



The French law
on GMOs:

“balanced”
or biased?

ed. Inf'OGM, 2008 July

TABLE OF CONTENTS

I. The genesis of the law

Incorporating the directive on GMOs?.....	2
2007: minimum incorporation by decrees	2
The Grenelle reaffirms the need for law	3

II. The outlines of the law

With or without GMOs?	4
Attempts to improve evaluations	5
Few guarantees on bio-vigilance	7
Rules of coexistence yet to be defined	8
Restrictive and unbalanced responsibility	11
Transparency and participation: between progress and status quo	12
Seed labelling: thresholds to facilitate importations	13

Forthcoming issues:

Enforcement decrees and evolving European legislation	15
---	----

This brochure was coordinated by Anne Furet and published by the Inf'OGM association in July 2008.

Members of the Inf'OGM legal watchdog provided their support in producing it.

Photo credit: Christophe Noisette (<http://www.lairederien.net>).

Translation: Eric Alsrue and Deming Herbert

THE FRENCH LAW ON GMOs: “BALANCED”* OR BIASED?

** Remarks made before the French National Assembly on 20 May 2008,
by par Jean-Louis Borloo, Minister of the Environment:
“Ladies and Gentlemen, before this bill, there was absence of law and
order: everyone could do what they wanted and where they wanted,
whatever the possible harm for third parties. Now that we have a balan-
ced document and, what's more, that there are no more GMOs sold in
France, we have a clear framework”.*

In December of 2007, the Government presented a bill on GMOs in the Council of Ministers. Agricultural and citizen groups were already critical of the text’s lack of accordance with the consensus reached at the Grenelle Round Table.

Six months later, after having been sent back and forth between the French National Assembly and Senate, the text has been modified and the results are mixed: some improvements have been adopted, but the substance of the text remains unchanged. Whilst establishing the right to produce “with or without GMOs”, the text implements three noteworthy changes: the creation of a new organ of GMO evaluation in France, the required adoption of “rules of coexistence” and the creation of a special responsibility regime in case of crop contamination by GMOs. The law went into effect on 26 June 2008, and Inf’OGM explains the stakes of this law, its contents, and its consequences in the years to come.

I. The genesis of the law

In 2007, there were a bit more than 22,000 hectares of declared Mon810 maize crops on French territory. On 7 February 2008, the government temporarily banned the cultivation of Mon810 maize. In this context, why a law on GMOs?

Incorporating the directive on GMOs?

In 2001, the European Union adopted Directive 2001/18 on the release of GMOs into the environment. It was supposed to be incorporated into national law by the member states before 17 October 2002. Not having met its Community obligations, France was thus condemned, on two occasions, by the Court of Justice of the European Communities (ECJ), but at first with no sanction. In early 2006, the French government thus tried to make an initial bill be adopted in order to finally incorporate this directive. Examined by the Senate, this bill was never put onto the agenda of the National Assembly. The official reason for this hitch was that the parliamentary agenda was too full. But it seems that this delay was related more to the sensitive nature of the subject and to the beginning of the presidential campaign.

In 2006, the European Commission referred France to the ECJ for the third time (1), requesting that financial sanctions be imposed: a fine of 38 million euros and a daily penalty of 366,744 euros for delay in payment of debt.

2007: minimum incorporation by decrees

Three months later, in March 2007, the government published three decrees that incorporated the essential points of the directive's measures (2): the drawing up of authorisation request applications, registry of crops, informing the public about field trials, etc. However, for procedural reasons, certain elements to be incorporated required the adoption of a law, in particular the safeguard clause.

1, Please see notes on page 16

With regards to coexistence rules and the responsibility regime, Directive 2001/18 is silent. The Community institutions decided on subsidiarity, considering that “*The conditions under which European farmers work are extremely diverse. [...] The measures that are applied must be specific to the farm structures, farming systems, cropping patterns and natural conditions in a region.*” (3). It is thus up to the States to set up their own rules of coexistence and responsibility. Ultimately, whilst some provisions contained in the law correspond to required incorporation of the directive, the main points of this law (High Council, rules of coexistence and responsibility) are not a Community obligation.

The Grenelle reaffirms the need for law

In 2007, the government organised a broad round table on all environmental issues. Named “*Grenelle de l’environnement*”, this process was supposed to reach “*15 to 20 concrete and quantifiable measures that as many participants as possible agree to*”. A joint committee was devoted to GMOs (4). Among its conclusions were the adoption of a law creating a High Authority, that guarantees “*free choice to produce and consume without GMOs*” and that establishes responsibility and participation by the public. Another major conclusion was a moratorium, via the safeguard clause, on the sole GM maize authorised for cultivation: Mon810.

The major dates of the law

- 8 February 2008:** The Senate adopts it in first reading, after having included the offence of *fauchage* (cutting down GMOs crops in the field) and limited the objectives of the rules of coexistence.
- 9 April 2008:** The formal vote by the National Assembly (NA) leads to the adoption of the text in first reading, by only about 10 votes. The MPs introduce several improvements: protection of “GMO-free”, improvement of transparency, taking into account beekeepers. These amendments highlighted the division in the parliamentary majority on the subject of GMOs.
- 16 April 2008:** Adoption by the Senate in second reading, with only one amendment: introduction of the definition of thresholds for “GMO-free”. The two houses having both adopted the other articles now limits the parliamentary proceedings to Article 1.
- 13 May 2008:** The NA’s adoption of a procedural motion by the MP André Chassaigne (Communist Party) leads to rejection of the text. The government convenes a joint committee of the NA and the Senate, thereby bypassing the NA’s decision.
- 14 May 2008:** The joint committee accepts the text as resulted from its second reading by the Senate. It’s now up to Parliament to approve or reject the text, without being able to make amendments.
- 20 and 22 May 2008:** The NA and then the Senate definitively adopt the text.

II. The outlines of the law

The bill is divided into six sections and 21 articles (5). Article 2 defines the major principles that govern the text as a whole. These principles include: evaluation and preliminary expertise that is independent, transparent, multidisciplinary and impartial; the principles of precaution, prevention, information and participation by the public; the freedom to produce and consume with or without GMOs; and the protection of agrarian structures, local ecosystems and the channels that are described as “GMO-free”. But however interesting they are, these notions and principles are not necessarily stated in the rest of the text, which brings up uncertainties and incoherencies.

With or without GMOs?

Article 2 lays the principle of “*the freedom to produce and consume with or without GMOs*”. This is the first contradiction, as the European project SIGMEA (6), mentioned during the parliamentary proceedings, has clearly established that “*for the channels (...) that demand total absence of GMOs in productions, coexistence at the local level is (...) technically impossible in most cases*”.

Along with the surprise adoption of an amendment by the Communist MP André Chassaigne, which makes the provision that “*genetically modified organisms can be cultivated, sold or used only if the production and sales channels described as ‘without genetically modified organisms’ are respected*”, Parliament initially allowed the scales to tip in favour of the “GMO-free” guarantee.

But, with the aim of limiting the reach of this amendment, presidential arbitration led to the adoption of a sub-amendment that states, “*the definition of ‘without genetically modified organisms’ must be understood by referring to the Community definition. Until a definition is made at the European level, the corresponding threshold will*



be determined officially, according to the opinion of the High Council on biotechnologies, species by species”.

This measure breaks off with the definition used by the French Directorate-General for Competition, Consumer Affairs and Fraud (DGCCRF), which is that of the absence of any trace of GMO in the product (or less than 0.01%) (7).

The introduction of a threshold to define “GMO-free” prepares the way in the more or less long-term for the introduction of a bit of GMO in what is described as “GMO-free” productions. Furthermore, whilst this protection is set in principle, it does not come up again in the rest of the provisions of the law, except, to a lesser extent, in the possibility for a label of quality and origin to ask the administration to decree stricter rules of coexistence in order to reinforce protection. Organic production should fall within this category.

Attempts to improve evaluations

There were previously three national organs that intervened in the field of GMOs: the Genetic Engineering Committee (CGG), in charge of the contained use of GMOs; the Biomolecular Engineering Committee (CGB), in charge of evaluating the risks linked to voluntarily release of GMOs into the environment; and the Provisional Committee on Bio-vigilance (8), in charge of giving an opinion on the monitoring protocols and of alerting the administration if an undesirable event occurs. The law merges the first two and maintains the third.

Greater multidisciplinary nature

The High Council on Biotechnologies (9) (called “*High Authority*” at the beginning of the proceedings) is divided into two committees: a scientific committee and an economic, ethic and social committee.

Whilst the scientists of the CGB were “*designated due to their competency in biomolecular engineering*” (10), this scientific committee will be composed “*among others*” of specialists in genetic engineering, public health protection, agronomic sciences, science as applied to the environment, law, economy and sociology. A greater multidisciplinary nature has thus been decided on.

As for the economic, ethic and social committee, it will be made up “*among others*” of representatives of associations that can refer matters to this High Council (associations for the protection of the environment, defence of consumers, defence of the ill);

professional organisations; a member of the national consultative committee on ethics for life sciences and health; two MPs; and, a new element, representatives from associations of local communities. Representation by industries that implement GMOs, which was covered in the CGB, is no longer mentioned, but the term "among others" will perhaps allow it to enter the High Council during the implementing decree. The decree determining the exact composition and functioning of the High Council will be published quickly, in all likelihood as soon as the law (on hold until the Constitutional Council gives its decision) is promulgated.

Distant cohabitation between scientists and civil society

The High Council is in charge of enlightening the government on all questions concerning GMOs and of formulating opinions regarding the evaluation of risks for the environment and health. The scientific committee will give its opinions, and the economic, ethic and social committee will make recommendations based on the scientific opinions submitted to it. Will this make for an imbalance of powers between the two bodies? The question has given rise to many parliamentary exchanges, but without providing a clear response. Practice will tell us how much attention will be paid to the recommendations of the ethic, economic and social committee. The opinion of the High Council will be obliged to

High Council on Biotechnologies: an expert's opinion

by Frédéric Jacquemart,
former member of the CGB

Contrary to what had been acknowledged as necessary during the Grenelle Round Table, nothing has been done to deal with the fundamental and general questions that should be decided on prior to case-by-case examination. For example, by constantly focusing on the details, we forget that we are lacking the general justification (and not just the motivation) for the transgressing of the natural modes of the evolution of species that transgenesis represents. Nothing less than that!

The fact that the High Council shall be presided by a scientist and not a politician demonstrates the mistaken conception that the MPs have of science. Senator Legrand's presidency of the High Authority Prefiguration Committee (CPHA) had showed the importance of putting a politician in this position. It was even one of the strengths of this committee.

As for the separation into the two "scientific" and "economic, ethic and social" committees, it represents a considerable step backwards, even compared to the CGB, which is nonetheless far from being a model. Except for the trials in confined spaces, everything must obviously be dealt with in plenary session, to take advantage of the interaction between the two bodies (and not committees). The linking between the two was described in the draft bylaws of the CPHA, but who read it before legislating?

"*mention divergent positions that are expressed*", and, in the end, the formal decision will be made by the administration. The criticisms made about the separation of civil society considerations and scientific considerations have led the MPs to include the possibility for the High Council to meet in plenary session, at the request of its chairman or of half its members, regarding any question that takes up itself or that is referred to it. For the uses of GMOs in confined spaces, only the scientific opinion is required, and this shows a refusal to see civil society express doubts about the timeliness of any particular line of research.

Grey areas

1-The High Council's resources

In 2007, the Biomolecular Engineering Committee had recommended greater human and financial resources for its successor (11). Does the law meet this demand? As the High Council has no legal status of its own, it cannot be given a budget. It will be up to the various ministries in charge of its secretariat and to the MPs during the examination of the budget law, to be careful to attribute it sufficient resources. It will moreover benefit from part of the tax proceeds obtained from marketing authorisation applications, and above all from those that will apply to confined use, which are even more numerous.

2-The independence of the experts

In 2007, the government had called for "*indisputable evaluation*" of the issues. Whilst Article 1 lays down the principle of the independence of expertise, nothing in the rest of the law states this principle. The members of the CGB had been obliged to fill out a declaration of interests over the previous five years. It can be thought that this will be the same for the members of the High Council. However, the MPs refused to pass an amendment that would make this declaration obligatory.

Thus, no provision would prevent there being members with significant interests in biotechnology industries. The order naming the High Council and the decree governing how it functions will give us a response.

Few guarantees on bio-vigilance

The aim of the biological monitoring of the country (12) is to protect the health and photo-sanitary state of plants, and to monitor the possible appearance of uninten-

tional effects of agricultural practices on the environment. Up to now, this activity was taken care of by the Regional Services of Plant Protection (SRPV) and the Bio-vigilance Committee, which has remained “*provisional*”, due to lack of decree defining its composition and functioning.

The new law redefines this bio-vigilance provision. Three different actors step in:

- the SRPV are in charge of monitoring in the field;
- the High Council is consulted on the protocols and methodology for implementing the monitoring related to GMOs;
- a new biological monitoring committee for the country is created: it has the same consultation power as the High Council; it can also make recommendations on the orientations of this monitoring, but it publishes no report on its activities. It will be made up of key figures “*designated according to their competency in the fields having to do in particular with ecotoxicology, agronomic sciences, and the protection of the environment and of plants*”. This is an unclear enumeration to say the least, which does not guarantee room for civil society and peasant-farmers in this circle. Let us hope that, this time, the administration will not be reluctant to create this organ.

Rules of coexistence yet to be defined

In general cases

Until 2007, coexistence was governed by non-constraining recommendations by the AGPM (General Association of Maize Producers): isolation distances of 50 metres between GM and non-GM crops, and informing neighbours.

The law seeks to create constraining rules for the first time, whose non-respect will be punished penally. These rules, which are not yet defined, will concern the “*cultivation, harvest, stocking and transport*” of GMOs, and thus only the agricultural production of GMOs. It will not apply to the rest of the production chain (packaging, processing, distribution, etc.). Their goal will be to “*avoid the accidental presence of GMOs in other productions*” (13). But this objective is revised downwards three lines later for the distances, as these latter will have to allow for “*the accidental presence [of GMOs] in other productions to be inferior to the threshold established by Community regula-*



tions". The reference to "Community threshold" makes for confusion: whilst a European threshold for GMO labelling exists, there is no threshold of contamination of other products. It thus looks like this latter provision will give rise to disputes when the decrees defining the distances are published. The coexistence decrees will be drafted by the Minister of Agriculture after consultation with the Ministry of the Environment and only the scientific committee of the High Council, even though the agricultural organisations and the elected representatives of the local communities are the foremost concerned by these rules! Could this be the first sign of predominance given to the scientific committee within the High Council?

For the nature reserves and AOCs (guarantees of origin)

The law establishes the possibility of more constraining measures in nature reserves and in AOC areas. Firstly, the regional and national nature reserves have the possibility of excluding GMO crops from "all or part of their territory", "with the unanimous agreement by the farmers concer-



Interview with Jean-Jacques BRET, facilitator of the National Federation of AOCs (FNAOC)

>Does the law make it possible to guarantee AOC (guarantee of origin) without GMOs?

We've often stated that it's essential that the AOC be able to benefit from strength and protection measures vis-à-vis GMOs, and the law does represent some progress on this point. We would of course have preferred to be able to ban GMO cultivation on our AOC territory; we were told this was impossible with regards to Community regulations. In the name of the principle of reality, we contented ourselves with a more modest measure, along with this amendment that enables the AOCs to ask for reinforced protection measures. In concrete terms, these should take the form of isolation distances of GMO crops superior to what is provided for in the case of other crops. Regarding the practical methods and the time required to set up such measures, we don't have all the precise facts yet, but we'll remain very vigilant.

>Is responsibility as defined in the law sufficient?

Compensation just for the economic damage resulting from the difference in price between the GMO harvest and the non-GMO harvest is very unsatisfactory. The major damage that the AOCs incur is the loss of brand image and the loss of trust the consumer has in the product. And this is unfortunately completely glossed over in the law as adopted by the MPs.

ned" and "subject to this possibility being provided for in the charter" (14).

How is this going to happen in concrete terms? The regional and national nature reserve charters are revised every 12 years. Many regional nature reserve charters are currently in the process of being revised, and establishment of the provision is being reflected on. This is the case of the Landes de Gascogne regional nature reserve, which will have a new charter in 2010. Last year, this nature reserve denounced the cultivation of 1000 ha of Mon810 within its territory. With regards

to making the possible banning of GMOs appear

in the charter, François Billy, the reserve's natural heritage project officer,

thinks that it will be included in

the future charter. But for

him, "it's unrealistic to

think that unanimous

agreement among the

farmers can be nego-

tiated", especially

given the context

of the trade

unions present

there.... And

even if unani-

mous agreement

could be achie-

ved, nothing cur-

rently indicates

that the arrival of

new farmers could

not put an end to the

exclusion of GMOs.

Furthermore, the law

allows organisations that

defend labels of identification

of quality and origin (labels

rouges, organic agriculture, AOC, IGP

**Interview with Vincent Perrot, FNAB
National Federation of Organic Agriculture**

>Does the law make it possible to maintain organic farming specifications in relation to GMOs?

The European regulations that will come into force on 1 January 2009 align the organic products with the basic regulations, and "accidental" contamination at 0.9% will be condoned. With this regards, French law will not oppose this regulation. On the other hand, for the member producers of FNAB who have declared they want to remain at zero GMO and to make this known, the law will complicate their job. Afterwards, everything will depend on the surfaces sown in GMOs and on that which the administration, the High Council and the government will define as "GMO-free". But everything leads us to believe that we will have thresholds higher than 0%. This will thus be the end of "GMO-free".

>Is the responsibility as defined in the law sufficient?

The responsibility regime is obviously too weak. The economic damage is not sufficiently recognized, and non-pecuniary damage (préjudice moral) is not taken into account.... Furthermore, responsibility can be incurred only if the contamination comes from a crop of the same year. Some GMOs have retentivity over several years. This risks generating significant downgrading without compensation, as well as strong conflicts between producers. As for land cultivated in GMOs, the law does not require that a trace be kept. But if tomorrow GM rapeseed is authorised and sown, the plots concerned will be banned from organic conversion for at least 10 years.

More comprehensively, it's the defence of the right to produce GMO-free that we would have liked to see inscribed in the law. This should have indicated that "the rule is zero GMO" and that the exception is accidental contamination, along with an annual check of the situation and of possible contaminations, and corrective measures that can go as far as the banning of GMOs in certain regions in the event that it is established that zero coexistence is impossible.

(15) or INAO (16)) to ask the administration to set up “*special measures to reinforce protection concerning GMOs*” when this is “*necessary for protection*” (17).

Restrictive and unbalanced responsibility

The law creates, for the first time, a special responsibility regime for harm caused by one GMP crop to another crop (18). In concrete terms, under what conditions can a farmer whose harvest has been contaminated by GMOs obtain compensation for this damage? Several important points are defined.



First of all, it's a regime of no-fault responsibility; i.e., the GMP farmer has certain responsibilities even if he has correctly respected the rules of coexistence contained in the law. Furthermore, a noteworthy improvement of the law has been introduced by Parliament: besides farmers, beekeepers can obtain compensation from contamination when their harvest (honey or pollen) contains GMOs. But for the special regime to be applicable, the presence of GMOs stemming from the contamination must oblige the contaminated person to label his harvest as GMO: the contamination must thus be superior to the Community threshold labelling of 0.9%. The law also asserts several conditions regarding the origin of the contamination. The contamination must come from:

- a GMP crop authorised for marketing. It therefore does not concern contamination coming from field trials;
- from a plot “*located nearby*”. In the beginning, the bill talked about plots “*at contamination distance*”; Parliament thus narrowed the field of application of this regime. A decree will clarify what must be understood by “*nearby*”;
- from a plot cultivated “*during the same production campaign*”. The law thus excludes contaminations linked to new growths or to seed transport.

But the trickiest question concerns the compensatable damage. Regarding this point, the French legislator has made the most restrictive provisions. The contaminated farmer will be able to obtain compensation only from the economic prejudice resulting from the difference in price between the harvest “*showing identical characteristics*”

not labelled GM and the price of the harvest labelled GM. Furthermore, the compensation (financial, or in kind through the exchange of harvest) is considered only from the economic angle: the bill completely glosses over compensation for *préjudice moral* (non-pecuniary loss, including emotional distress), damage to brand image and costs incurred by the quality channels for carrying out checks.

It should be noted that it is possible to incur the responsibility of farmers, distributors and holders of the authorisation on other legal bases, via general legal liability or present right. But then the question will be to determine the causal relation, which seems difficult in principle.

Grey area: the financial guarantee

One provision of the text seems interesting: the GMO farmer's obligation to subscribe to a financial guarantee covering his responsibility. However, at no time does the law provide for sanction in case of non-subscription to a financial guarantee; this is likely to limit the reach of the obligation.

Furthermore, while the bill was being examined, the French Federation of Insurance Companies (FFSA) sent an official letter to the government explaining that its members will not be able to bear the economic risk of GMO cultivation. *"We currently do not have an economic model that can enable us to take care of such a risk in the balance sheet of our companies"*, asserts Stéphane Gin, President of the FFSA's agriculture committee. So, in the absence of support from the insurance companies, will the decrees set up a compensation fund that will make up for the absence of insurance? If so, the question of fuelling this fund will remain: Only the GMO channel? The agricultural world as a whole? Or the taxpayers?

Transparency and participation: between progress and status quo

In 2007, the French could have access to the location of crops at the local level via the Internet site www.ogm.gouv.fr. The law now provides for the creation of a more precise register indicating the location of crops by plot. The prefectures will take care of publi-



shing it, on the Internet in particular (19). Furthermore, the farmers wishing to grow GMOs will have to inform the owners of the plots “surrounding the [GM] plots”... “prior to sowing” (20). These are two unclear formulations, to say the least.... Those who don't respect these obligations will be punished penally (6 months of prison and a fine of 30,000 euros).

However, the Senate granted this provision in exchange for the setting up of a “*fau-chage offence*” (21), which raises the amounts of fines, especially when the field cut down is a trial (three years of imprisonment and a fine of 150,000 euros). Currently, the cutting down of crops is punished as a “*violation of another person's property*” with two years of imprisonment and a fine of 30,000 or 75,000 euros, according to whether it was carried out in a group or not.

Other points included in the law are highly organised information meetings (22): upon the request of a mayor in a town where a GMO field experiment is taking place, the administration shall organise information meetings, which the holder of the trial authorisation will attend. The 2007 decrees already provided for this, the difference being that the mayors could organise these meetings themselves. It is unfortunate that these meetings are not held before the sowings: they are therefore merely a procedure for outreach information, and in no way comparable to participation by the public. So is there really progress in democracy?

Grey area

Regarding participation, the text takes up exactly the wording of the GMO amendment of the Aarhus Convention (23): “*The State ensures, at an early stage, public information and participation, before making decisions related to GMO cultivation and its marketing*” (24). Nothing in the law specifies how this obligation will be applied. Will we have to satisfy ourselves with Internet consultation on the trials, which the courts have already declared to be insufficient with regards to the Aarhus Convention (25)?

Seed labelling: thresholds to facilitate importations

There is a difference between the labelling of GM food products (mandatory above 0.9% of GMOs, according to Community regulations) and the labelling of GM seeds (whose requirement for purity is usually greater). For the latter, it's up to the Community institutions to decide to establish a threshold under which no labelling is

necessary. However, the European Commission has not provided any rule on this point to date. In a letter to the MEP Graefe Zu Baringdorf (26), the European Commissioners Stavros Dimas and Mariann Fischer Boel explained that *"all the batches of seeds that contain GMOs [at whatever the rate] authorised for cultivation in the EU must be considered as "containing GMOs", given that no threshold value exists for the GM seeds in other products. Thus, the batches of seeds that contain GM seeds not authorised to be cultivated cannot be sold"*.

This position is nevertheless not recognized as having force of law, especially in France, where batches of seeds contaminated by GMPs are put back into circulation. In fact, the French authorities have adopted three different thresholds according to the GMPs involved:

- in the case of GMPs authorised for cultivation, presence of 0.5% maximum is tolerated, without labelling, in accordance with a 2001 opinion by the European Scientific Committee on Plants;
- in the case of GMPs authorised for food but not for cultivation, this rate is set at 0.1%, also without labelling;
- for the non-authorised GMPs, consignment or destruction are appropriate. The objective of the last article of the law (27) is to allow the French administration to set thresholds under which seeds containing GMOs will not have to be labelled. The authorities thereby wish to legalise an administrative practice by establishing thresholds, species by species, until Europe sets thresholds for the entire Community. These thresholds will make it possible to facilitate importations of seeds from South America and the United States or elsewhere. And this will inevitably contribute to the very dangerous spread of contaminations!

Forthcoming issues: Enforcement decrees and evolving European legislation

In the absence of decrees specifying how the law should be enforced, it is difficult to draw up a complete summary of the implications of this text, and important notions remain to be defined (e.g., "GMO-free", the functioning of the High Council, the rules of coexistence, responsibility, seed labelling). Some decrees are expected in the very near future, in particular those concerning the High Council. For the rest, the waiting period is still unknown. In any case, the general sentiment regarding this law is that it does not adhere completely to the major principles spelled out in article 2 of the text; it permits production "with GMOs", yet not, for the moment, "without GMOs"!

Above and beyond national regulation, however, many questions are already being settled on the European level: on 5 June 2008, France obtained from the other European environment ministers the commitment to work on revising the evaluation of GMOs (transparency, multidisciplinary, revision of protocols), and several countries have declared themselves in favour of defining common thresholds of labelling for seeds containing GMOs. France hopes to make progress on these points during the French EU presidency, which begins in July of 2008. The future of transgenic plants in Europe could be decided at that time.

NOTES

- 1, <http://www.infogm.org/spip.php?article2977>
- 2, <http://www.infogm.org/spip.php?article3052>
- 3, Commission Recommendation of 23 July 2003 on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming (notified under document number C(2003) 2624), http://ec.europa.eu/agriculture/publi/reports/coexistence2/guide_en.pdf
- 4, <http://www.legrenelle-environnement.fr/grenelle-environnement/>
- 5, The adopted text is on the Senate website : <http://www.senat.fr/leg/tas07-095.html>
- 6, <http://www.infogm.org/spip.php?article3517>
- 7, DGCCRF memo n°2004-113, 16 August 2004
- 8, <http://www.infogm.org/spip.php?article3094>
- 9, Article 3 of the law
- 10, Decree n° 93-235 of 23 February 1993 dealing with the creation of the CGB
- 11, <http://www.infogm.org/spip.php?article3208>
- 12, article 9 of the law
- 13, article 6 of the law
- 14, article 4 of the law
- 15, IGP (Indication géographique protégée) & AOC (Appellation d'origine contrôlée): product designation guaranteeing authentic place of origin and giving name protected status
- 16, Institut National de l'Origine et de la qualité, <http://www.inao.gouv.fr>
- 17, article 5 of the law
- 18, article 8 of the law
- 19, article 10 of the law
- 20, article 10 of the law
- 21, article 7 of the law
- 22, article 14 of the law
- 23, <http://www.infogm.org/spip.php?article488>
- 24, article 14 of the law
- 25, <http://www.infogm.org/spip.php?article2854>
- 26, Letter from the Environment DG to the National Federation of Organic Agriculture, 14 November 2005
- 27, article 21 of the law

THE FRENCH LAW ON GMOs:

“BALANCED” OR BIASED ?

ED. INF'OGM, 2008 JULY, 16 PAGES

At the end of June 2008, the new French law on GMOs came into force. It will provide a framework for GMO cultivation for the years to come. Establishing the right to produce and consume "with or without GMOs", the law makes for three main changes: it creates a new GMO evaluation organ, it imposes the adoption of coexistence rules and sets up a special responsibility regime in the event of contamination of harvest by GMOs. The Minister of the Environment, Jean-Louis Borloo, has called this law "balanced". Is it really? Is the protection of quality channels guaranteed? Is the real damage stemming from contamination taken into account? Does the law improve information for and participation by the public? What changes will there be regarding the evaluation of GMOs?

This brochure explains the modifications made by the law, through a clear summary of its major measures and through interviews with specialists in GMO evaluation and quality agriculture. It furthermore takes up the consequences of the law and gives a reminder that many rules still remain to be determined.

You can obtain an electronic version of this brochure for free, by writing an e-mail to infogm@infogm.org. If you wish to help us financially, so that we remain as independent as possible, write to us at infogm@infogm.org.

Inf'OGM is a French non-profit organisation, founded in 1999, in order to create a French-speaking information service about Genetically Modified Organisms (GMOs) that is independent from lobbies and political parties. Inf'OGM follows news developments, compares information, looks for reliable sources and translates, in order to produce regular, verified, concise and referenced information on all GMO issues, in a language that everyone can understand.

Association Inf'OGM

2B, rue Jules Ferry - 93100 Montreuil - France

Tel.: +33 (0)1 48 51 65 40 - Fax: +33 (0)1 48 51 95 12

email: infogm@infogm.org - website: <http://www.infogm.org>