

# Bundesrat (Upper house of the German Parliament)

Document **183/15** (Decision)

10.07.15

## Decision

of the Bundesrat

---

### **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory**

COM(2015) 177 final

At its 935th session on 10 July 2015, the *Bundesrat* adopted the following position pursuant to Sections 3 and 5 of the Act on Cooperation between the Federation and the Länder in European Union Affairs (EUZBLG):

1. The *Bundesrat* fundamentally welcomes the Commission's desire to increase Member States' powers to make decisions on the use of genetically modified food and feed in their territory. However, it rejects the Commission's proposed regulation, as it considers the regulatory approach taken by the Commission not to be fit for the purpose of enabling Member States to prohibit at national level, with legal certainty, the use of genetically modified food and feed authorised in the EU. Among other things, there is no impact assessment, and unlike in - for example - Directive (EU) 2015/412 on the opt-out relating to the cultivation of genetically modified plants, no illustrative list of grounds is given, which could serve to justify with legal certainty national bans in individual Member States. Furthermore, the consequences in relation to the internal market and WTO rules of a possible transposition in Member States cannot be assessed.

2. In view of Member States' lack of acceptance of how genetically modified organisms are dealt with in the EU, the *Bundesrat* considers that a fundamental reform of the authorisation procedure is needed. The *Bundesrat* would point out that for many

years, the authorisation procedure at EU level for genetically modified plants and food and feed has been the subject of profound criticism. Among other things, the EU Council of Environment Ministers, back on 4 December 2008, and also the European Parliament, on 5 July 2011 during discussions on draft Directive 2015/412/EU, called for improved risk assessment in the authorisation procedure. Against this background, the *Bundesrat* requests the German Government to do all it can at EU level to bring about changes to the authorisation procedure for genetically modified organisms (GMOs), so that risk analysis is not carried out exclusively by the European Food Safety Authority and the Commission cannot authorise GMOs without the agreement of Member States. It also requests that account be taken, at the same time, of its Resolution of 11 April 2014 (*Bundesrat* Document 58/14 (Decision)) in favour of better examination of environmental concerns in the authorisation procedure for genetically modified plants and food and feed.

3. The *Bundesrat* is sending this position statement directly to the Commission.