

"JOUR FIXE" MEETING**ITEM: GMOs - UPDATE****DATE: 16TH APRIL 2015****CHEF DE FILE : D3*****Background***

In the political guidelines for the next EC, President - elect Juncker committed to review the legislation applicable to the authorisation of GMOs by April 2015. On 22nd of April, the College is expected to adopt:

- a Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions reviewing the decision-making process on GMOs;
- a proposal for a Regulation of the EP and Council amending Regulation 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.

The legislative proposal would allow Member States (MS) to restrict or prohibit the use in all or part of their territory of a GMO or a GM food and feed authorised at EU level. The proposal sets forth that the measures adopted by MS have to be reasoned, based on compelling grounds in accordance with Union law, proportional and non-discriminatory. Measures will have to be compatible with the internal market and based on grounds to be in accordance with Article 36 TFEU (measures justified e.g. on grounds of public morality, public policy) and the notion of overriding reasons of public interest as developed by the case-law of the Court of Justice. They shall not conflict with the risk assessment carried out by the European Food Safety Authority (i.e. risks to health and environment). The explanatory memorandum also sets out that measures will need to comply with the international obligations of the Union (art 216 TFEU).

The stated objective of this proposal is "to adapt the decision making on GM food and feed so as to allow reflecting the individual concerns of MS, unrelated to science, but rather on other aspects of the societal debate in their country, in a controversial area of high public interest".

A standstill period of at least 75 days prior to the adoption of measures by MS is foreseen. During this period, the Commission will have the opportunity to comment on a draft of the MS's measures. On the expiry of the established "standstill" period, the MS should be able to adopt the measures as originally proposed or amended to take into account the Commission's comments.

No Impact Assessment accompanying this legislative proposal has been conducted. The Communication states that the practical effect of the proposal will depend on the extent to which MS will make use of its provisions.

Although we were expecting that the College will approve the currently pending GM food and feed products (the number increased to 17) on the 22nd of April together with the proposal, according to latest information, this may not happen. Latest indications suggest that the President's Cabinet decided to launch a written procedure for the authorisation of these products after the College meeting, but we have no information as to the exact timing.

To be aware that the special chefs meeting on the proposed new GMO rules is currently scheduled for 16th April at 10:30.

Analysis

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Proposals

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