Table of Contents

INTRODUCTION 1

Introduction 3

Objectives of this Study 5

Executive Summary
(Bernhard A. Koch) 9

Summaries of the Country Reports
(Vanessa Wilcox) 19

Questionnaire
I. Objective of the study 53
II. Questions 56

COUNTRY REPORTS 61

Economic Loss Caused by GMOs in Austria
(Monika Hinteregger/Elke Joeinig) 63
I. Special liability or compensation regimes 63
II. General liability or other compensation schemes 72
III. Sampling and testing costs 76
IV. Cross-border issues 77

Economic Loss Caused by GMOs in Belgium
(Bernard Dubuisson/Grégoire Gathem) 79
I. Special liability or compensation regimes 79
II. General liability or other compensation schemes 82
III. Sampling and testing costs 96
IV. Cross-border issues 96

Economic Loss Caused by GMOs in Cyprus
(Louise Zambartas) 99
I. Special liability or compensation regimes 99
II. General liability or other compensation schemes 99
III. Sampling and testing costs 120
IV. Cross-border issues 121

Economic Loss Caused by GMOs in the Czech Republic
(*Jiří Hrádek*) 123
I. General introduction 123
II. General liability or other compensation schemes 127
III. Sampling and testing costs 141
IV. Cross-border issues 143

Economic Loss Caused by GMOs in Denmark
(*Vibe Ulfbeck*) 145
I. Special liability or compensation regimes 145
II. General liability or other compensation schemes 153
III. Sampling and testing costs 159
IV. Cross-border issues 160

Economic Loss Caused by GMOs in Estonia
(*Irene Kull/Villu Kõve*) 163
I. Special liability or compensation regimes 163
II. General liability or other compensation schemes 178
III. Sampling and testing costs 179
IV. Cross-border issues 180

Economic Loss Caused by GMOs in Finland
(*Björn Sandvik*) 183
I. Special liability or compensation regimes 183
II. General liability or other compensation schemes 198
III. Sampling and testing costs 200
IV. Cross-border issues 200

Economic Loss Caused by GMOs in France
(*Simon Taylor*) 203
I. Special liability or compensation regimes 203
II. General liability or other compensation schemes 205
III. Sampling and testing costs 211
IV. Cross-border issues 211

Economic Loss Caused by GMOs in Germany
(*Jörg Fedtke*) 213
I. Special liability or compensation regimes 213
II. General liability or other compensation schemes 222
III. Sampling and testing costs 231
IV. Cross-border issues 231

Economic Loss Caused by GMOs in Greece
(*Eugenia Dacoronia*) 233
I. General introduction 233
II. Special liability or compensation regimes 237
III. General liability or other compensation schemes 245
IV. Sampling and testing costs 254
V. Cross-border issues 255

Economic Loss Caused by GMOs in Hungary
(*Attila Menyhárd*) 259
I. Special liability or compensation regimes 259
II. General liability or other compensation schemes 260
III. Sampling and testing costs 277
IV. Cross-border issues 278

Economic Loss Caused by GMOs in Ireland
(*Raymond Friel*) 279
I. Introduction 279
II. General liability 279
III. Sampling and testing costs 296
IV. Cross-border issues 296

Economic Loss Caused by GMOs in Italy
(*Alberto Monti/Federico Fusco*) 299
I. Special liability or compensation regimes 299
II. General liability or other compensation schemes 307
III. Sampling and testing costs 308
IV. Cross-border issues 308

Economic Loss Caused by GMOs in Latvia
(*Agris Bitāns*) 311
I. Special liability or compensation regimes 311
II. General liability or other compensation schemes 311
III. Sampling and testing costs 315
IV. Cross-border issues 315

Economic Loss Caused by GMOs in Lithuania
(*Gediminas Pranevicius*) 317
I. Special liability or compensation regimes 317
II. General liability or other compensation schemes 317
III. Sampling and testing costs 322
IV. Cross-border issues 323

Economic Loss Caused by GMOs in Luxembourg
(*Patrick Goergen*) 325
I. Special liability or compensation regimes 325
II. General liability or other compensation schemes 328
III. Sampling and testing costs 335
IV. Cross-border issues 336

Economic Loss Caused by GMOs in Malta
(*Eugene Buttigieg*) 339
I. Liability or compensation regimes 339
II. Sampling and testing costs 344
III. Cross-border issues 345

Economic Loss Caused by GMOs in the Netherlands
(*Melissa Moncada Castillo/Willem H. van Boom*) 347
I. General liability or other compensation schemes 347
II. Sampling and testing costs 358
III. Cross-border issues 359

Economic Loss Caused by GMOs in Norway
(*Bjarte Askeland*) 361
I. Special liability or compensation regimes 361
II. General liability or other compensation schemes 365
III. Sampling and testing costs 370
IV. Cross-border issues 371

Economic Loss Caused by GMOs in Poland
(*Ewa Bagińska*) 373
I. Special liability or compensation regimes 373
II. General liability or other compensation schemes 384
III. Sampling and testing costs 389
IV. Cross-border issues 390

Economic Loss Caused by GMOs in Portugal
(*Maria Manuel Veloso Gomes*) 391
I. Special liability or compensation regimes 391
II. General liability or other compensation schemes 407
III. Sampling and testing costs 412
IV. Cross-border issues 413

Economic Loss Caused by GMOs in Slovakia
(*Anton Dulak*) 417
I. Special liability or compensation regimes 417
II. General liability or other compensation schemes 424
III. Sampling and testing costs 427
IV. Cross-border issues 427

Economic Loss Caused by GMOs in Slovenia
(*Rok Lampe*) 429
I. Special liability or compensation regimes 429
II. General liability or other compensation schemes 435
III. Sampling and testing costs 441
IV. Cross-border issues 442

Economic Loss Caused by GMOs in Spain
(*Miquel Martín-Casals/Albert Ruda*) 443
I. Special liability or compensation regimes 443
II. General liability or other compensation schemes 457
III. Sampling and testing costs 472
IV. Cross-border issues 473

Economic Loss Caused by GMOs in Sweden
(*David Langlet/Mårten Schultz*) 475
I. Special liability or compensation regimes 475
II. General liability or other compensation schemes 475
III. Sampling and testing costs 485
IV. Cross-border issues 487

Economic Loss Caused by GMOs in Switzerland
(*Markus Müller-Chen*) 489
I. Special liability or compensation regimes 489
II. General liability or other compensation schemes 502
III. Sampling and testing costs 502
IV. Cross-border issues 502

Economic Loss Caused by GMOs in the United Kingdom: England & Wales
(*Ken Oliphant*) 505
I. Special liability or compensation regimes 505
II. General liability or other compensation schemes 514
III. Sampling and testing costs 526
IV. Cross-border issues 527

Special Reports 529

Liability in Cases of Damage Resulting from GMOs: an Economic Perspective
(*Michael Faure/Andri Wibisana*) 531
I. Introduction 531
II. Liability versus contract 533
III. Liability regime 538
IV. Causation 552
V. Damage and remedies 559
VI. Compensation 566
VII. Cross-border issues 573

GMO Liability: Options for Insurers
(*Ina Ebert/Christian Lahnstein*) 577
I. Introduction 577
II. Coverage of cross-pollination losses in individual classes of business 578
III. Alternatives and supplements to the insurance of cross-pollination losses 579
IV. Options for insurers in structuring the insurance of cross-pollination losses 580

General Reports 583

Comparative Report
(*Bernhard A. Koch*) 585
I. Possible ways to allocate the risk 585
II. Current solutions 624
III. Options for the future 640

Conclusions and Recommendations
(*Bernhard A. Koch*) 653

Annex 663

Belgium 665
Denmark 674
Finland 679
France 683
Germany 685
Ireland 687
Lithuania 697
Netherlands 700
Portugal 707
Slovenia 713
Switzerland 718
United Kingdom 720

Index 729

Publications 743