

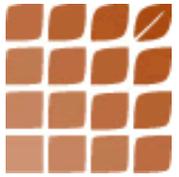
Specificities of liability in the context of biotechnology

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Background

- No appropriate legal framework in general international law
- State responsibility – civil liability
- Liability for the legal and/or illegal introduction of GMOs into the environment
- Different types of damages



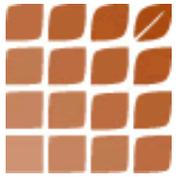
Environmental impacts

- Possible environmental impacts
 - Transfer of genes to other organisms
 - Surperformance of GMOs
 - Loss, displacement of biodiversity
- Basis for liability: impossibility to exclude damage (e.g. UK trials)



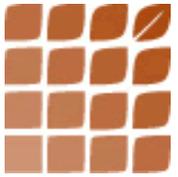
Socio-economic impacts

- Impacts of contamination on organic farmers
 - Loss of income
 - Loss of certification
- Displacement of production from tropical to temperate climates
 - Impacts on developing countries if this concerns cash crops for export



Patent liability

- Background: GMOs often protected by patents
- GMOs can contaminate fields of farmers who have not purchased seeds
- Patent liability implies obligation of farmer to pay if aware of presence even if not benefitting from special characteristics of GM seed



Liability and biotechnology

- Rationale for liability in biotechnology
 - Compensation
 - Prevention, precaution
- Liability regime to take into account all types of damages