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Spain

Trade Policy Monitoring

Biotechnology Coexistence Update

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Report Highlights:

After eight years of incident-free biotechnology self-regulation (coexistence), Spanish farmers will now experience Government-regulated coexistence. This politically necessary approach will not improve the spotless record of "security" in biotechnology seed use, nor dissuade its cultivation in corn borer infected regions of Spain. It will mean unnecessary expense for everyone from the national and autonomous regional governments to the farmers planting biotechnology seeds, and will not likely placate any of the activists regardless of their "activist" positions. (CM4SH8)

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Madrid [SP1]
[SP]

The Government of Spain surprised almost everyone on Tuesday, July 19, 2005, by calling a news conference to announce a coexistence decree. In the press conference, key representatives of the ministries of agriculture and the environment presented the details, which track closely with those we outlined in SP4028, and suggested that their coexistence decree should be a model for the rest of Europe.

It is our understanding that the Royal Decree (Decree) will be finalized along the lines currently presented by the end of calendar year 2005, and will be operational for corn planting in 2006. As additional biotechnology events are approved for planting, we expect Spanish farmers to embrace them, in spite of the additional governmentally sponsored burdens imposed by the Decree.

In addition to the elements we noted in SP4028, the Decree provides the following additional detail:

National and Autonomous Regional Governments:

- Competent authorities from the ministries of agriculture and environment, and the autonomous regional governments will work jointly to elaborate an annual “National Supervision Plan” encompassing all facets of coexistence, paying special attention to organic production, the level of adventitious material resulting from the biotechnology crops grown under the presently-proposed Decree, and to the labeling of biotechnology crops.

National Government Ministries:

- The National ministries of agriculture and the environment will elaborate a yearly report based on the information provided by the autonomous regional governments. The report will focus on problems between farmers planting biotechnology and traditional, traditional/organic crops, the biotechnology adventitious levels in traditional, traditional/organic crops, and farmer adherence to the coexistence requirements. Once finalized, the Government will send the report to the EC and the national biodiversity committee. The first report will also address the economic effects of coexistence, and will look at all possible means of compensating for the additional costs; and,
- The ministry of agriculture will organize educational programs and additional recommendations for biotechnology use by local farmers.

Autonomous Regional Governments (ARGs)

- ARGs will be permitted to regulate the dates that traditional, traditional/organic, and biotechnology seeds are planted to avoid cross contamination during pollination as an alternative to the implementation of the 50-meter minimum distance requirement; and
- ARGs will be required to inspect biotechnology crops: during the growing season to verify the information submitted by the farmer and seed company; and, at harvest time to assure the proper use of grain harvesters and the separation of biotechnology and non-biotechnology crops through the point of first sale, including proper storage, transport, and labeling of biotechnology crops. They must accumulate all of this information, along with additional information to be made available by the farmer, into a registry for each parcel of biotechnology production, which must be sent to the ministry of agriculture before March 1, of each year. In turn, the ministry of agriculture must provide the information to the ministry of environment where it will then be added to a national registry of biotechnology crops.

Farmers:

- Farmers must establish 50 meters (up from 25 meters noted in SP4028) as a minimum buffer between biotechnology, and traditional and/or traditional/organic crops;
- Producers can use grain harvesters from field-to-field when the production technique is the same, but must harvest 2,000 square meters of traditional corn and label it biotechnology corn where the harvester had been dedicated to the harvest of biotechnology corn and where it will then be used in the harvest of traditional corn; and,
- Farmers could eventually face a fine of up to 300,000 Euros for non-compliance of biotechnology provisions, which will be added to the current seed law.

Seed Companies:

- Seed companies and/or any other biotechnology seed provider must notify in writing all of the details of seed sales according to the requirements of EC 1830/2003; and,
- These companies could also face a fine of up to 300,000 Euros for non-compliance of biotechnology provisions, which will be added to the current seed law.

Local Responses:

- The Spanish seed producers association recognized the work of the governmental ministries in coming together on the proposed Decree. However, the association warns that the Government is discriminating against biotechnology and is requiring so much of biotechnology crop producers that they may decide not to produce under the proposed Decree.
- Biotechnology seed company representatives believe the Government has gone too far, proposing a Decree that will over regulate an industry that has had tremendous success with self-regulation.
- The association of agriculture and livestock producers of Castilla y Leon and Galicia reprimanded the Government for not allowing interested organizations to see and debate the proposed Decree before making it public. In addition, they say that the 50-meter buffer zone is insufficient, and that the Decree fails to establish proper responsibility for biotechnology contamination.
- The Antama Foundation, which promotes the use of biotechnology in Spain, gave the Decree a positive review.
- Green Peace labeled the Decree a “disservice to Spanish citizens...the minimum distance of 50 meters is absurd, since the pollen of transgenic corn can reach distances of up to 900 meters...the Decree shouldn’t be limited to establishing a minimum distance...instead should establish sanctions on those that contaminate neighboring crops, as well as provide compensation for those that are affected.”