



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F. Horizontal aspects of rural development

F.1. Environment , GMO and genetic resources

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**STUDY ON LIABILITY IN CASES OF DAMAGE RESULTING FROM THE PRESENCE OF GMOs
IN NON-GM CROPS**

**Quality judgement of the final report submitted by the Austrian Academy of
Sciences**

PRELIMINARY REMARK

This quality grid provides a global assessment of the above-mentioned study. It was prepared by the Commission steering group in charge of the study at the end of the study process.

It has to be pointed out that it is only the methods and the reasoning used for obtaining the conclusions that are judged here.

1. **Meeting the needs:** Does the study adequately address the information needs of the commissioning body and fit the terms of reference?

All the tasks of the terms of reference have been addressed and all the elements required for the analysis have been provided.

The study led to the creation of country reports by Member State, each structured by way of a logical list of questions concerning the general or special liability or compensation regimes. Summaries of these country reports were prepared that give a quick overview of the main features of each country regime.

The main report elaborates on the different options for allocating risk and for obtaining compensation. From this comparative analysis it draws conclusions, in particular about the implications of the application of different liability systems in the Member States in view of the functioning of the internal market.

Global assessment: **excellent.**

2. **Relevant scope:** Are the liability implications of GMO presence well examined, the different civil liability schemes in Member States well covered and the different options for compensation fully analysed?

The methodology applied assured a comprehensive coverage of the regimes in place. The geographical scope was EU-25 and Norway and Switzerland. From this extensive survey a full catalogue of possible schemes arose which allowed to provide an analysis of the different models. Furthermore, an analysis from a law and economics perspective was produced by experts in that field and insurance practitioners gave input to the report from their perspective.

Global assessment: **excellent.**

3. **Defensible design:** Is the applied methodology appropriate and adequate to ensure a clear and credible result?

The methodology followed to realise the study was extremely well adapted for the task. The information was gathered via a questionnaire sent to specialists in all jurisdictions, who, being familiar with the legal systems in their country, authored country reports addressing all the questions asked. In addition to these academic evaluations, feedback from all concerned governments was collected via another questionnaire, which focussed more on legislative aspects (both present and future).

Global assessment: **excellent.**

4. **Reliable data:** To what extent is the selected quantitative and qualitative information adequate?

The information basis was very complete and of high quality due to the involvement of experts in the field and corresponded well to the need of the analysis. The consultant can be congratulated for the intensive work carried out to analyse the huge volume of documentation gathered.

Global assessment: **excellent.**

5. **Sound analysis:** Is the quantitative and qualitative information appropriately and systematically analysed and have the respective tasks been correctly fulfilled?

The information was appropriately analysed due to the expertise of the consultant.

Global assessment: **good**.

6. **Credible findings:** Do findings follow logically from, and are they justified by, the data analysis and interpretations based on carefully described assumptions and rationale?

The findings follow indeed logically from the analysis of the information and do not extend beyond the expertise of the respective experts involved in the study.

Global assessment: **good**

7. **Validity of the conclusions:** Does the report provide clear conclusions? Are the conclusions based on credible information?

The conclusions provide a clear summary of the results of the analysis and have benefited largely from the experience of the scientists involved.

Global assessment: **good**.

8. **Usefulness of the recommendations:** Are recommendations fair, unbiased by personal or shareholders' views, and sufficiently detailed to be operationally applicable?

The basis on which the recommendations have been founded is clearly outlined in the report. The study has been conducted in a scientific and objective manner. Because of their sound foundation, the recommendations will have to be taken into account when policy options in this area would be considered. The consultant analyses the consequences of policy options, leaving the final decision to decision makers.

Global assessment: **good**

9. **Clearly reported:** Does the report clearly describe the subject of the analysis, including its context and purpose, together with the procedures and findings of the study, so that the information provided can easily be understood?

The context and purpose are well explained. Due to the legal nature of the matter, the use of legal terminology could not be avoided, which sometimes makes the language for non-legal experts not easily accessible. Nevertheless, the consultant has managed to present the findings and recommendations in an appropriate language and style.

Global assessment: **good**.

10. **Assessment of the report as a whole**

Taking into account the aspects mentioned above, the report can be considered as being of **good** quality.

Quality assessment grid for the study on liability in cases of damage resulting from the presence of GMOs in non-GM crops

Concerning these criteria, the evaluation report is :	Unacceptable	Poor	Satisfactory	Good	Excellent
1. Meeting the needs: Does the study adequately address the information needs of the commissioning body and fit the terms of reference?					X
2. Relevant scope: Are the liability implications of GMO presence well examined, the different civil liability schemes in Member States well covered and the different options for compensation fully analysed?					X
3. Defensible design: Is the applied methodology appropriate and adequate to ensure a clear and credible result?					X
4. Reliable data: To what extent is the selected quantitative and qualitative information adequate?					X
5. Sound analysis: Is the quantitative and qualitative information appropriately and systematically analysed and have the respective tasks been correctly fulfilled?				X	
6. Credible findings: Do findings follow logically from, and are they justified by, the data analysis and interpretations based on carefully described assumptions and rationale?				X	
7. Validity of the conclusions: Does the report provide clear conclusions? Are the conclusions based on credible information?				X	
8. Usefulness of the recommendations: Are recommendations fair, unbiased by personal or shareholders' views, and sufficiently detailed to be operationally applicable?				X	
9. Clearly reported: Does the report clearly describe the subject of the analysis, including its context and purpose, together with the procedures and findings of the study, so that information provided be easily understood?				X	
Taking into account the contextual constraints of the study, the overall quality rating of the report is:				X	