# Genetically modified organisms (GMOs): possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory

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The Committee on the Environment, Public Health and Food Safety adopted the report by Corinne LEPAGE (ALDE, FR) on the proposal for a regulation 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.

It recommended that the European Parliament's position at first reading, under the ordinary legislative procedure, should be to amend the Commission proposal as follows:

**Free circulation**: without prejudice to Article 23 (Safeguard clause) or Article 26b, Member States may not prohibit, restrict or impede the placing on the market of GMOs, as or in products, which comply with the requirements of this Directive.

**Confidentiality**: without prejudice to the protection of intellectual property rights, access to material necessary for independent research on potential risks of GMOs, such as seed material, shall not be restricted or impeded. According to Members, in order for Member States to be able to investigate the compatibility of a certain GM-variety with a specific receiving environment, access to the GM material must not be restricted.

**Unintended presence of GMOs**: Member States shall take appropriate measures to avoid the unintended presence of GMOs in other products on their territory and in borderareas of neighbouring Member States.

**Culture**: according to the text, Member States may adopt, on a case-by case-basis, measures restricting or prohibiting the cultivation of particular GMOs or of groups of GMOs, provided that: those measures are based on:

- **scientifically justified grounds** relating for example to pesticide resistance; the invasiveness or persistence of a GM variety; the maintenance and development of agricultural practices which offer a better potential to reconcile production with ecosystem sustainability; the maintenance of local biodiversity;
- **grounds relating to socio-economic impacts** for example the impracticability or the high costs of coexistence measures or the impossibility of implementing coexistence measures due to specific geographical conditions such as small islands or mountain zones; the need to protect the diversity of agricultural production; the need to ensure seed purity;
- **other grounds that may include land use**, town and country planning, or other legitimate factors.

In cases where those measures concern crops which are already authorised at Union level, Member States ensure that farmers who cultivated such crops legally have sufficient time to finish the current cultivation season.

Measures must respect local agricultural and cultural traditions and they must have been the subject of a prior **public consultation** lasting at least 30 days.

In addition, Member States shall: (i) make publicly available any such measure to all operators concerned, including growers, at least three months before the start of the growing season; (ii) adopt those measures for a maximum of five years and shall review them when the GMO authorisation is renewed.

**Liability requirements**: the report calls on the Member States to establish a **general mandatory system of financial liability** and financial guarantees, for example through insurance, which applies to all business operators and which ensures that the polluter pays for unintended effects or damage that might occur due to the deliberate release or the placing on the market of GMOs.

**'GMO-free' labelling**: the Commission shall propose harmonised conditions under which operators may make use of terms indicating the absence of GMOs in products.