

Biotechnology in the Austrian Public Sphere: The public information and participation system - experience from practice.

With enacting the national “Gene Technology Act” in 1994 the grounds have been laid in Austria for a formal system of Public Participation in decisions on the use of GMOs. Since then some experience had been acquired in the few cases of Agbiotech-applications that underwent the participatory process. Nevertheless conclusions can be drawn from the Austrian example, which might be of use for other countries facing similar challenges.

The Austrian approach to Public Participation: a story of “Misunderestimation”

The public debate on Biotechnology in Austria started after the first wave of protests erupted in Germany over the use of GMOs in industry and agriculture. The first result was a process that led to a Parliamentary Enquete and to enacting a National Biotechnology regulation. Looking back it is obvious that not all prerequisites of such a system had been met from the start.

1. A comprehensive Regulatory framework has to be in place (Implementation of EU-Directives and National criteria and targets, defined Assessment procedures and workable provisions for Administration)
2. Capacity to handle the administrative process appropriately is required (Resources of Administration and Scientific advisory boards (SAB), design of Public Participation process)
3. Introduction of Agbiotech into the public debate is necessary in order not to be overwhelmed when issues get politically hot

Ad1. Good intentions vs. Good Regulation

Discussions and controversies were fuelled by the fact that the “Gene Technology Act”, tried to serve different and conflicting purposes: as an instrument to promote biotechnology in science and industry, ensure health and environmental safety (based on precaution) and furthermore create public acceptance. This conflict of interests (seen also in government parties) was embedded in the regulation framework. On the other hand public and political demands (expressed in the conclusions of the Enquete Commission) were disregarded. Workability was compromised by including provisions that were ill-defined or not applicable, i.e. the “Social-Compatible” criterium (socio-economic impacts, sustainability). Furthermore important provisions were missing: definitions on Risk Assessment procedures, Public Participation (until 1997/1998, no PP for market introduction applications), Liability (until 1998), Labelling (until 1998).

Ad2. Disregarding fine details leads into big trouble

Problems emerged when the first applications for GMO-release underwent public hearings: The independent position of Administration and SAB was compromised by their involvement as Sponsors of projects as well as Assessors; the handling of dossier information seemed to back accusations of intransparency and impartiality. The number of people participating was underestimated, leading to organizational problems.

Ad3. You can run, but you can't hide

The results of the Parliamentary Enquete (counselling and discussion of representatives of all parliamentary parties) concluded that decisions should be informed but not dictated by science; stressed the need for information and participation; no consensus position on agricultural/food-biotechnology emerged.

The consequences were clearly underestimated, reflected in that

- Results of the Enquete were not published (other than in Parliamentary documents)
- No adequate resources for further public debate were made available

- Main Results were not incorporated in GT-Act that was prepared in parallel

With respect to Public Information and Participation – as in other European countries - no straightforward approach was followed, but a succession of incompatible strategies:

- Ignore and risk serious conflict
- Push temporary alternatives (Medical Biotech, GMOs for Contained Use)
- Openness and participation

The initial misunderstanding was that Biotechnology would not develop into a major public issue, once a Regulatory framework is set up. But the Austrian example (as well as findings from the Eurobarometer survey) show, that if there are issues that concern people and interest the media, there will be a controversial debate. With respect to this lesson, countries that followed a more open and transparent style from the start were doing better in avoiding deadlock situations.

How to decrease public acceptance Case by Case & Step by Step

Starting with 1996 the first applications for release of GMOs were discussed in public hearings, and eventually failed altogether for different reasons, constituting examples for the pitfalls of regulatory practice.

1) GM-Potato/decay resistant (ARCSeibersdorf, Austria)

The hearing revealed an insufficient risk assessment, because of rushed introduction (Hoping for less conflicts when discussing an Austrian development as first case).

PP suffered severely from bad handling of handing out dossier information and displayed a conflict of interest of Ministry/SAB members as Sponsors/Assessors

2) GM-Maize/Herbicide tolerant (AgrEvo, Germany)

Happened to be an unwelcome product (unsustainable?), judged by the needs of Austrian agriculture, carried undesirable traits (Antibiotic-resistance), and was evoking expert criticism and resistance (EU, Austria).

In the end the application was withdrawn by the applicant before a decision was made.

3) GM-Potato/modified starch (IFA Tulln, Austria)

The strong resistance of the public was misjudged for this case of a product meant for industrial use only. It was released before permission was granted and had to be terminated by the authority.

The public reaction was a most unfortunate coverage of the subject in (boulevard) media and a campaign (backed by media) for a

Proposition on “Gene Technology” (1997): Demands were

1) No deliberate release of GMOs, 2) No GM-Foods, 3) No Patents on living Organisms

It was endorsed by 1,2 Mio people (out of 7 Mio population) and led to a discussion process between NGOs and Government Parties ending in dissent.

The proposition was not directly enacted by Parliament, and led to minor legal amendments only.

As result

- Acceptance of “Green” Biotechnology decreased further to an All-European low
- NGOs (Greenpeace, FoE), (Food)Retailers and local Politicians united in opposition against GM-Food
- Government applied extreme scrutiny to all following applications, issuing bans on the import and use of three GM-Maize varieties (for human consumption). No ban was issued for certain GMO-Feed Products.
- (Government) Parties were backing the EU-Moratorium on GMO-applications and further restrictions on the use of GMOs in Agriculture and Food production, which might be in disagreement to current and future EU decisions.

All you can eat: GM-Food put in perspective

The opinion on GMOs is influenced by other factors than the scientific assessment of GMOs

- 1) EU-wide more important for people than the perceived risk are:
the *perceived usefulness* of GMO foods, *moral acceptability*, preferences dependent on values (Ways of production i.e. Organic vs. "Industrial"), and the *perceived trustworthiness* of actors (low: Industry, Science, Authorities; higher: NGOs, consumer organizations)
- 2) Changes of Food Regulation system (in Austria upon EU-entry):
In the old and "trusted" Regulation based system new products needed a permission as a prerequisite for Marketing. The new EU Information based system is aiming at informed consumer choice, stressing correct and comprehensive Labelling (next to safety)
This change significantly influenced consumer trust in food safety and increased scepticism about Novel Foods, like GMO-Foods.
- 3) Food scandals (BSE, pesticides, ...) focused consumer interest on food safety issues.
This issues are central in evaluating GMO-products; the special scrutiny therefore increases concerns about special risks of GMO products.
- 4) Competing agricultural production systems (Organic, GM-Free) can inherently be incompatible with wide scale use of GMOs in mixed agriculture settings.

Out of the box: What comes next?

GMO-Labeling

Based on the argument that "Safe" Products need no special labelling, it took long to be recognized as an imminent goal in Austria. Even today industry is claiming fear of stigmatization of GMO-products:

- Specific legislation was introduced late (1997, 2004)
- It is still insufficient and ambiguous (Animal Products produced with GM-feed ?)
- More checks necessary (Information on mislabelled products, substantial fines)
- Introduction of GMO-free label complicates things for producers and consumers

Coexistence and Liability

Only very strict technical measures for Coexistence might be effective; but such (separation distances) are not feasible in (Austrian) agriculture. Without EU-wide safeguards for GM-free production systems, the question arises if National (or Regional) legislation can compensate. One of the big problems in the future likely will be the availability of GM-free Seed and the separation of GMO-Seed and conventional seed material. Problems with GMO-contaminated seed already occurred in Austria as well as in Croatia.

Coexistence in small-scale agriculture is leading to contamination of GM-free products and economical losses and higher costs for producers of GM-free Products. This raises the question of Liability. Unfortunately there are no EU-wide liability regulations in place and National regulation might prove inadequate or incompatible with EU-Regulations.

Dr. Michael Eckerstorfer

Eco-Counselling Vienna, Hietzinger Kai 5/7, 1130 Vienna Austria

Tel. ++43/1/688 77 68-14

Fax ++43/1/688 77 68-22

mailto: michael.eckerstorfer@umweltberatung.at, web: <http://www.umweltberatung.at>