

From: Koch, Bernhard Alexander
To: [Environment and Public Affairs Committee](#)
Subject: AW: Draft transcript of 31 August hearing
Date: Wednesday, 5 September 2018 7:44:09 PM

Dear Ms Evans,

- During my hearing, I referred to recent legislative changes regarding cross-border coexistence rules. The directive I referred to can be found at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32015L0412> , the list that I quoted can be downloaded from https://ec.europa.eu/food/sites/food/files/plant/docs/plant_gmo_auth_nat-measures_summary-cross-border-national-measures.pdf . Further aspects on co-existence rules within the EU can be found on the Commission's website at https://ec.europa.eu/agriculture/gmo/coexistence_en, including a link to the second report on co-existence of 2009.
- After the hearing, I briefly checked again the situation in Portugal, inspired by the question of the Hon. Colin Holt. I realized that I was wrong regarding the extent of commercial cultivation in Portugal, which seems to have increased substantially since our study (see the charts of the Portuguese Environment Agency at <https://rea.apambiente.pt/content/genetically-modified-organisms?language=en>, both the "Areas planted with genetically modified maize in Portugal" and further down the "Evolution of the areas planted with genetically modified maize in some EU countries", which is particularly telling regarding the commercial developments after our study). The draft bill of a compensation regime was adopted in the meantime, but I could not find information on its practical relevance. All national legislation reported to the EU can be found in its TRIS database at <http://ec.europa.eu/growth/tools-databases/tris/en/search/> (select "CAOA – G.M.O." as "Product"). If the search is limited to Portugal, the first entry is the decree-law establishing the Portuguese fund (at least the [draft is in English](#) as well).
- Since the Portuguese fund is financed by a levy on each packet of 80,000 seeds sold, I realized that I may have misunderstood the question regarding the funding of a proposed levy. I thought that the term "taxpayer" referred to the general public, but of course if the tax is imposed on packages sold, the taxpayers are their producers or distributors. Obviously, I would not have concerns that such a tax imposed upon those directly profiting from GM farming would be unpopular (as funding by the public at large might be).
- I also came across the written submission of the German Federal Ministry of Food and Agriculture dated 16 Feb 2018. Please note that the two civil court cases mentioned on the first page are unrelated to this inquiry – the first one (OLG München, 28.08.2014 - 24 U 2956/12) is a sales case (about the sale of – as it turned out – contaminated field corn

– breach of warranty), the second (OLG Frankfurt, 06.02.2009 - 2 U 128/07) is a product liability case (alleged sickness of cows after being fed with GM maize).

Best regards,

Bernhard Koch

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