

Nature protection areas, GM free zones and coexistence measures – the German approach

Dr. Beatrix Tappeser

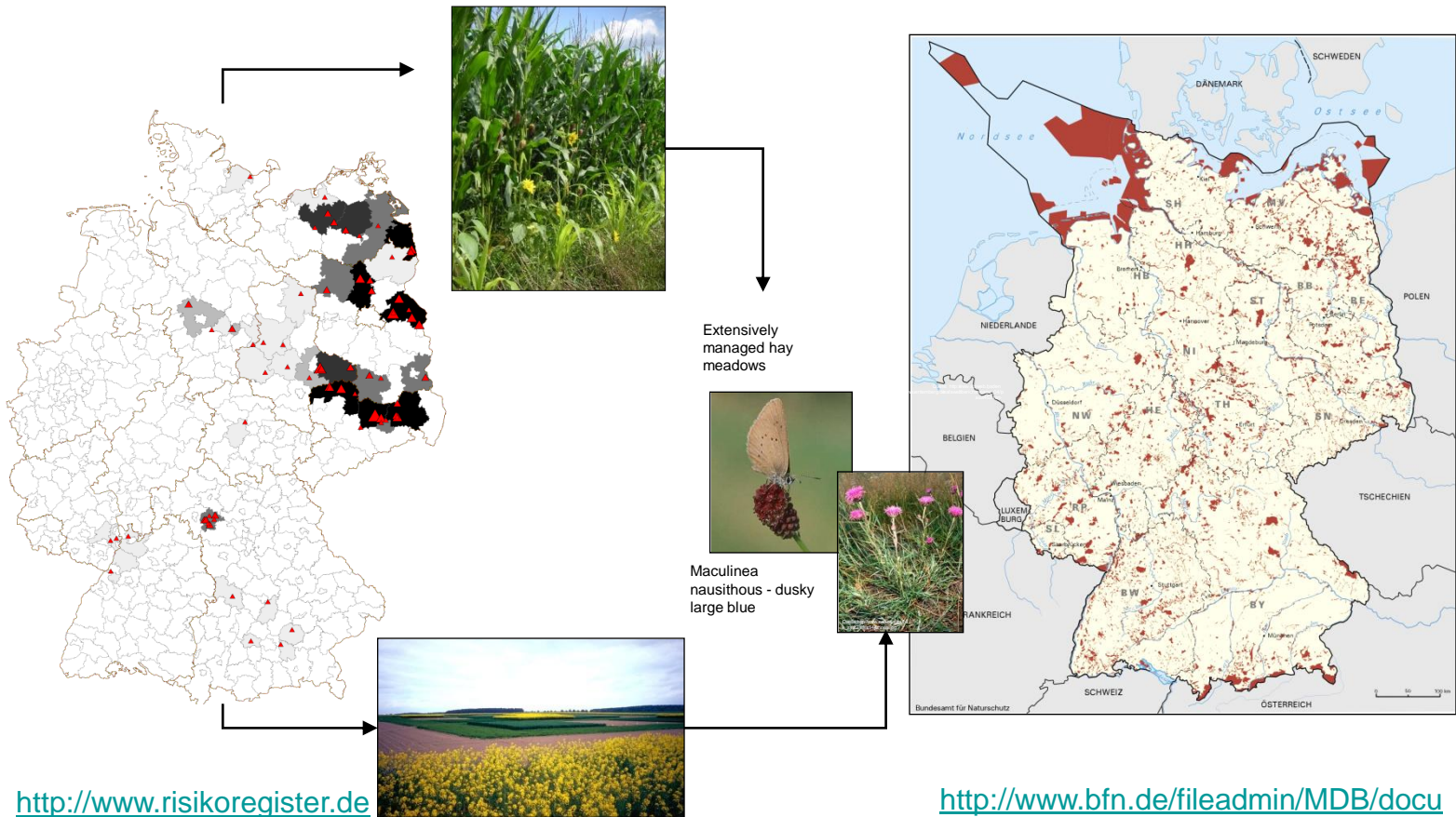
8.1.2010



Agenda

- Introduction
- Nature protection areas –
legal basis and implementation
- GM free regions and municipalities –
an initiative by civil society
- coexistence measures –
legal recommendations
- Recommendations and Outlook

Protected Areas and GMO Release



<http://www.risikoregister.de>
Cultivation of GM-Maize
2009

http://www.bfn.de/fileadmin/MDB/documents/themen/natura2000/ffhawz_2008.pdf; FFH-Sites 2008

Protected Areas EU Law

Natura 2000 network :

- ✓ Habitats Directive (92/43/EEC) and
- ✓ the Birds Directive (79/409/EEC)



Impact Assessments in Article 6 of Habitat Directive

1. (...)
2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.
3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. ...

Protected Areas National Law

BNatSchG:

Impact Assessment of *Deliberate release projects* and **Cultivation** in §§ 34, 34a;

Article 34 a; Genetically Modified Organisms

Article 34 paragraph 1 and 2 shall be applicable mutatis mutandis to the deliberate release of genetically modified organisms and the use in agriculture, forestry and fishery of products containing or consisting of genetically modified organisms which have been lawfully placed on the market, as well as other, especially non commercial uses of these products with similar effects, within a Site of Community Importance or on a European Bird Sanctuary, if they are likely, either individually or in combination with other projects or plans, to have a significant effect on a Site of Community Importance or on a European Bird Sanctuary.

GenTG

Assessment of adverse affects before release

Deliberate release projects

Provisions of Art. 6 (3+4) in Germany

I. Screening according to § 10, § 34 (1) und § 35 BNatSchG
Can significant impacts be excluded without any doubt?

No

Yes => Authorisation

II. Appropriate Assessment according to § 34 (1-2) BNatSchG

May a plan / project have significant adverse effects on the components of a site which are of a critical interest for the conservation objectives?

Yes => Rejection or:

No => Authorisation

III. Assessment of Derogation / Exception according to § 34 (3-5) BNatSchG

Are all requirements fulfilled for an authorisation in derogation?

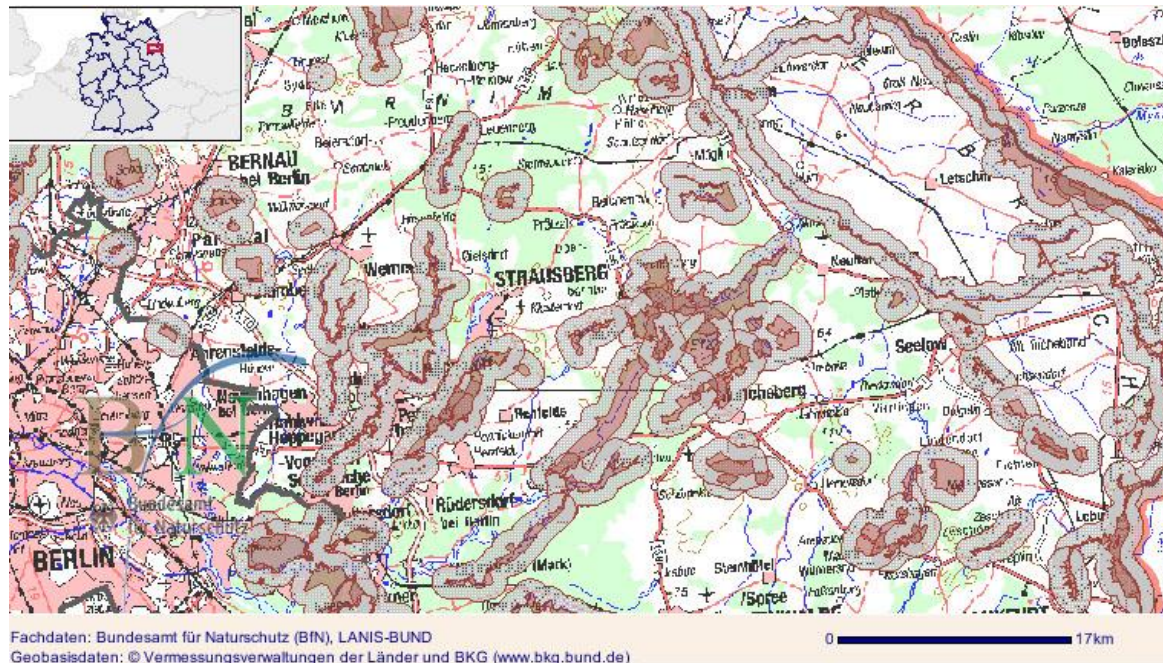
Yes => Authorisation

No => Rejection of Project / Plan

Deliberate release projects 1000 m buffer

Agreement between the agencies in Germany:

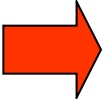
- To demand data for a screening when the release project is planned in an area less than 1000 m distance to the FFH-Area



<http://www.bfn.de/geoinfo/gvo/>

- More than 1000m is not excluded but will depend on plant and trait

Criteria for the assessment

- Habitats listed in Annex I of the Habitats Directive, including their characteristic species and protection goals.
 - Species listed in Annex II and IV of the Habitats Directive and bird species listed in Annex I and Article 4 (2) of the Birds Directive, including their habitats and locations.
 - Characteristic species of the protected area
 - Biotic and abiotic on-site factors, spatial and functional relationships, structures, and site-specific functions and features of importance to the above mentioned habitats and species.
 - Effects of the GMO on the protected area (Outcrossing, wild relatives, dissemination of seeds and pollen, pollen deposition, nontarget effects, effects on food webs etc.)
 - The action range of animals living in the protected area
-  **prohibition of degradation of the area (Article 6(2))**

Recommendations in federal states of Germany

Brandenburg:

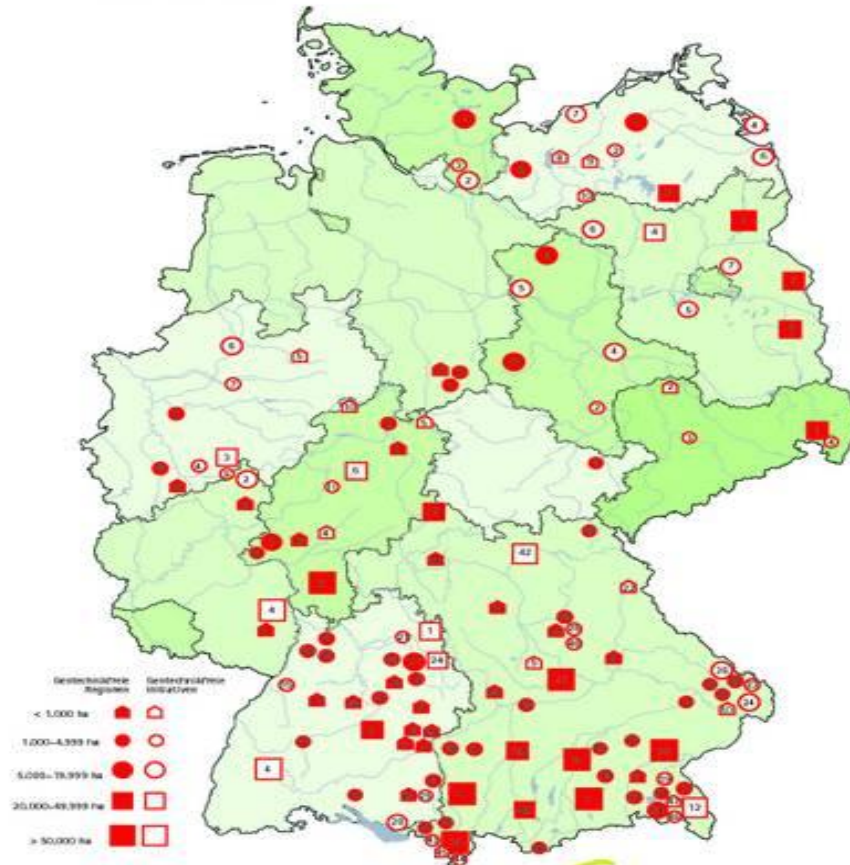
Cultivation of Bt-corn only in a distance of 800 m

Bavaria:

Cultivation of GVO only in a distance of 1000 m

Gentechnikfreie Regionen in Deutschland

Stand 31.07.2009



www.gentechnikfreie-regionen.de

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Gentechnikfreie
Regionen in Deutschland

GM free regions

191 GM free regions and initiatives

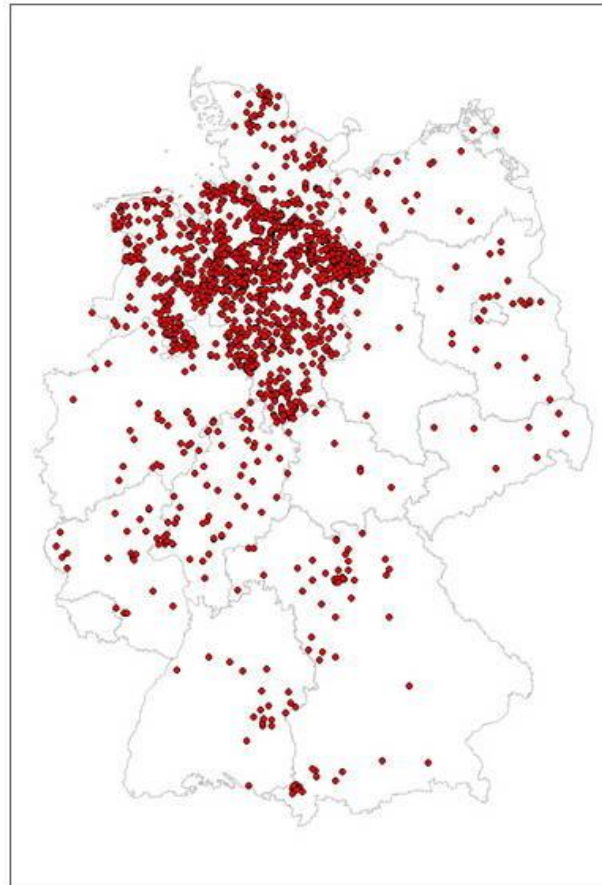
1 051 133 ha agricultural land

2 991 978 ha combined area

Basis: self obligation not to use GM seeds (130 regions) or self obligation not to use GM seed and GM feed (61 regions). The obligation is valid for one year and is prolonged for the next year when not cancelled three month in advance



GM free farms in Germany



1158 farmers declared to work without GM seed and some of them declared in addition not to use GM feed
That accounts for 79 623 ha farmland

GM free municipalities

Munich was the first town back 1999 to declare GM free

The municipalities oblige farmers who lease publicly owned land not to use GMO by legally binding contracts.

As of Dec. 15th 2009 217 municipalities declared themselves GM free.

In addition nearly all protestant church owned land is only leased to farmers who oblige themselves not to use GM seeds



Coexistence measures

Foreseen by German law is:

To adhere to 150 m distance to any conventional maize field when planting GM maize.

To adhere to 300 m distance to any organic maize field when planting GM maize.

Up to now there are no other measures for other plants defined.



Recommendations

- Uncertainties identified during the GMO risk assessment in combination with known GMO effects should trigger the precautionary principle
- For the time being, GMO should not be released in and close to protected areas (1000 m), unless the impact of the GMO on protection goals and species has been established
- The authorization should not prejudice regulations under national law of the Member States providing for the protection of species and habitats, especially case-by-case requirements and administrative decisions according to provisions laid down in Directive 92/43/EEC and 79/409/EEC

Outlook

- The new German Government has foreseen to give some decision power to the Federal states concerning coexistence measures
- Concerning the ban on MON 810 the ministry will await the outstanding court decision
- In the agreement of the Christian democrats and the liberals is an explicit support of the GM potato Amflora. The German Government will support the Commissions decision expected to come soon

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www.BfN.de

