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 Council discussed, on the basis of a **compromise text from the Presidency**, the proposal for a regulation amending Directive 2001/18/EC as regards the possibility for Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) that have been authorised at EU level in all or part of their territory.

The compromise proposal, inspired by the approach in the newly adopted Biocide Regulation, allowed for two options:

- **during the GMO authorisation procedure**: upon request of a Member State, the notifier /applicant has the possibility to adjust the geographical scope of the authorisation, thus excluding part or all of the territory of that Member State from cultivation;

- **after the authorisation procedure**: the Member State has the option to restrict or prohibit the cultivation of an authorised GMO, provided that the national measure does not conflict with the environmental risk assessment carried out at EU level.

Although a large number of Member States could accept the Presidency proposal, **it was not yet possible to reach agreement in the Council.** Some Member States still had concerns regarding:

- the legal compatibility of some provisions in the proposal with WTO and EU internal market rules;

- how to avoid possible overlaps and/or inconsistencies between the mandatory risk assessment at EU level and national environmental measures;

- the implementation of the Environment Council conclusions adopted on 4 December 2008 *(doc 16882/08)*.