

Austrian Submission with regard to Notification 2019-31

Information on preliminary experiences using the voluntary Guidance on the Assessment of Socio-Economic Considerations as annexed to Document CBD/CP/MOP/9/10

As Austria is Part of the European Union, the decision on the authorisation of LMOs is taken on an EU-level and not by individual Member States. Although the European legislation foresees that "...other legitimate factors relevant to the matter under consideration" (Art 7(1) of Regulation (EC) 1829/2003), which is commonly interpreted as socio-economic considerations, can be taken into account in the decision making, this has never been done in practice so far.

With regard to rights and responsibilities of Member States the so called "opt-out Directive"¹ states that Member States can use "socio-economic impacts" for justifying the restriction or prohibition of LMO-cultivation on their territory, as one of the reasons listed in the Directive. However, despite many Member State have taken steps to implement this Directive and some of them have already started to prepare justifications, they have not been used so far, because of the lack of applications for cultivation of LMOs in the EU in the past years. Austria as one of the Member States which have implemented the "opt-out Directive" has started to discuss possible justifications for restriction or prohibition of LMO cultivation, among them possible socio-economic impacts.

The experience on socio economic assessments in Austria is therefore based on theoretical exercises, which are, however, based on real applications deriving from past authorisation processes.

In the following we provide some information regarding this experience, in relation to the guidance:

- 1) The operational definition is very useful and in line with the approach used for preliminary studies in Austria²
- 2) We consider the "Principles" as very appropriate as they describe very well the prerequisites for a meaningful and valid assessment of socio-economic considerations, e.g.
 - Principle 2: The national regulatory framework of Austria foresees in the context of the implementation of Directive (EU) 2015/412 a close co-operation between the nine regional governments and the federal government.
 - Principle 4: All assessments carried out on a national level (according to Directive (EU) 2015/412) will be subject to review by the European Commission and may in

¹ DIRECTIVE (EU) 2015/412 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory

² Greiter Anita, Miklau Marianne, Heissenberger Andreas, Gaugitsch Helmut (2011): Socio-Economic Aspects in the Assessment of GMOS-Options for Action. Vienna, Environment Agency Austria Report 0354, ISBN: 978-3-99004-157-4

extreme cases of disagreement be scrutinized by the European Court of Justice; therefore there is the absolute necessity to use scientific or evidence based methods and data.

- Principle 6: According to the EU and national legislation risk assessment is separated from the assessment of possible socio-economic impacts. In practical terms the assessment will most likely be carried out by different institutions and/or experts.
 - Principle 9: As the authorization of a specific LMO is limited to 10 years, all assessments taken into account in the original authorization process will be subject to review.
- 3) Stage A: The main actors for the definition of protection goals, or the identification of relevant existing protection goals will be the competent authorities (Ministry of Labour, Social Affairs, Health, and Consumer Protection, Ministry of Sustainability and Tourism), associated agencies (Environment Agency Austria, Agency for Health and Food Safety), as well as the regional governments. The assessment may be carried out to some extent by experts from these authorities, in cooperation with scientific institutions, universities and the relevant legal/scientific committees (e.g. gene technology commission).
 - 4) Stage B/Step1 Scoping: As outlined in the study referred to in footnote 2, the scope of a comprehensive assessment may be based on the principle of sustainability and therefore focused on the areas economic aspects, social aspects, and ecological/environmental aspects.
 - 5) The assessment – according to the legal basis (Directive (EU) 2015/412) – needs to focus on cultivation (i.e. commercial planting). Also according to the legal framework, an ex-post assessment will cover 10 years, and will be limited to the Austrian territory.
 - 6) Stage B/Step 2: With respect to the actual assessment and taking into account preliminary assessment studies it needs to be stated that relevant data is scarce. Although basic data for comparison can be derived from national economic/agricultural, environmental and social statistics, data on the use and effects of LMOs is not readily available³, and focuses mainly on short time economic impacts. In the case of Austria there are no data available as LMOs have not been grown on a commercial scale yet.
 - 7) Stage B/Step 2&3: The aspects and process for the actual assessment and evaluation of results described in the guidance can be followed according to the principles of any scientific assessments. However, the details, e.g. the information needs of decision makers, need to be defined according to the actual case.

In summary, we believe that the guidance – especially as it focuses on the process (which is well described and can be followed in the case of Austria) – is a very valuable document. It needs to be supplemented by parameters to be assessed (which depend on the regional and national circumstances) and possibly by reference to useful methods and/or models. On EU-level a framework containing some of this information (regarding parameters and methods) was developed by the Joint Research Centre in collaboration with experts from the Member States (see footnote 3).

³ Jonas Kathage, Manuel Gómez-Barbero, Emilio Rodríguez-Cerezo (2015) Framework for the socio-economic analysis of the cultivation of genetically modified crops, EUR – Scientific and Technical Research series – ISSN 1831-9424 (online), ISBN 978-92-79-48246-5 (PDF), doi:10.2791/060437 Luxembourg: Publications Office of the European Union

However, in order to actually carry out an assessment the main obstacle remains the lack of scientific data covering all relevant aspects, different geographical levels and economic scales, as well as a meaningful timeframe.