

Transboundary movement of genetically modified organisms (GMOs). Cartagena Protocol on Biosafety

2002/0046(COD) - 04/03/2003 - Council position

The Council adopted the common position with the Italian and German delegations abstaining. In 2002 it was decided, after consultation of the European Parliament, to conclude the Protocol on behalf of the European Community. The Protocol will enter into force when 50 Parties have deposited the necessary instrument. Against this background this proposal, which is based on Article 175, paragraph 1 of the EC treaty, is mainly concerned with the establishment of a common system of notification and information for transboundary movements of GMOs to third countries and with unintentional transboundary movements, which is needed in order to ensure implementation of the provisions of the Cartagena Protocol relating to those issues. Other provisions of the Protocol fall under other Community legislation. In general, the Council agreed upon an approach where the Protocol is followed closely. Within that context, there are nevertheless concrete formulations, which follow EU practice where this has been seen as legally or politically necessary, e.g. the term "living modified organisms" used in the protocol is not used, since the EU internal terminology "genetically modified organism" is understood to be an equivalent term and is the generally applicable term within the EU. The Council finds it relevant to consider the relationship to possible non-Parties under the Regulation, since not all countries interested in the substance matter regulated under the Protocol nor all signatories to the Protocol will necessarily be Parties to the Protocol at the time of its entry into force. The Council has agreed, on the basis of the context of the various articles and paragraphs, upon those parts of the Regulation, which should also relate to non-Parties. It should be noted that out of 45 amendment to the proposal adopted at first reading by the European Parliament, 33 have been incorporated, either verbatim, in part or in spirit, into the Council's common position.