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RESOLUTION OF THE NINTH STANDING COMMITTEE

(Agriculture and agri-food production)

(*Rapporteur* SCARPA BONAZZA BUORA)

approved at the sitting of 29 September 2010

ON THE

**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 GENETICALLY MODIFIED ORGANISMS (GMOS)
IN THEIR TERRITORY (COM (2010) 375 FINAL)**

as provided for in Article 144(1) and (6) of the Rules of the Senate

Communicated to the Presidency on 30 September 2010

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The Ninth Committee, having examined, as provided for in Article 144 of the Rules of the Senate, the 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,

whereas:

the European Union has already adopted a comprehensive legal framework for the authorisation of products consisting of or derived from GMOs. That legal framework takes the form of an authorisation system based on the dual objectives of avoiding adverse effects of the organisms in question on health and the environment and of establishing and securing an internal market for those products;

the legislative system described, which is complete in itself, has been subject to checks and assessments over time in the light of the requirements and requests of the Member States, which led some of those States to request new proposals from the Commission with a view to granting the individual States a margin of freedom as regards the cultivation of GMOs;

in support of that new framework, the Commission guidelines set out by President Barroso in 2009 constituted a system designed to combine a Community regulatory system of authorisation based on science with the freedom of the Member States to decide whether or not to allow GMO cultivation;

to that end, the proposal under consideration aims to implement the new system, providing the Member States with the possibility of restricting or prohibiting GMO cultivation, authorised at Community level, within the regulatory and scientific framework already laid down, reflected also in the conditions to which such restrictions or prohibitions must, however, be subject;

purely from the point of view of content, the proposal aims to introduce into Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 a new provision allowing Member States to restrict or prohibit authorised GMO cultivation, provided this is based on grounds other than those related to the assessment of the adverse effect on health or the environment;

having expressed the firm belief that Italy wishes to make use of the right, provided for by the Community measure in question, to exclude the cultivation in the national territory of GMOs authorised by the European Union in the light of the potential adverse socio-economic effects of genetically modified crops on different local farming systems, characterised by the typical nature and quality of the products and their link to the territory;

having stated the requirement that the right given to the individual States to restrict GMO cultivation should be extended also to situations based on health or environmental reasons;

as provided for in Protocol No 2 of the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality, states that it has no objections.

OPINION OF THE FOURTEENTH STANDING COMMITTEE

(EUROPEAN UNION POLICIES)

(Rapporteur: De Eccher)

22 September 2010

The Fourteenth Committee, having examined document COM (2010) 275 final, and given that the latter aims to provide, within the European Union (EU) legal framework on genetically modified organisms (GMOs), a legal basis which authorises Member States to restrict or prohibit the cultivation of GMOs which are authorised at EU level in all or part of their territory, on grounds other than those related to the assessment of the adverse effect on health or the environment under the EU authorisation system;

given that the legal framework under discussion is based primarily on Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms, and on Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed;

given that only authorised GMOs may be cultivated in the European Union and the environmental and health aspects are covered by the environmental risk assessment under the EU authorisation procedure;

having regard to the fact that the proposal, in implementation of the policy guidelines for the new Commission outlined by President Barroso, is part of an already comprehensive legal framework for the purpose of achieving a better balance between the EU framework and the need to take into consideration the particular conditions of agriculture in the territory of the Member States,

within its area of responsibility, states its observations in favour of the measure, with the following remarks:

the proposal for a regulation complies with the principle of subsidiarity because, first, it confirms that the placing on the market and the export of GMO seeds remain in the framework of the Community rules on the free internal market and the international obligations of the Union and, secondly, it leaves the Member States the possibility to adopt measures on the cultivation of GMOs in their territory after the GMO has been lawfully placed on the EU market;

the proposal for a regulation complies with the principle of proportionality because it is limited to allowing Member States to adopt reasoned measures on the cultivation of GMOs and be in a better position to carry out their own impact assessments;

on the substance, it is pointed out how the amendment to the legislation, while preserving the EU authorisation system for GMOs as well as the free circulation and import of food, feed and seeds, meets the need to grant freedom to Member States to address specific regional, national or local aspects linked to the cultivation of GMOs. Inserting in Directive 2001/18/EC a new Article 26b, which grants the Member States freedom to invoke grounds for prohibiting the cultivation of GMOs in their territory, even if based on grounds other than those related to the assessment of the adverse effect on health and environment which might arise from the deliberate release or the placing on the market of GMOs, should ensure enhanced protection of national agri-food systems;

in that regard, there are serious concerns about the decision to exclude the possibility for individual Member States also to consider, in a precautionary and circumspect manner and before they take their decisions, aspects relating to health and the environment which seem to warrant further specific in-depth analysis.