The ECJ judgement has provoked great concerns among producers in the EU and third countries, exporters, and the international trading and packing industry.
Problems (I):

- contracts have been cancelled, and

- analyses are being demanded. Costs of analyses are high (euros 100 – 150 for a first GM scanning, to which other steps would eventually to be added), but there is no established methodology for them.
Problems (II):

- Many beekeepers and businesses in vast regions are already suffering because of this judgement (economic and social implications). We heard about problems in France, Spain, Latvia, Chile, Argentina, Mexico (especially Yucatán) and other countries.

- The trade suffers from a permanent uncertainty about the legal status of honey. Impossible to take back everything that is in the shops, and repackage and label it.

- Unclear who will have to assume the costs that are arising as a consequence of the ruling (analyses etc.). It was said that the companies that developed the GMPs had to be made responsible, certainly not the beekeepers.
Problems (III):

- One participant called the ECJ ruling an “appalling disaster”, based on “wrong technical information”, which would have a “dramatic and irreversible impact”.

- We were reminded that the pollen from GMP was a tiny proportion of the honey and that we might just as well forbid or label the air we breathe.

- There was a general consensus on the need for a rapid response, e.g. from the European Commission, to eliminate the uncertainty.
In search of solutions:
Pollen from unauthorised GMOs

- The case of maize MON810 is an exception, since it has no authorisation for all food uses (pollen in food is not covered) but pollen in food has been recently assessed favourable by EFSA. Even than Monsanto still has to submit a formal application for the authorisation of pollen in food.

- In 90% of all GMO authorised in EU, the authorisation comprises all uses.

- The Commission has also requested EFSA to assess pollen from GT73 and Ms8xRf3 oilseed rapes which are currently not authorised in food. These assessments should be finalised soon (possibly even before the end of the year). Formal applications on GT73 and Ms8xRf3 covering a full scope have already been submitted and are under evaluation within EFSA.

- All honey with pollen from unauthorised GMOs is illegal in the EU.
Problems will still persist:

Even if more events are authorised,

- In the future problems are going to grow, because there are more GMPs being developed and soon there will be many more, each of them is going to create a problem for honey.

- If we trust too much in the method of authorising events, we may just be shifting the problem from one side to another, from the status of “forbidden” to the need for labelling.

- Other solutions are required.
Short debate on probable consumer behaviour (I):

- Honey consumers are very conscious of health issues. If you label it, precisely the honey consumers will avoid honey.

- Contrary opinion: It would be wrong to underestimate consumers’ rationality. After a few months of not buying honey with a label saying it contains pollen from GMO, they would return to their usual purchasing behaviour.

- Doubts about this assertion were expressed. And in any case, supermarkets would not buy such products and consumers would not find them on the shelves.
Short debate on probable consumer behaviour (II):

- Consumers in different countries will react differently. It was stressed that German consumers want no GMO, but that this was a peculiar situation, in other countries consumers would not be so reluctant to accept pollen from genetically modified plants.

- Consumers (in Germany) never have had a chance to take part in a rational discussion on GMPs and were not informed about the many problems they would be facing now, e.g. higher prices.
Discussion about the terms of the ECJ ruling:

According to the honey directive, honey is a simple substance without ingredients, now we have to talk about ingredients. It was proposed to change the honey directive. – The question whether pollen is an ingredient or a component was recurrent in the discussion.

It was suggested that perhaps the Court had seen pollen as an ingredient because in fact the amount of pollen in the honey could be influenced by the management methods of the beekeeper. – Answer from another participant: beekeepers can influence only 5% of the amount of pollen in honey.
Some of the suggestions:

- **Zero tolerance not possible.** There is a technical threshold of 0.1% for feed, this should be introduced for food like honey also.

- **For the Commission** it is clear that as regards labelling the ruling applies to honey with GM pollen but also to honey with non-GM pollen. Commission is analysing what can be done.

- **Federal Ministry for Food, Agriculture and Consumer Protection** takes the view that non-GM pollen should not be labelled. For the time being, German authorities do not require the labelling of non-GM pollen.

- **One suggestion was to solve the problem by changing (EC) No 1829/2003.** This is a possibility which however could lead into complicated discussions for years with limited success.

- **Another suggestion was to change the Honey Directive to clarify that pollen in honey is not an ingredient.** This would imply that GM pollen has to be measured relative to the honey, and not to the total amount of pollen.
At the same time the urgency of the situation was emphasised:

- Danger to trade. Europeans may not receive the kind and amount of honey they want and need.

- Third countries could end up with the possibility of having to shift their exports from the EU to other countries (e.g. US).

- While Commission and governments are deliberating, producers and businesses may have no time to wait.

- However, due to the many issues involved in this complex matter, further deliberations will be needed, proceedings cannot be rushed.