

# **NEWS RELEASE**

**Dublin, Wednesday 24 May 2006 • GM-free Ireland Network**

[www.gmfreeireland.org](http://www.gmfreeireland.org)

## **BASF ADMITS DEFEAT OF GMO POTATO EXPERIMENT**

**EPA conditions “too difficult” to deal with  
GMO patents violate human rights  
Call for EC law allowing total GM crop bans**

The world’s largest chemicals company BASF said yesterday it will not go ahead with its controversial patented GMO potato experiment in Co. Meath this year, and may cancel it altogether.

BASF said it made the decision because of the conditions imposed in the provisional consent given by the Environmental Protection Agency on 8 May [1]. These included obligations for the company to reduce the risk of cross-contamination of neighbouring farmers and wildlife, and to pay the costs of an independent monitoring of health and environmental impacts. BASF complained that such conditions had not been imposed for similar experiments in Sweden.

The cancellation may also have been influenced by nationwide opposition from more than 100 farm and food industry groups, resistance by TDs from all the parties, two motions passed unanimously by Meath Co. Council, and the threat of further legal action on planning and constitutional grounds. [2]

GM-free Ireland Network spokesperson Michael O’Callaghan said “the official cancellation of the GMO potato experiment this year is a victory for European farmers who refuse to surrender ownership of their seeds and crops”.

The WTO’s Trade-Related Intellectual Property Rights (TRIPS) agreement enables corporate owners of GMO crop patents to claim ownership of contaminated farmers produce. [3] Canadian farmer Percy Schmeiser faced a million dollar patent-infringement lawsuit from Monsanto after his crops became contaminated with its GMO rapeseed in 1996. The Supreme Court of Canada ruled that he no longer owned his seeds and crops because they contained the patented GMO genes. [4]

Speaking by phone from Canada last night Percy Schmeiser congratulated the Irish farming groups who opposed the GMO potato experiment, and said he has filed a GMO-related complaint against the government of Canada with the United Nations Commission on Human Rights earlier this month. His charges against the Canadian government include:

- Violation of consumers rights because they are not being told about the level of GM contamination in their food supply;
- Violation of farmers' rights because of GMO contamination of their seeds and crops;
- Suppression of academic freedom, due to private sector funding of biotech research;
- Attempts to foist GMO terminator seeds on the rest of the world (terminator seeds are modified to be sterile and thus prevent farmers from saving and planting their own seeds).

Percy Schmeiser and the Indian farm leader Vandana Shiva, who is leading the global campaign against the patenting of farm crops, will be keynote speakers at the Green Ireland conference organised by GM-free Ireland to discuss Ireland’s GMO policy at Kilkenny Castle on the weekend of 16-18 June. [5]

Michael O’Callaghan described the cancellation of the GMO potato experiment as “a small victory in the battle to prevent the commercial release of dangerous GMO seeds and crops for which there is no market in Europe”.

He said the next step is for the Irish Government to join the European-wide campaign for EC legislation that clearly recognises the legal democratic right of member states and regions to prohibit the release of GMO seeds, crops, trees, fish and livestock if they wish to do so. “The time has come for the Irish Government and the EC to stop surrendering our sovereignty and food security to the WTO”, he said. [6]

**ENDS**

## ATTRIBUTION

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## NOTES TO EDITORS

1. The Irish Environmental Protection Agency (EPA) provisionally approved an experimental field trial of 450,000 patented GMO potatoes by the world's largest chemicals company BASF on 4 May 2006, subject to BASF agreeing to 10 conditions including providing detailed plans before the trial begins for post-release monitoring of health and environmental impacts, and the installation of a high-security electrified fence. The BASF notification and related EPA documents and submissions may be found on the EPA web site at <http://www.epa.ie> .

2. Information about Ireland's opposition to the proposed GMO potato experiment (including the transcript of a national press conference, protest photos, independent scientific risk assessments, reports of local community meetings, and a map of the proposed experiment site) may be found at <http://www.gmfreeireland.org/potato> .

3. The Trade-Related Aspects of Intellectual Property Rights agreement (TRIPS) enables individuals and corporations to obtain patents on living organisms – including those that have been genetically modified. The TRIPS agreement is a cornerstone of the so-called "Free Trade Agreement" set up by the World Trade Organisation (WTO). This enables companies like Monsanto to demand patent royalties from farmers who use GMO seeds and crops, including farmers who have no wish to use them but who have been inadvertently contaminated. TRIPS is formally known as the Agreement on Trade-Related Aspects of Intellectual Property Rights (Annex 1C of the Marrakech Agreement Establishing the World Trade Organization, signed in Marrakech, Morocco on 15 April 1994). The relevant documents may be found at [http://www.wto.org/english/tratop\\_e/trips\\_e/t\\_agm0\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm) .

A paper published in the journal Science in 2005 revealed that nearly 20% of human genes have now been patented, mainly by commercial companies (see note 110 below for details). Gene patents allow companies to claim monopolies on future genetic tests and treatments, and may restrict and distort research.

See the controversial EU Biotech Patents Directive 98/44 on the legal protection of biotechnological inventions: [http://europa.eu.int/comm/internal\\_market/en/indprop/invent/index.htm](http://europa.eu.int/comm/internal_market/en/indprop/invent/index.htm) which apparently fails to consider the contamination of seeds and crops by transgenic DNA.

According to Feargal Brady, Examiner of Patents at the Irish Patents Office (<http://www.patentoffice.ie>), there is nothing in EU or Irish patent law to protect contaminated farmers from being sued for patent infringement. The key legal texts include the Irish Patents Act 1992:

<http://www.irishstatutebook.ie/ZZA1Y1992.html>, the Patents (Amendments) Bill of 1999 and the drafting of amendments to the Patents (Amendment) Bill, 1999 approved on 15 September 2004. According to Feargal Brady, Irish patent law places the burden of proof in GMO contamination lawsuits on the contaminated farmer. This violates farmers rights and the "consumer pays" principle and the Irish Constitution. The Irish Patents Office has already granted hundreds of life patents, of which at least 247 to Monsanto. A database of life patents granted in Ireland may be found at <http://www.patentoffice.ie> .

4. Expropriation of farmers crops: see interview with Canadian farmer Percy Schmeiser, who lost ownership of his crops after being contaminated by Monsanto's GMO oilseed rape in 1996; the Supreme Court of Canada ruled that the patented GMO genes found in his seeds and crops belong to the patent owner Monsanto, and that the farmer no longer owns his seeds and crops: <http://www.gmfreeireland.org/interviews/schmeiser.php> .

5. The Green Ireland conference will take place at Kilkenny Castle on the weekend of 16-18 June. Ireland's clean green image provides a competitive advantage for our farming, food and eco-tourism industries. But this is now under threat from air and water pollution and the possible introduction of genetically modified (GM) crops. This conference provides an opportunity for stakeholders and international experts to discuss solutions and learn about our democratic legal rights and responsibilities to determine our future. For details see <http://www.gmfreeireland.org/conference> .

6. Irish MEPs are being urged to sign the European Parliament's Written Declaration on genetically modified food, seeds and fodder. The deadline for signatures is 13 June. The Declaration calls for every country and region to have the right to completely prohibit the import, growing and sale of genetically modified organisms; it urges the Council and the European Commission to implement strict and unlimited liability for gene technology firms concerning all damages to the environment, health and the economy which result from the introduction and utilisation of GMOs; and calls for all patent rights on living organisms to be declared invalid. The full text of the Declaration is available at [www.europarl.europa.eu/decladoc/document/2006/P6\\_DCL\(2006\)0014/P6\\_DCL\(2006\)0014\\_EN.doc](http://www.europarl.europa.eu/decladoc/document/2006/P6_DCL(2006)0014/P6_DCL(2006)0014_EN.doc)