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## Germany

**Post:** Berlin

### **German Cabinet presents draft legislation to ban GE cultivation**

**Report Categories:**

Biotechnology - GE Plants and Animals  
Biotechnology and Other New Production Technologies  
Agricultural Situation

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**Report Highlights:**

The German cabinet has approved draft legislation banning the cultivation of genetic engineered (GE) crops in Germany. This will have little to no effect on the German agricultural sector as no GE crops have been grown in Germany since 2009. Furthermore, this bill would not impact U.S. exports to Germany.

### **General Information:**

The German cabinet has approved draft legislation banning the cultivation of genetic engineered (GE) crops within Germany's borders on November 2, 2016. The legislation could enter into force in Spring 2017. First, it has to pass both chambers of the Bundestag and the Bundesrat as it also concerns the Länder (German Federal States). However, the opposition and NGOs have already called on the government to change the current draft. This legislative action will have little to no effect on the German agricultural sector as no GE crops have been grown in Germany since 2009. Furthermore this bill would not pertain to U.S. exports of GE products arriving in Germany. Several other EU member states have already passed similar legislation.

Christian Schmidt, German Federal Minister of Food and Agriculture, gave a short statement on November 2, 2016 about the draft legislation: "With the draft law, we are securing a nationwide GE cultivation ban on in the long term. The opt-out directive can now also be legally binding for future applications of EU cultivation authorizations. After all, people in Germany do not want GE crops. This is also laid down in the coalition agreement of the German Government which says that the German Government recognizes the reservations of the majority of the population against GE crops. If the legislative process runs smoothly, the law could enter into force next spring."

Initial reactions by the agricultural industry, press and opposing parties in the German Parliament criticized the draft legislation calling it a political patchwork rug and a backdoor entry for GE crops due to the extremely complex procedure. According to the German Farmers Union the draft regulation is neither useful for those companies producing without GE's not for the ones using GE's. The Farmers Union also stated that the draft regulation undermines the common market which is a basic principle of European Union. Harald Ebner, GE policy spokesperson of the opposing Green party in the German parliament, criticized that just a single nationwide regulation can guarantee the necessary legal certainty of a nationwide ban for GE crops.

### **Background Information – Cultivation Ban for GE's crops in Germany**

The draft regulation is very complex since it involves six federal ministries: agriculture, research, economy, health, environment and labor. In addition, the federal states are also part of the process since there needs to be a majority for a nationwide ban. If only one ministry or the majorities of the federal states are against a ban, there is no general ban on the authorization of a new genetically modified plant. Then, the federal states can prevent the cultivation individually within their territory. Please see link for draft legislation (in German):

[http://www.bmel.de/SharedDocs/Downloads/Landwirtschaft/Pflanze/GrueneGentechnik/EntwurfAenderungGenTG\\_Kabinett.pdf?\\_\\_blob=publicationFile](http://www.bmel.de/SharedDocs/Downloads/Landwirtschaft/Pflanze/GrueneGentechnik/EntwurfAenderungGenTG_Kabinett.pdf?__blob=publicationFile)

### **Background Information - Opt-Out EU Legislation**

The draft legislation is the result of a yearlong disagreement within the German Government on how to implement EU legislation which allows member states to opt out of the cultivation of GE crops within their territories. The main disagreement within the German Government was whether the ban might cover the entire country, or be decided individually by each of the individual German states. In the spring of 2015, the European Council and Parliament approved new legislation to allow MS to "opt out" of cultivating EU approved GE crops for non-scientific reasons starting in

the spring of 2015 (Directive (EU) 2015/412). The Commission asserted that the adoption of this GE cultivation “opt out” proposal was absolutely necessary given the polarized views of the MS on agricultural. However, cultivation was already banned in the countries that implement a ban under new Directive (EU) 2015/412. The difference is that the new ban would be legally more binding.

### **Background Information - Biotech Climate in Germany**

German society remains conflicted regarding agricultural biotechnology and this is reflected in mixed government policies and messaging. Public rejection of GE crops is widespread, there is no commercial GE crop production, and practically no foods labeled as Genetically Modified Organisms (“GMO”) are sold in Germany. Despite this, Germany is home to world-class companies that develop and supply GE seeds globally. Moreover, in September 2016 Bayer announced its acquisition of Monsanto which draw heavy criticism in the public. Germany’s livestock industry is a major consumer of imported GE soybeans for use as animal feed, and the United States is a main supplier. Germany imported nearly seven million metric tons of soybeans and soybean meal in 2015 nearly all of it produced from GE varieties. However, the industry is under steady pressure to move away from GE feeds.

**Comment:** The draft regulation ban for GE cultivation by the German Cabinet is part of the European opt-out regulation and it was wholly expected. There is no current impact on the German agricultural sector or U.S. trade. The public discussion demonstrated that GE cultivation and imports remain a symbol for the conflict regarding innovative modern agricultural technologies. To NGO’s and some German parties like the Greens, GE policy has become a central marketing tool to raise funds and attract voters. However, there is little public support by the German agricultural sector or science and no party in the German parliament is openly advocating in favor of GE crops.

For the foreseeable future Germany has a specific need for a discussion about the growing global use of GE crops and the domestic and international implications of Germany’s current hostility toward agricultural technology. There is also the need to encourage science-based German and EU regulatory approaches to innovative agricultural technologies.