USDA Foreign Agricultural Service
GAIN Report
Global Agriculture Information Network
Template Version 2.09

Voluntary Report - public distribution

Date: 9/19/2005

GAIN Report Number: NL5028

Netherlands

Biotechnology

Annual Agricultural Biotechnology Report

2005

Approved by:
Roger Wentzel
U.S. Embassy, The Hague

Prepared by:
Bob Flach

Report Highlights: The Benelux region imports a large quantity of U.S. feed products, which require labeling for GM content under the European Union's traceability and labeling legislation. The importation of GM food products from the U.S. is nearly absent.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
The Hague [NL1]
[NL]

I. Executive Summary

In 2004, the Benelux region imported approximately US$ 280 million of agricultural bulk products from the U.S. A large share of this trade was feed products which required labeling for GM content under the European Union's traceability and labeling legislation. The importation of GM food products from the U.S. is nearly absent because few food retailers are willing to place GM-labeled products on their shelves. The widespread avoidance of GM containing food products was the case well before the traceability and labeling legislation took effect in April 2004, but the implementation of the legislation has forced virtually all domestic food manufacturers to move to across-the board sourcing of non-GM ingredients. Commercial production of biotechnology crops, and even field experiments, is absent in the Benelux region. Coexistence legislation has not yet been implemented in any of these countries.

II. Biotechnology Trade and Production

Production of biotechnology crops

In the Netherlands, Belgium and Luxembourg, there is no commercial production of biotechnology crops.

Development of biotechnology crops

In the Netherlands, Belgium and Luxembourg, there are no biotechnology crops under development that will be on the market in the coming year.

Import of biotechnology crops

The Benelux region imports significant volumes of genetically modified soybeans and derived products, and corn products derived from GM corn such as corn gluten feed and distillers dried grains.

III. Biotechnology Policy

Regulatory framework for agricultural biotechnology in The Netherlands

As EU member states, the Benelux countries have implemented harmonized legislation regarding agricultural biotechnology. The following four Ministries are responsible for implementation and enforcement of the regulatory framework for agricultural biotechnology in The Netherlands:

The Ministry of Public Health, Welfare and Sport (VWS). VWS is the coordinating ministry in the policy-making process in the field of medical and agricultural biotechnology. Regarding agricultural biotechnology, VWS has no responsibility for the implementation or enforcement of this legislation.

The Ministry of Housing, Regional Planning and Environment (VROM). VROM is responsible for implementation and enforcement of legislation regarding living GMOs, such as used in laboratory research and feed trials. For the inspection of crops and seed imports the Plant Protection Service is responsible (see below).

The Ministry of Agriculture, Nature and Food Quality (LNV). With VWS, LNV plays an important role in the implementation of the EU Traceability and Labeling legislation. LNV has three bodies responsible for enforcement of the legislation regarding biotech feed and food;

-The Food and Consumer Product Safety Authority (VWA). This organization embodies two separate organizations: the National Inspection Service of Livestock and Meat (RVV), and the Inspectorate for Health Protection and Veterinary Public Health (KvW). The RVV is responsible for documentation and physical control of feedstuff imports entering through Dutch ports. The KvW is responsible for inspection of food products.
-The General Inspection Service (AID) is responsible of the agricultural law enforcement and has the authorization to impose fines. With the RVV, the AID also plays an important role in the inspections of feed imports.
-The Plant Protection Service (PD) is responsible for inspection of crops and seed imports into The Netherlands.

The Ministry of Economic Affairs (EZ). The Dutch customs is responsible for document control at the Border Inspection Posts.

Regulatory framework for agricultural biotechnology in Belgium

The following authorities are responsible for implementation and enforcement of the regulatory framework for agricultural biotechnology in Belgium:

The Federal Government Department for Health, Food Chain Safety and Environment (VVL). The VVL is the coordinating Belgian Federal Government Department in the policy-making process in the field of medical and agricultural biotechnology.

The Biosafety Advisory Council (ARB) and the Service of Biosafety and Biotechnology (SBB) The ARB and SBB advise the VVL about the safety of activities involving GMOs.

The Belgian Food Agency (FAVV). The FAVV is responsible for document and physical controls of food and feed. The FAVV implements and enforces the EU traceability and labeling legislation in cooperation with the Federal Government Department for Economy.

In Belgium, the federal VVL has a joint responsibility with the two Belgian Regions, Flanders and Wallonia, for authorization of the use of GMOs either in consigned use (laboratory) or in field trials.

Regulatory framework for agricultural biotechnology in Luxembourg

The following authorities are responsible for implementation and enforcement of the regulatory framework for agricultural biotechnology in Luxembourg:

The Luxembourg Ministry of Health. The Luxembourg Ministry of Health coordinates the policy-making process in the field of medical and agricultural biotechnology in Luxembourg. The laboratory responsible for sampling and analysis of foodstuffs, including enforcement of the traceability and labeling legislation, is the National Laboratory of Health, Division of the Control of the Foodstuffs (LNS).

The Ministry of Agriculture, Viniculture and Rural Development (MAVD). As part of the MAVD, the Department of Agricultural Technology (ASTA) is responsible for quality assurance in the agricultural sector, which includes sampling and analysis of agricultural products and implementation of the coexistence policy.

Role and Membership of Biosafety Committee

In The Netherlands, the Ministry of Housing, Regional Planning and Environment (VROM) is responsible for the Cartagena Protocol on Biosafety (CPB). In Belgium, the Federal Ministry of Public Health is responsible for the CPB. In general, both countries support the joint EU position regarding Article 18.2(a) of the CPB, testing for, and adventitious presence of Living Modified Organisms (LMOs) and the related subject concerning thresholds, and the use of unique identifiers. The Dutch Government has the opinion that the regulations must be workable for the private industry and enforceable by the authorities.

Assessment of political factors

The Ministry of Public Health, Welfare and Sport (VWS) is the coordinating Dutch Ministry in the policy-making process in the field of biotechnology. VWS represents The Netherlands in the Sections of the Standing Committee on the Food Chain and Animal Health (SCoFCAH). If the subject relates to the environment, VWS coordinates the policy-making with VROM. If the subject relates to food or feed, VWS coordinates the policy making with LNV. VWS chairs regularly Food Law Consultation Meetings in order to coordinate the policy making process with the involved government bodies, industry organizations and consumer organizations.

In Belgium, the Federal Government Department for Health, Food Chain Safety and Environment (VVL) is the coordinating Belgian Federal Government Department in the policy-making process in the field of biotechnology. VVL represents Belgium in the Sections of the Standing Committee on the Food Chain and Animal Health (SCoFCAH). Like the Dutch VWS, VVL chairs consultation meetings with the involved government, industry, and consumer organizations. In Luxembourg, the Ministry of Health is coordinating the policy-making process in the field of medical and agricultural biotechnology.

Field trails with GMOs

Experimental planting of biotech crops is almost impossible in The Netherlands. Crop trials are effectively prevented by cumbersome regulations imposed by the Dutch government and by the threat of protests from environmental groups. The Dutch government has issued over 30 licenses for field trials of biotech crops. In 2005, only four licenses, however, are being used: two for field experiments with GM potatoes; one with GM apples; and one with GM carnation. In Belgium and Luxembourg, there were no licenses issued for field trials in 2004 and 2005.

Coexistence policy

A commission set up to represent all sectors of Dutch agriculture has agreed on rules for the coexistence of the biotech, organic and conventional crops. On November 2, 2004, the Commission for Primary Sector Coexistence presented this agreement to the Dutch Ministry of Agriculture, Nature and Food Quality. The Commission included representatives of Biologica (representing organic producers), the Dutch Farmers' Union (LTO), Plantum NL (representing the seed industry), and the Association for Earth, Farmer and Consumer. This commission was formed by Minister of Agriculture Cees Veerman to ensure that coexistence guidelines would represent industry consensus. The agreement is set within the framework of the EC Directives 2001/18/EC and 2003/556/EC, and Dutch Civil Law. The agreement covers production of only three products; potatoes, sugar beets and maize. Trade in planting seeds, and handling and transport of the crops are not covered by this agreement.

In Belgium, the two Belgian Regions, Flanders and Wallonia, are responsible for formulating and implementing a coexistence policy. The Flanders Government has presented a proposal

to the Flanders agricultural sector for comments. After the summer, this proposal will be presented to the Flanders Parliament. The proposal reportedly guarantees free choice for the farmer to plant GMOs, and includes a liability fund. The Ministry will impose the coexistence policy per crop, probably starting with corn. The Walloon Government is preparing a proposal for the coexistence regulations. By the end of this year the proposal will be presented to the Walloon Parliament. The Walloon proposal for coexistence legislation is expected to be the same or comparable as the Flemish proposal.

In Luxembourg, the Ministry of Agriculture received the Parliament's recommendations on the coexistence legislation. The legislation will be enforced at the earliest by the end of 2005. The bill says that a Grand-Ducal regulation should establish terms for use and cultivation of GM seeds and plants in relation to: imports of such seeds and plants; localization of plots destined to such cultivation; sowing of rented plots of land; and distances between GM and regular cultivations of one same plant species, between GM and biological cultivations, and between GM cultivations and environmentally sensitive areas. The Grand-Ducal regulation can reportedly establish supplementary terms concerning cultivation practices when GMOs are involved. The regulation can also ban cultivation of GM varieties of specific plant species if it is proven that for such a species fortuitous contamination of conventional cultivations cannot be prevented in any other way. In addition, the regulation can ban GM cultivations in environmentally sensitive areas.

Biotechnology related trade barriers

Approval of GM Events

The slow, cumbersome and politically influenced EU procedures for the approval of GM products negatively affects U.S. exports of many products to the Benelux. The biggest impact is on exports of corn, planting seeds and consumer food products. Apart from the limits on biotech crops themselves, conventional U.S. corn and planting seed exports are also impeded by fears of possible GM co-mingling with conventional and organic crops. The biotech issue has also affected U.S. soybean exports to the Benelux. This can be explained by the shift of the food processing industry from oil derived from GM soybeans to oil derived from non-GM soybeans from Brazil, and rapeseed oil and palm oil.

Besides U.S. exports of bulk products, also U.S. exports of consumer products are threatened. During the past seven years, retailers have been reluctant to select products that are labeled as containing GM ingredients. Luxury department stores and specialty shops, however, still have an unknown number of consumer products from the US, which are labeled as GM. The importation of these labeled products is done on a relatively small scale, and represents a very small volume when compared to overall amount of trade in food and agricultural products.

Traceability and Labeling of GMOs

The direct effect of the T&L legislation on US exports has been limited as most of the products subject to GM labeling were already been removed from the food chain before this legislation went into effect, in response to the demands of EU food retailers. The legislation has broadened the coverage of labeling and will force food companies still using certain GM containing ingredients to seek non-GM sources or alter their product formulations.

Agenda of Dutch and Belgian Government regarding EU biotech policies

Traceability and Labeling legislation

On November 28, 2003, the Agricultural Council reached an agreement on the EC's Traceability and Labeling (T&L) Legislation for GMOs. The Dutch government voted for the EC proposal in the Agricultural Council, but voted against the traceability portion of the

proposal in the Environmental Council. The general position of the Dutch Government is that regulations regarding GMOs must be workable for the private industry and enforceable by the authorities. The Dutch Government is in particular worried about the required paperwork that could lead to higher cost prices for trade and the possibilities for fraud. The Belgium Government in general supports the T&L legislation.