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From:
Danish Parliament's European Affairs Committee (Thomas Fich, EU Special Adviser)

To:
Commissioner John Dalli

Subject: Opinion on the Commission's proposal for a Regulation amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory — COM (2010) 375

The Danish Parliament's Committees on Foodstuffs and European Affairs have considered the Commission's 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 — COM (2010) 375.

The proposal gives the Member States the possibility of deciding for themselves whether they want GM crops to be cultivated in their territory. It does not change either the approval system at EU level or the initiatives which Member States are entitled to take to avoid the unintended presence of GMOs in other products (coexistence rules).

However, the Commission proposes that the Member States may only invoke grounds other than protection of the health and environment in order to restrict or prohibit GMOs in their territory. Furthermore, any cultivation bans must be compatible with the rules concerning the internal market and international obligations, including those established under the WTO.

A Committee majority, consisting of the Social Democratic Party, the Danish People's Party, the Social Liberal Party and the Red-Green Alliance, regrets that the proposal does not give Member States the possibility of basing possible national GMO prohibitions on health or environmental concerns. It therefore calls on the Commission to amend the proposal so as to delete the provision stating that health or environmental issues cannot constitute arguments for a national prohibition.

The majority also calls on the Commission to follow up the conclusions of the Environment Council meeting of 5 December 2008, which called for the revision and further development of the guidelines on GMO risk assessment. In this connection it refers to the fact that health risks were included in the basis for the Danish Parliament's passing of a bill (V83) on 27 May 2010 concerning GM crops. In addition, the Danish concern about GMOs is linked specifically to the risk of the development of antibiotic resistance in people and animals. This risk is also an argument for introducing national prohibitions, which the WTO accepts.

Finally, the majority calls on the Commission to amend the proposal so that all Member States are obliged to draw up coexistence rules, currently voluntary for the Member States. In this connection it draws attention to the fact that this is a cross-border problem.

[signed]

Anne-Marie Meldgaard
Chair of the European Affairs Committee