

## CITIZEN'S SUMMARY

# **GMO cultivation – The Commission's flexible new approach**

Member States will soon be able to decide on the issue of cultivation of Genetically Modified (GMO) crops on their territory without having to resort to the safeguard clause if they wish to ban or restrict the use of their agricultural soil for such purposes. On July 13, 2010, the Commission adopted a comprehensive proposal that provides this freedom to the Member States. The EU's existing science-based authorisation system remains unaffected. The proposal also provides for non-binding guidelines that better reflect the possibilities already available to the Member States to adopt measures in order to avoid the unintended presence of GMOs in conventional and organic crops. In a nutshell, the comprehensive proposal represents the Commission's new flexible approach on GMO cultivation, which takes into consideration Member States' desires, but also retains the basis of solid science for any GMO authorisation.

### **What is at stake?**

The issue is to find the ways that would permit Member States to decide whether, and under what conditions, they would allow the cultivation of GMO crops on their territories. Of course, the cultivation in question, would only concern GMOs that have gone through the authorisation procedure and have been found safe, both in terms of human or animal health and of the environment.

The new approach on GMO cultivation combines the current EU authorisation system, which is based on solid science, with the possibility for Member States to decide on GMO cultivation at national level.

### **How will I benefit from this?**

The new approach will enable Member States to decide about cultivation of GMOs on their territories in a more complete and legally-secure manner compared to the less flexible system in place today. Therefore, the new approach will allow for national, regional or local sensitivities to be better taken into account.

The strict guarantees that these crops are safe remain unaltered. Therefore, citizens can also be sure about the safety of the GM crops that might be cultivated in their countries.

### **Doesn't the EU already have legislation on GMOs?**

Yes, and it ensures that only GMOs that pose no risk to human and animal health or the environment may be cultivated in the EU. However, Member States have asked for the possibility to decide on GMO cultivation on their territories on grounds other than the identification of a risk for the environment, human or animal health.

### **So, what is proposed exactly?**

The package includes:

- A Communication from the Commission, explaining the more flexible approach under existing legislation and the proposed small amendment to it.
- A new Commission Recommendation on co-existence of GM crops with conventional and/or organic crops. It better reflects the possibility under the existing legislation for Member States to handle the co-existence of GM and other types of crops. This new Recommendation gives more flexibility for Member States to define such co-existence

measures. It allows them, for example, to aim at levels of unintended GMO presence that are lower than the 0.9% labelling threshold of the EU legislation.

- A proposal to be adopted by the European Parliament and the Council for revising the GMO legislation (Directive 2001/18/EC) as regards the possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory.

The new approach does not affect, or alter in anyway, the scientific pillar of the EU's approach to GMOs. It maintains the current EU authorisation system, which ensures that only GMOs that are safe, to the environment and the health of humans and animals alike, receive authorisation. It also allows Member States to have a say on GMO cultivation in their territories. In more concrete terms, the new approach:

- Recognises that Member States need more flexibility under the current legislation to take into account their local, regional and national conditions on GMO cultivation.
- Recognises that the unintended presence of GMOs in other crops has specific implications for some producers, such as organic farmers, impacting also the final consumer.
- Presents the possibility under the existing legislation for Member States to exclude GMO cultivation from large areas ("GM-free areas")
- Establishes a new legal basis for Member States to prohibit the cultivation of GMOs in their territory.
- Addresses the request of 13 Member States, who, in June 2009, asked the Commission to prepare a more flexible approach to the issue

### **Why does action have to be taken by the EU?**

It is appropriate to revise the 2003 Commission recommendation on co-existence of GM crops with conventional and/or organic crops in order to: a) reflect experience gained with national co-existence measures, and b) make it more flexible.

The EU has a harmonised framework on GMO authorisations. For the moment the EU legislation on GMOs only allows Member States to provisionally restrict or prohibit cultivation of GMOs through the safeguard clause if justified by the identification of a serious risk to the environment or health after the GMO has received a EU authorisation.

In order to offer the Member States an explicit legal basis to restrict or prohibit GMO cultivation, it is necessary to propose a limited amendment to the current legislation. This amendment will mean including only one new article -Article 26b- in Directive 2001/18/EC.

### **What happens next?**

The more flexible approach under existing legislation and the limited legal proposal are presented in a Commission Communication.

The new Recommendation on co-existence replaces immediately the previous, stricter, recommendation of 2003. It is now the responsibility of Member States to decide whether to adopt new or revised legislation regarding co-existence.

The proposal for revising Directive 2001/18/EC, which will secure legal certainty, will be adopted through the co-decision procedure with the Council and the European Parliament.

Until that procedure comes to an end, the Commission will continue to apply the existing legislation, which was adopted by the Council and Parliament in 2003.

**End**