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Germany

Biotechnology

Amended German Genetech Law Finalized

2008

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Report Highlights:

The German Bundesrat finally approved the amendment of the German Genetech law on February 15, 2008. It is expected to become effective in early May 2008. Some German food processors are showing interest in making use of the 'without biotech' labeling option. However, many groups still are concerned that the new label is misleading to consumers.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Berlin [GM1]
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German Genetech Law Amendment Approved

As generally expected, on February 15, 2008, the German Bundesrat (the Upper Chamber of the Government) finally approved the amendment to the German Genetech law without making any changes. The draft had been previously approved by the Bundestag on January 25 (see also GAIN reports GM8003 and GM2006).

The most relevant features of the amendment to the Genetech law for German farmers are:

- the implementation of an isolation distance of 150 meters for biotech corn to conventional corn fields and 300 meters to organic corn fields;
- the option to shorten the separation distance in agreement with neighboring farmers;
- the need to inform farming neighbors in a distance of 300 meters to the biotech field; and
- it changes the definition for the use of the “without biotech” food and feed label.

Despite hefty complaints by German industry and farmers’ organizations against the public field register and against the preventive liability rules, these provisions of the original law remained basically untouched.

The German food industry and some farmer organizations vigorously but unsuccessfully complained against the new standards for the use of the voluntary ‘without biotech’ food labeling option. Their leading argument was that the new regulation are misleading because they leave the impression to the customers that ‘without biotech’ labeled food products have not at all come in touch with biotech production processes. Under the new standard, livestock products may be labeled ‘without biotech’ if the animals have not been fed with biotech plant feeds during a certain period before slaughter or production:

horses and cattle, incl. bisons	12 months before slaughter; or minimum $\frac{3}{4}$ of their normal lifespan;
small ruminants	six months;
hogs	four months;
milk producing animals	three months;
poultry for meat production	ten weeks;
eggs laying poultry	six weeks.

The German Government does not intend to notify the new labeling option to the WTO since it only establishes an additional voluntary marketing and labeling option for food items. Government experts do not classify the new standard for the use of the ‘without biotech’ label as a trade impediment. However, the genetech law amendment has already been notified the the European Commission and most likely becomes effective by the beginning of May 2008.

The German retail sector is also currently intensively researching options about how to make use of the new labeling option. The main topic of the research is to develop a quality management system, which guarantees that the label will not be abused and is truthful.

One major German poultry processing company has already announced its intent to make use of the ‘without biotech’ label. The company is active in the medium to upper-price level market segment. This company currently also notes in the ingredient section of the label that the poultry have been raised without feeding biotech feeds. However, this information is not prominently shown on the package. It is likely that a number of organic food processors also may make use of the new labeling option.

Contacts in the commodity markets report that demand for non-biotech feeds is increasing. "We could sell more than we have." It seems that a larger number of small livestock product processors are considering establishing a 'without biotech' product line.