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

2010/0208(COD) - 13/01/2015 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution on the Council position 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 genetically modified organisms (GMOs) in their territory.

Parliament adopted its position at second reading following the ordinary legislative procedure amending the Council position as follows:

Risk assessment: GMOs for cultivation are to undergo an individual risk assessment before being authorised to be placed on the Union market, taking into account the **direct, indirect, immediate and delayed effects, as well as the cumulative long-term effects, on human health and the environment**.

That risk assessment provides scientific advice to inform the decision making process and is followed by a risk management decision. The precautionary principle should always be taken into account in the framework of Directive 2001/18/EC and its subsequent implementation.

According to the Members, the **rules on risk assessment should be, where needed, regularly updated** to take account of continuous developments in scientific knowledge and analysis procedures, in particular regarding the long-term environmental effects of genetically modified crops.

Co-existence measures: Parliament called for Member States to be required to take the necessary measures to avoid the unintended presence of GMOs in other products on their territory and in border areas of neighbouring Member States. The amended text stated that as from two years after the entry into force, Member States in which GMOs are cultivated shall take appropriate measures in border areas of their territory with the aim of **avoiding possible cross-border contamination into neighbouring Member States in which the cultivation of those GMOs is prohibited**, unless such measures are unnecessary in light of particular geographical conditions. Those measures shall be communicated to the Commission.

Culture: during the authorisation procedure of a given GMO or during the renewal of consent /authorisation, a **Member State may demand to adjust the geographical scope of the written consent or authorisation** to the effect that all or part of the territory of that Member State is to be excluded from cultivation.

That demand shall be communicated to the Commission **at the latest 45 days** from the date of the circulation of the assessment report. The Commission shall present the demand of the Member State to the notifier/applicant and to the other Member States without delay. It shall make the demand publicly available by electronic means.

Within 30 days from the presentation by the Commission of that demand, the notifier/applicant may adjust or confirm the geographical scope of its initial notification/application.

In the absence of confirmation, the adjustment of the geographical scope of the notification/application shall be implemented in the written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 of this Directive as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003.

The written consent issued under this Directive and, where applicable, the decision issued in accordance with this Directive.

Time-limit: Member States may restrict or prohibit the cultivation of a GMO or of groups of GMOs defined by crop or trait or of all GMOs in all or part of their territory prior to the date of entry into force of the Union authorisation and for the whole duration of the consent/authorisation, provided that an established standstill period, during which the Commission was given the opportunity to comment on the proposed measures, has elapsed.

The Member State concerned should therefore **communicate a draft of those measures to the Commission at least 75 days prior to their adoption**, in order to give the opportunity to the Commission to comment, and should refrain from adopting and implementing those measures during that period.

During the standstill period, the authorisation **applicant/holder** who would be affected by measures restricting or prohibiting the cultivation of a GMO in a Member State should refrain from all activities related to the cultivation of that GMO in that Member State.

On expiry of the 75-day period, the Member State concerned may for the whole duration of the consent /authorisation and as from the date of entry into force of the Union authorisation, adopt the measures either in the form originally proposed, or as amended to take account of any non-binding comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the authorisation holder without delay.

Member States shall make publicly available any such measure to all operators concerned, including growers.

Independent research: the Commission and the Member States should ensure that the necessary resources for independent research on the potential risks arising from the deliberate release or the placing on the market of GMOs are secured, and that independent researchers should be given access to all relevant material, while respecting intellectual property rights.

Labelling: to guarantee a high level of consumer protection, the Member States and operators should also take effective labelling and information measures pursuant to Regulation (EC) Nº 1830/2003 to guarantee transparency about the presence of GMOs in products.

Reporting: no later than four years after the date of entry into force of the Directive, the Commission shall also report on the actual remediation of environmental damages that might occur due to the cultivation of GMOs.