International Workshop

on the consequences of the ECJ judgement on GM pollen in honey for GM crop releases and cultivation in Germany and the EU

Berlin, December 13-14, 2011

Session 2: Scientific and Economic Issues
Consequences of the ECJ judgement on the fair trade honey import to Germany

GEPA-The Fair Trade Company
Dipl. ing. agr. Stephan Beck
Product Manager Food Latin America
Quality Coordination

10.01.2012 GEPA, Stephan Beck
• Fair Trade honey – a short introduction
• GMO at production level
• GMO at consumer level
• Risk analysis
• How to minimize the risk?
What does Fair Trade mean?

- Market access to smaller producer organizations
- Direct and long-term trading relationships
- Paying fair prices for quality products
- Prefinancing of our orders
- Assistance in product development
- Avoiding unfair intermediate trade
- Transparency from the producer to the consumer
• GEPA encourages producers to practice organic farming → premium
• Financial support of organic conversion
• 75 % of all GEPA food products are certified organic (honey: +/- 40%)
• GEPA does not accept genetically modified ingredients
Fair Trade honey partners

- 15 cooperatives of small beekeepers
- Latin America
  - Mexico, Guatemala, Nicaragua
  - Argentina, Chile & Uruguay
- Africa
  - Ethiopia
The beekeeper cooperative

- Typical beekeeper cooperative:
  - 20 - 50 hives per beekeeper
  - 20 - 300 members per cooperative
  - 40 - 100 tons honey per cooperative

- Joint activities:
  - Purchase of inputs for honey production
  - Honey extraction, storing, commercialisation
  - Education and Training
• Fair Trade honey – a short introduction
• GMO at production level
• GMO at consumer level
• Risk analysis
• How to minimize the risk?
GMO at production level in Latin America
GM plantations are widespread in Brasil, Argentina, Uruguay, Chile.

GMO is not generally disapproved of as strongly as it is in Germany.

No strict control by the government.

No complete information about GM plantations.

Widespread intermixture of GM seed.
● Fair Trade honey – a short introduction
● GMO at production level
● GMO at consumer level
● Risk analysis
● How to minimize the risk?

10.01.2012  GEPA, Stephan Beck
GMO at consumer level in Germany

10.01.2012 GEPA, Stephan Beck
GMO at consumer level in Germany

- Generally against GMO
- Fair Trade product is expected to be GMO free
- Sense of fear among consumers
- Health hazard is perceived to be on a similar level as chemical contamination or radioactivity
- Decision of ECJ confirms this fear among consumers

10.01.2012 GEPA, Stephan Beck
● Fair Trade honey – a short introduction
● GMO at production level
● GMO at consumer level
● Risk analysis
● How to minimize the risk?
Risk-Analysis: Consumer

- Consumer Risk Analysis → HACCP-System
- GM pollen is no living organism
- Modified DNA → no deducible theoretical risk
- Proteins produced by GMO (e.g. pollen hull) → theoretical risk, improbable, no scientific proof
- Theoretical risks with very low probability and without scientific proof can’t be covered by a HACCP system
Financial risk for the beekeeper

Europe:

• In general strong regulation of GM production
• The beekeeper can claim compensation for „damages“ from GM plantation

Latin America:

• No reliable information where GM is produced
• Compensation for damage is not possible
• Beekeepers are „punished“ by refusal of the importers to buy and/or lower prices – (approx. 10-20% discount)
Financial risk for the honey importer

- An usual import quantity is 20 tons/container
- Import value of honey coming from Latin America without tariff is at least USD 50‘000.-
- Honey coming from groups of small beekeepers often is not homogenized
- One GM pollen grain is enough to make the whole delivery unusable
- The financial risk for honey imports coming from South America becomes incalculable

10.01.2012 GEPA, Stephan Beck
Legal Risk: Inappropriate Implementation

- The Court interpreted Article 3 of Regulation (EC) 1829/2003 defining “pollen” as an ingredient. The Court answered the questions of the Bavarian Administrative Court of Appeals arising from a conflict of organic bee keepers with the Freistaat of Bayern.

- Food authorities in Germany implemented the judgement in an unreasonable manner

- One week after the judgement many samples were taken from the shelves of shops. If GM pollen was found, the distributor was asked for a recall of the honey and it was planned to trigger the RASFF

- Taking samples from shops and not from bulk shipments at the point of entry into the EU Market, is inappropriate, since this creates the most damaging and disruptive impact possible.
Legal Risk: An Example

- Food authorities in Germany identified pollen from GT73 oil seed rape.
- They reported that this oil seed rape may be used for refined oils and food additives, but concluded, that honey is neither oil nor a food supplement.
- Further conclusion of the food authorities: Any trace of GT73 rape pollen in honey shall be considered as an unauthorized event. This requires destruction by rendering any marketing illegal.
- I consider this an administrative practice, which seeks to exaggerate the consequences of case law.
- I consider it unethical to have huge quantities of food products destroyed in this manner.

10.01.2012 GEPA, Stephan Beck
Legal Risk

- Administrative practices in Member States are to respect scientific and common sense by maintaining proportionality and by applying the law of the Union in a manner friendly to the purpose and legislative objectives of the EU.

- Scientific and common sense should be applied where pollen of authorized events has been found.

- Trying to push the application of EU law into intransparent absurdity can be considered as a violation of a Member State’s obligations.
The postulation of zero tolerance is disproportional to the risk a GM pollen grain represents for consumer‘s health.

Other substances which have been proved to be unsafe for consumer‘s health (e.g. pesticides, antibiotics) have legal MRLs.

Because of this disproportionality most of the official food control authorities in the EU (except Germany?) have adapted a pragmatic approach.

A combination of zero tolerance and a strict control at consumer level creates a high financial risk for honey imports from Latin America.

→ It is hard to believe that the European legislator and the ECJ intended to make honey imports from Latin America financially impossible.
● Fair Trade honey – a short introduction
● GMO at production level
● GMO at consumer level
● Risk analysis
● How to minimize the risk?

10.01.2012  GEPA, Stephan Beck
How to minimize the risk?

GMO-Analysis of the honey
→ Representativity of one sample?
→ Zero tolerance = High risk

Avoiding „critical“ origins
→ No more imports from Argentina, Brasil, Uruguay, Chile ...?
How to minimize the risk?

Inform and support the Producer

- Information on the impact of the problem
- Feed back on analysis results
- Where are possible sources for GM contamination?
- Keeping distance from GM plantations
How to minimize the risk?

Cooperation with other stakeholders

• Authorities in country of production:
  → Registry of Location of GM plantations
  → Local agreements for coexistence

• Organic certification bodies
  → Audit includes production in the periphery

• Authorities in country of consumption
  → Coordination of procedures, transparency…
An appeal for pragmatism

- The postulation of zero tolerance is disproportional to the risk a GM pollen grain represents for consumer’s health.
- Pragmatic solutions have to be found:
  - In the further development of EU legislation
  - In the application of the actual legislation
- Zero tolerance „punishes“ the beekeeper and not the causer
Thank you for your attention!