- 3) OJEC L 213, 30.07.1998.
- 4) OJEC L 25, 01.02.1999.
- 5) OJEC L 106, 17.04.2001.
- 6) OJEU L 189, 29.07.2003.
- 7) Communication from the Commission of 9 February 2000 (COM 00/66 final) to the Council, the European Parliament and the Economic and Social Committee.
- 8) OJEC C 364 of 18.12.200