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OPINION OF THE COMMISSION

**pursuant to Article 294(7)(c) of the Treaty on the Functioning of the European Union,
on the European Parliament's amendments
to the Council's position**

regarding the proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Directive 2001/18/EC as regards the possibility for the Member States to
restrict or prohibit the cultivation of GMOs in their territory**

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1. INTRODUCTION

Article 294 (7), point (c) of the Treaty on the Functioning of the European Union (TFEU) provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by the Parliament.

2. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council:	14 July 2010
Date of the opinion of the European Economic and Social Committee:	9 December 2010
Date of the opinion of the European Parliament, first reading:	5 July 2011
Date of transmission of the amended proposal:	[*]
Date of adoption of the position of the Council, first reading**:	23 July 2014
Date of the opinion of the European Parliament, second reading:	13 January 2015

* The Commission did not prepare an amended proposal but expressed its views on the Parliament amendments in the "*Commission Communication on the action taken on opinions and resolutions adopted by Parliament at the July 2011 part-session*" (document SP(2011)8072) sent to the European Parliament on 8 September 2011.

** The Commission expressed its views on the amendments of the Council in the "*Commission Communication concerning the position of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their*

territory” (document COM(2014) 570 final) sent to the European Parliament on 10 September 2014.

3. PURPOSE OF THE PROPOSAL

The European Union (EU) has adopted a comprehensive legal framework for the authorisation of products consisting of or derived from Genetically Modified Organisms (GMOs). The authorisation procedure covers the use of GMOs for food and feed purposes, industrial processing and cultivation, and their derived products for food and feed uses.

The EU authorisation system is aimed at avoiding adverse effects of GMOs on human and animal health and the environment while establishing an internal market for those products. Two pieces of legislation, namely Directive 2001/18/EC on the environmental release of GMOs¹ and Regulation (EC) No 1829/2003 on GM food and feed², provide for the pre-marketing authorisation of GMOs. Both establish science based standards for the assessment of potential risks for human health, animal health and the environment as well as labelling requirements. In addition, Regulation (EC) No 1830/2003³ provides rules on the traceability and labelling of GMOs and the traceability of food and feed produced from GMOs.

In March 2009, the Council rejected Commission's proposals requesting Austria and Hungary to repeal their national safeguard measures, as according to the European Food Safety Authority (EFSA) they lacked the necessary scientific support needed under the EU legislation. Subsequently, a group of 13 Member States⁴ called on the Commission to prepare proposals to give freedom to Member States to decide on cultivation of GMOs⁵.

With a view of combining an EU authorisation system for GMOs, based on science, with freedom for Member States to decide whether or not they wish to cultivate GM crops on their territory, the Commission adopted this legislative proposal in July 2010. It provides a legal base in the EU legal framework on GMOs for Member States to restrict or prohibit in all or part of their territory the cultivation of GMOs that have been authorised at EU level. Those prohibitions or restrictions shall be based on grounds other than those covered by the environmental and health risk assessment under the EU authorisation system.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT IN SECOND READING

The European Parliament voted in second reading a consolidated text which contains a number of amendments to the text of the Council's position at first reading. The text is the result of negotiations between the European Parliament, the Council and the Commission. The Commission accepts all the amendments voted by the European Parliament.

¹ OJ L 106, 17.4.2001, p. 1.

² OJ L 268, 18.10.2003, p. 1.

³ OJ L 268, 18.10.2003, p. 24.

⁴ Austria, Bulgaria, Cyprus, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland and Slovenia.

⁵ Respective discussions took place at Council meetings of 2 March, 23 March and 25 June 2009.