
Land Ho! Austrian Subnational Policy Networks on Genetically Modified Organisms

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Abstract

Policy activity on biotechnology is increasingly taking place at a range of scales – subnational, national, supranational, and global. Austria's GMO policy offers an example of mixed networks working on multiple institutional scales. This chapter looks at the interaction between different networks and institutional scales in the formation of Austria's GMO policy, where subnational, national, and supranational institutions have been working simultaneously on the same issue. From a genesis in local efforts to protect local traditions, Austrian subnational GMO policy and political activity has extended its reach in many directions – to citizens, to activists, and to other regions and other levels of government within Austria, in Europe, and globally, offering an example of multi-level, networked governance on the question of GMOs.

Policy activity on biotechnology is increasingly taking place at a range of scales – subnational, national, supranational, and global. These scalar actions, even if apparently discrete, are implicated, interwoven, and linked with each other in various ways. The connections include traditional local-federal government interactions, but also a growing spectrum of coalitions, including connections between government and civil society, civil society and business interests, and international networks of governmental and non-governmental actors.

New social movements, discourse coalitions (Hajer 1995), and new coalitions of governmental and civil society actors have grown increasingly active in environmental policy. This last form of coalition-building, similar to new social movements in its flexibility and openness to alliances, is a novel strategy for regional governments (Seifert 2006/7).¹ In addition, there is an increasing trend by local governments of no longer confining

their interests to matters exclusively within their own borders (Tömmel 1997), highlighted in the growing literature on multi-level governance (see, e.g., Benz & Eberlein 1999; Fabbrini 2004).

Shifts in policy activity from primarily state-based to multi-level have opened new opportunities for policy action and new modes for its implementation. Bulkeley (2005) has suggested that governments and civil society actors are forging a path on climate change that creates new lines of authority and areas of activity. In the process, this rescales environmental governance on climate change to an interlinked process at multiple scales.

Austria's GMO policy offers another example of mixed networks working on multiple institutional scales. While in many ways inward-focused (see Seifert 2009), GMO politics in Austria is at the same time forging new networks and creating models for action, not only within Austria, but in other countries as well.

This chapter looks at the interaction between different networks and institutional scales in the formation of Austria's GMO policy, where subnational, national, and supranational institutions have been working simultaneously on the same issue. Did these different actors compete or coordinate their activities? Did they involve outside actors, and how did they disseminate information about their actions? And did the different scales and networks involved open up new opportunities, windows, and arenas for policy activity for citizens, anti-GMO activists, and the institutions themselves? I focus on two cases within Austria – Upper Austria and Styria – in which the regional governments have linked their 'inside' work with international activity.

This work draws on fourteen interviews I conducted as a Fulbright scholar and IAS-STS Fellow in Graz, as well as on additional interviews conducted as part of my dissertation research on subnational regulation of GMOs in Europe and the US. In addition, I participated in over eight meetings of the Network of European GMO-free Regions, an organization of subnational governments that includes all nine Austrian provinces.

I introduce the background for GMO policy in Austria, including agricultural traditions and the history of biotechnology regulation at the national level. I then discuss Austrian subnational GMO policy, particularly at the level of the Austrian provinces. I focus on Upper Austria

and Styria to illustrate two approaches to internal and external activity and networking. The chapter will be concluded by a discussion of the results.

Background

Austria is a federal state with policy responsibility shared between the federal level (the *Bund*) and the nine provinces (the *Bundesländer*, hereafter '*Länder*'): Burgenland, Carinthia, Upper Austria, Lower Austria, Salzburg, Styria, Tyrol, Vorarlberg, and Vienna. Agriculture was traditionally an important driver for the Austrian economy. Types of production vary throughout the country: vegetable, fruit, and wine production is important in Lower Austria, Burgenland, and Styria (with Styria a major fruit-growing region); alpine pastures with meat and dairy production predominate in the mountainous areas of Tyrol, Carinthia, Salzburg, Styria, and Vorarlberg; and grain and fodder production is concentrated in Upper and Lower Austria (Statistics Austria). While the current economic importance of agriculture has diminished, it remains part of the cultural fabric of the country, and organic agriculture has become increasingly important from an economic perspective.

Austria has long been at the forefront of organic agriculture in Europe, and, indeed, the world. With over 11 percent of arable land in organic production, Austria is a world leader in area dedicated to certified organic agriculture. Only Liechtenstein, with a share of 29 %, has more agricultural land area in organic production. In Austria, organic products have a market share of five percent, which is very high by international standards. In addition, Austrians are among the largest per capita consumers of organic food, after Switzerland and along with Sweden and Denmark (IFOAM 2008).

Alternative agriculture has deep roots in Austria. Rudolf Steiner, the founder of biodynamic agriculture, was an Austrian philosopher. In 1927, two pioneer farms in Austria began using organic methods, and the first Austrian organic farmers' associations, forerunners to Bio Austria, the largest organic farmers' association in Austria, were organized in

1959. The number of members has increased from 200 in 1980 to over 20,000 in 2009 (Bio Austria).

Austria had private certification schemes for organic agriculture as early as the 1960s. In the 1980s, Austria was one of the first countries in Europe to pass organic regulations (it is now governed by EU regulations on organic production and has nine approved certification bodies) (IFOAM 2008). Austria also has a long tradition of research and financial support for organic agriculture, from both private and government institutions at the federal and regional levels (IFOAM 2008; Gleirscher 2008).

Traditional agriculture remains important in Austria as well. There are over a dozen products with protected geographical indications in Austria, from Styrian horseradish to *Bergkäse* (mountain cheese) from three different *Länder* (DOOR), not to mention 24 protected wines (E-Bacchus), or iconic, traditional products like Styrian pumpkinseed oil. Additionally, the federal government has recognized the economic importance of traditional agriculture with financial and institutional support, including the construction of a 'culinary map' (*GENUSS REGION ÖSTERREICH*).

The *Lebensministerium* (literally, Ministry of Life, the federal ministry that deals with environment, forestry, water, agriculture, and food) also registers the traditional knowledge associated with traditional products in an effort to protect it as protected intellectual property.

Biotechnology in Austria: From controversy to (anti-GM) consensus

This environment, with its focus on traditional, sustainable agriculture, is not particularly fertile ground for GMOs. At the same time, the Austrian government is very supportive of technological development, and it was not initially clear that GMOs would meet with a negative response. For example, Posilac, Monsanto's brand of recombinant bovine growth hormone (rBGH), has been produced and is still processed in Austria.

Austria also continues to support development of the medical biotechnology sector. Several Austrian universities have centres for medical

biotechnology research, and over 100 private companies work in medical biotechnology in Austria (ABA).

Initially, it seemed that agricultural biotechnology might also receive substantial government support. According to a government official in the Federal Institute for Less-Favoured and Mountainous Areas who has been involved in Austrian GMO policy issues since 1988, the early 1990s were ‘thrilling’ with pro- and anti-GM forces fighting for the policy future. The pro-GM side argued that Austrian science would fall behind if it did not support biotechnology; the anti-GM side argued for caution; and many officials thought that it was inevitable (personal communication, 14.05.09). The discourses, in many ways, remained unchanged over the next twenty years, but policy took on a distinctly anti-GM direction, both at the national and subnational level. How did this evolution occur, and with what effect, both internally and externally?

National level activities

The EU passed its first regulations on GMOs in 1990, with Directives 90/219/EEC and 90/220/EEC. These did not affect Austria directly, as the country did not become an EU member state until 1995, but they did have an indirect effect by bringing the issue to the table and including it in the *acquis communautaire* – the laws that all new member states have to accept upon entering the European Union.

In 1991, the Austrian federal government held a parliamentary *enquête* (hearing) on biotechnology, with reports included from the main Austrian political parties: SPÖ, ÖVP, FPÖ, and the *Grünen* (Greens). At this time, no one called for an outright ban, and only the Greens suggested that there be no direct releases of GMOs. Additionally, at this point, ‘no one talked about medical biotechnology or agricultural biotechnology – it was all discussed together’ (personal communication, 14.05.09). Nonetheless, the *enquête* did raise several concerns about GMOs.

It was not until several years later that the differentiation between the two areas became clear. In 1996, agricultural biotechnology first became a controversial public issue in Austria. While most of Europe became aware

of GMOs as an issue when Greenpeace and other NGOs organized large-scale protests upon the arrival of shipments of GM soybeans at European harbours in late 1996, Austria had already seen controversy earlier the same year, when GM potatoes were planted without authorization and had to be destroyed (Torgerson et al. 2001). This incident shifted the way Austrians saw agricultural biotechnology, because it brought the question home to the table, and made it an issue of food, not just agricultural policy.

Global 2000, an Austrian NGO affiliated with Friends of the Earth, publicized the illegal planting event, and the *Neue Kronen Zeitung* newspaper took on the issue of biotechnology with a vengeance. The entry of the *Neue Kronen Zeitung* into the issue had a large impact on turning agricultural biotechnology into a public policy issue. As Seifert (2006) put it, ‘In Austria, the unyielding stance of the highly influential tabloid *Neue Kronen Zeitung* regarding biotechnology constitutes a fact not to be ignored by Austrian policy-makers’ (26, note 31).

Following up on the controversy over the potatoes, a coalition of environmental NGOs organized what became one of the seminal events in Austria’s development of its policy on genetically modified organisms. In 1997, the coalition wrote and submitted to the federal government a non-binding popular initiative to determine citizens’ attitudes to GMOs. It called for agreement with three principles: (1) No GMO food in Austria; (2) No direct release of GMOs in Austria; and (3) No patenting of life. Over 21 percent of eligible voters – nearly 1.23 million people – participated in the referendum to support these principles, an extraordinarily high participation rate (the highest of any of the nearly 40 non-binding referendums held in the 1990s and 2000s and second highest all-time), a clear indication of popular anti-GM sentiment (ORF).

This referendum, along with media coverage of GMOs, farmer pressure, and civil society action, indicated a popular consensus against GMOs that local and national officials relied on in developing Austrian GMO policy. The referendum was both indicative and formative of much of Austria’s GMO policy at subnational, national, and international levels.

An elected official from Carinthia highlighted the importance of the 1997 popular initiative, even over ten years later:

We had a referendum in Austria (...) and based on this referendum, and based on a regional information tour [in] all the towns [in Carinthia], there was such clear proclamation of the citizenry against [agricultural] biotechnology. We didn't do a new poll, but there was a clear, broad voice in favour of passing regulations (...).
(Personal communication, 19.09.09)²

While the 1997 popular initiative was non-binding, it both reflected and directed national policy on agricultural biotechnology. In concert with the national valorisation of organic agriculture, the popular disapproval of GMOs led to a national view sceptical of agricultural biotechnology.

In 1997, Austria banned Novartis Bt176, a GM corn that had been approved at the EU level. Austria entered the EU in 1995, and as an EU country, products approved for sale by and within the EU are generally considered to be approved in every member state, but Austria has argued on several occasions that the so-called safeguard provision (Article 23) of Directive 2001/18/EC allows member states to ban GMOs within their territories. This argument remains at issue, but was the basis for subsequent bans of two more types of GM corn that had previously received approval at the EU level. Austria was also one of the EU countries that supported the so-called *de facto* EU moratorium that delayed the approval of any new GM crops from 1998 to 2003.

Subnational activities

The federal government, however, is not the sole, nor even the principal actor in on-the-ground GMO policy in Austria. The involvement of the *Länder* in GMO policy is not unexpected, because in Austria, it is they who have prime responsibility for agricultural policy. The federal level, in particular through the *Lebensministerium*, directs general agricultural policy and deals with EU and international matters related to agriculture, but the *Land* level is responsible for planning and day-to-day decision making. The *Länder* have in fact taken the lead in efforts to create back-stops to discourage commercial growing of GMOs.

The *Länder* started working on GMO issues in the late 1990s (personal communication, 06.04.09, former regional parliamentarian). Some of

the early activities were not part of an organized anti-GMO campaign, but rather came out of a sense, often personal on the part of elected officials, that GMOs were inimical to regional agricultural goals (personal communication, 06.04.09). A number of different *Länder* pursued protective policies during the early stages of subnational activity; Salzburg, for example, discussed becoming a GMO-free zone as early as 1996 (Grabner 2005). These actions were mainly internal, and in keeping with the general national concern about GMOs.

Some activity, however, specifically targeted external institutions. Upper Austria took very public steps both to highlight the issue of GMOs at the EU level as well as to develop networks of like-minded actors throughout Europe. In 2002, Upper Austria passed a law to ban production of all GMOs within its territory. Regional polling on GMOs has consistently shown that citizens of Upper Austria are strongly opposed to GMOs (personal communication). Austria has taken a variety of anti-GMO stances at the EU and national levels, including supporting the establishment of GMO-free zones; the actions of Upper Austria both pushed and contributed to those stances. Grabner (2005) notes that there was substantial coordination among the national and regional governments as well as environmentalist NGOs to try to maintain a GMO-free status in Austria. She quotes Federal Health Minister Waneck as saying, 'If one looks at the situation clearly, then the only solution, in the end, is that Austria has to remain free of GMOs' (Waneck, quoted in Grabner 2005, 24), and clarifies that this means that 'Thus Upper Austria should be declared, in its entirety, a GMO-free zone and agreements (clarifications) should be reached with [the] other regions' (Grabner 2005, 24).³

Within Upper Austria, a number of farmers, together with interested regional parliamentarians who were concerned about the potential negative impacts of GMOs on regional agriculture, initiated an effort to pass a regional moratorium declaring Upper Austria a GMO-free zone. A law banning cultivation and sale of GM seeds and plants as well as GM animals passed unanimously in the regional parliament in 2002 and, per EU requirements, was notified to the EU. In September 2003, the European Commission (EC) refused to authorize Upper Austria's law, saying it was

invalid because the region did not have the authority to issue a blanket ban on GMOs.

According to an official working in Upper Austria's Brussels office,

And the whole time, all the notifications and actions and remedies, the federal level, the Republic of Austria, supported the regional approach. And it was agreed in 2002 already, between the nine Austrian *Länder*, that Upper Austria will make, let me say, the first case, to see how far we can go. That's not the official thing, the official version, but that's the real background behind it. (Personal communication, Upper Austrian representative, 12.06.06)

Other informants suggested that the process was not coordinated quite to this extent (and, indeed, that Upper Austria's approach was expected to fail), but none disputed the highly consensual working relationship among the *Länder* and between them and the federal government.

In November 2003, Austria took up the case for Upper Austria and appealed the Commission's decision at the European Court of First Instance. Austria questioned the decision based on several reasons, including, importantly, a link between environment and coexistence that they claimed the EC had arbitrarily tried to separate and ignore in its decision: 'Contrary to the Commission's view, the concerns raised by the Republic of Austria regarding the question of coexistence of genetically modified and unmodified cultivation clearly relate to specific environmental protection problems for the purposes of Article 95(5) EC' (Case C-492/03, (2004/C 21/39)). Austria also raised, among others, issues of equity (claiming that Upper Austria was not offered an adequate opportunity to present arguments); lack of justification for the decision; inadequate consideration of possible environmental harms and lack of consideration of the evidence of impossibility of coexistence (these claims are an example of conflicting understandings of science); and lack of consideration of the EU principles of precaution and preventative action.

Nearly two years later, in October 2005, the Court of First Instance denied Austria's claim that the EC had erred in pronouncing the law invalid. That December, Austria took the final step available by filing an appeal to the European Court of Justice (ECJ). In the meantime, also in October 2005 (and in response to the denial of the claim by the Court of

First Instance), Upper Austria passed ‘precautionary’ legislation similar to that already passed by Salzburg in October 2004, Carinthia in February 2005, and Vienna in November 2005. Indeed, all Austrian *Länder* have now passed ‘precautionary’ legislation (or, in the case of Vorarlberg, legislation that permits prohibition of GMOs where there are environmental concerns). The European Commission declined to challenge Upper Austria’s ‘precautionary’ legislation, and it entered into force in May 2006 after being adopted by the regional parliament.

Networks

While different actors have taken action independently on GMO issues, one of the aspects of Austrian GMO policy that stands out is the interconnectedness of actors and actions, not just through lobbying or devolution, but through active network formation at a number of different levels and through a variety of sectors.

In fact, while Upper Austria was pursuing its court case at the EU, it was simultaneously beginning to try to influence EU politics by joining forces with other European regions. Along with Tuscany, Upper Austria was a co-founder of the Network of GMO-free European Regions in 2003 (hereafter, ‘Network’), when a Brussels office representative of Tuscany, after reading about the ECJ court case, contacted the Brussels office of Upper Austria to discuss how they could pursue their mutual goals of supporting regional agriculture and discouraging or prohibiting agricultural GMOs within their regions.

After Tuscany and Upper Austria, along with eight other regions, formally founded the Network, all the Austrian *Länder* subsequently joined (the Network currently has 51 members from eight countries). At the most recent Network conference, in Urbino in 2009, participants from several *Länder* attended and gave presentations about regional activities. These included a discussion of Styria’s ‘*Landkarte für eine gentechnikfreie Steiermark*’ (Regional map for a GMO-free Styria, hereafter ‘*Landkarte*’), a grassroots mapping and outreach program aimed at expanding the areas closed to GMOs in Styria. The project was initiated by BioErnte

Steiermark, the Styrian branch of the largest organic farmers' organization in Austria, in partnership with the Styrian government (and the regional department of the environment in particular), as well as with the Styrian *Landwirtschaftskammer* (Chamber of Agriculture, the farmers' organization to which nearly all Austrian landholders with any land in agricultural production automatically belong).⁴

Like other Austrian *Länder*, Styria began acting on GMO issues quite early. While GMO policy in Styria, as in the rest of Austria, is a multi-partisan effort, it was through the regional Green Party that precautionary or prohibitive stances towards GMOs were initially introduced. NGOs brought the issue forward in meetings with one regional council member who supported their anti-GMO position. The region took an anti-GMO position, for example, by banning transgenic aquaculture in a fisheries bill (personal communication, 06.04.09). Again, like other Austrian *Länder*, Styria also passed a regional precautionary law (StGTVG) defining precautionary policies for agricultural biotechnology.

The *Landkarte*, then, is both a continuation of regional policy as well as a tool for outreach and education. The map is based on Styria's restrictions on planting GMOs as set out in the Styrian precautionary law, and depicts the areas in Styria that are closed to GMO cultivation (these include nature reserves, organic farming areas, and non-GMO farming areas, all with 1000 meter buffer zones). Areas still potentially available to GM production are depicted in red.

The map itself is an extension of Styria's precautionary law. It is based on a similar map produced, but not subsequently updated, for illustrative purposes in Upper Austria (personal communication, *Landkarte* campaign organizer, 19.06.09). What is noteworthy about the map, however, is that it is continually updated and serves as a tool for education and outreach, both within Styria and beyond.

BioErnte is actively engaged in trying to decrease the red areas on the map, and has initiated a grassroots campaign to do so by taking advantage of the provision in the Styrian precautionary law that requires a buffer zone from any land in organic production, including home gardens. BioErnte conducted an outreach campaign beyond its membership to citizens at large to encourage them to plant organic crops, and provided

organic corn to any home gardener who participated in the campaign. Again, news media played a vital role in this campaign, with the *Kleine Zeitung*, the regional daily newspaper, supporting the outreach effort by covering the campaign with a three-page spread and donating several half-pages to advertising for the campaign.

Outreach not only involved information and education, but actually provided a mechanism for interested gardeners to turn their garden into an officially protected area by planting certified organic corn seed. More than 1000 people filled out information forms about their property, and over 900 requested packets of organic corn seed to plant. Because all organic cropland, according to Styria's precautionary law, has to be surrounded by a one kilometre buffer zone, the acreage closed to GMOs dramatically increased when home farmers planted the organic corn.

Discussion

Increasing points of access have definitely changed policy dynamics in the EU. This is evident in GMO regulation, where anti-GMO activists and NGOs are turning to a whole range of institutions to try to influence GMO policy, and where governmental institutions at different levels themselves are interacting. Tiberghien and Papic (2006) highlight the novel nature of these coalitions, where regions of radically different sizes and levels of power have come together. A diverse group of European local governments is forming coalitions with other local governments in Europe, with CSOs and NGOs, and even with local and national governments beyond Europe. This fits in with a trend of multi-level governance as described by Tarrow (2004), where various levels of government as well as commercial and NGO interests are connected.

Additionally, local governments, apart from taking their own actions, are lobbying at both national and EU levels for policy action on GMOs. They are also seeking to create even larger networks, for example with feed producers worldwide, to source non-GMO soy for animal feed, as well as trying to coordinate with each other to find alternative, locally produced animal feed.

These trends can also be observed in Austrian GMO policy. It is interesting, however, that they are not necessarily a local response to dissatisfaction with national level policy. Indeed, the coalitions that have formed in Austria include national actors working hand in hand with subnational actors, as well as taking separate but parallel tracks in efforts to promote a non-GMO model for Austrian agriculture and to respond to citizen concerns about agricultural biotechnology.

Of course (...) it's like the principle of subsidiarity (...): if you can solve a problem which occurs in a region and you can solve the problem on a legal or technical or informal aspect by yourself, it's better to do it yourself. And if this is not possible because you have to think about all the circumstances and the frameworks, you have to solve it on a national level, and if that's not possible, well, you have to solve it on a European level. That's more or less the thinking and the idea of the principle of subsidiarity. Coming from the bottom up approach and not from the top down. (Personal communication, Upper Austrian representative, 12.06.06)

The Upper Austrian situation offers examples of several of the issues, difficulties, and possibilities involved with subnational action. First, it is a case of responsiveness to local constituents, as it was instigated by regional elected officials at the behest of local farmers and activists. Second, it is an example of subnational experimentation – in this case, interestingly, with the explicit endorsement of the federal government. Likewise, it is a case of acting with and for other local governments, as part of a network.

It also shows the flexibility of local government to act in a type of ‘conversation’ with higher levels. When Upper Austria’s claim was denied by the EC, other regions, along with Upper Austria, began to seek out different ways to achieve a similar result, and eventually developed laws that passed muster with the European Commission.

The Styrian example highlights the interconnections between grassroots activism and formal government actions, as well as how locally focused activity can extend beyond local boundaries. While the Styrian map is clearly bounded – literally, on paper, as well as in its area of activity – its origins are in one network (the Austrian *Länder*) and its outcomes inform another, larger network (the Network of GMO-free

European Regions). In addition, the project's very existence is possible because of the Styrian precautionary law that creates zones where planting GMOs is prohibited.

Styrian GMO policy also shows the importance of both informal and formal connections among policy actors. Styrian GMO policy derived from a small community of elected officials, academic researchers, organic farmers, and Green Party activists, with some players falling into two or more of these categories (personal communication, 06.04.09). More recently, a range of groups have supported the *Landkarte* project: the Styrian Chamber of Agriculture, a traditional institution with broad-based membership, the Styrian branch of BioErnte, the largest organization representing Styrian organic farmers, and the regional government itself, as well as a large coalition of interested citizens. It is thus top-down (albeit at a regional level), grassroots, and individual, and this combination, as the activist from Vorarlberg quoted at the beginning of this article said, is indeed multiplicative in its policy reach.

Conclusions

It is difficult to separate Austrian GMO policy into aspects supported by the federal level, aspects supported by the subnational level, and aspects supported by consumer and environmental NGOs, civil society, and farmers' organizations, largely because of (1) the close working relationships among these groups in this policy sector and (2) the concurrence of policy initiatives across levels and sectors.

Furthermore, while many aspects of Austrian subnational policy derive from a worldview that might be seen as protective or even insular, on closer examination these subnational efforts have strong outward-reaching elements. The Austrian *Länder* have been working in coalition with each other, with federal agencies, with other European regions, and with activists and NGOs. These activities have had goals including simply informing a broader audience, generating support for local activities, coordinating strategy, lobbying other governmental levels, and sharing best practices. From a genesis in local efforts to protect local (agri)cult-

tural traditions, Austrian subnational GMO policy and political activity has extended its reach in many directions – to citizens, to activists, and to other regions and other levels of government within Austria, in Europe, and globally.

Notes

- ¹ References to ‘region’ refer to subnational authorities in European states; for example, Austrian and German *Länder*, French *régions*, Italian *regioni*, Spanish *comunidades autónomas*, etc.
- ² Translated from German by the author.
- ³ Translated by the author.
- ⁴ According to the *Landwirtschaftskammer* website (available at <http://www.agrarnet.info>), ‘All self-employed, full-time members of the labour force in the agriculture and forestry sectors and practically all part-time farmers are, according to law, members of a chamber of agriculture, as are family members working on the farm on a full-time basis.’

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