

11-61

## POUDELET Eric (SANCO)

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**From:**  
**Sent:** 12 April 2013 12:00  
**To:** TESTORI COGGI Paola (SANCO)  
**Cc:** MIKO Ladislav (SANCO); POUDELET Eric  
(SANCO); ANDRE Dorothee (SANCO)  
**Subject:** Re: Correct version: Italian attempt to extend de facto ban on GMOs by law

Dear Paola,

Thank you so much for your immediate reply.

We look forward to remaining in touch on this issue

Grazie ancora,

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**From:** Paola.Testori@ec.europa.eu [mailto:Paola.Testori@ec.europa.eu]  
**Sent:** Friday, April 12, 2013 11:18 AM  
**To:**  
**Cc:** Ladislav.MIKO@ec.europa.eu <Ladislav.MIKO@ec.europa.eu>;  
Eric.Poudelet@ec.europa.eu <Eric.Poudelet@ec.europa.eu>; Dorothee.Andre@ec.europa.eu  
<Dorothee.Andre@ec.europa.eu>  
**Subject:** Re: Correct version: Italian attempt to extend de facto ban on GMOs by law

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we are well aware of this developments

IT had not informed us officially of this draft legislation , we have now questioned IT officially and surely we will pursue the matter !

If my colleagues have more info i leave to them to inform you

Ciao

paola

Paola Testori Coggi  
Envoyé de mon iPhone

Le 12 avr. 2013 à 11:02, "

[@europabio.org](mailto:@europabio.org)> a écrit :

Dear Paola,

We have been informed that likely in the coming days, the Italian Council of Ministers is due to vote on, and likely adopt, an amended version of the 212 decree of 2001 which also covers coexistence, and is currently the basis for the "de facto" ban on GM cultivation in Italy.

Please find the draft amended decree attached. It has been formally sent to stakeholders in Italy, including our Italian member association Assobiotech. As far as we understand, the initial decree from 2001 was never formally notified by the Italian government to the European Commission, and we are not sure if there is any intention to notify this amended version either. This particular initiative seems not to have been mentioned in a letter from the Italian ministry of health addressed to Ms. Dorothée André, dated 29 March 2013, which is available on the internet here: <http://www.endseurope.com/docs/130404b.pdf>.

Contents-wise, the attached proposed amendment to decree 212 of 2001 would seem to aim at prolonging the de facto national authorization system which was declared illegal by the European Court of Justice in its decision on 6 September 2012 regarding case C-36/11. In this ruling, the Court specified:

- "The cultivation of genetically modified organisms such as the MON 810 maize varieties cannot be made subject to a national authorisation procedure when the use and marketing of those varieties are authorized".
- The relevant EU legislation "does not entitle a Member State to prohibit in a general manner the cultivation on its territory of such genetically modified organisms pending the adoption of coexistence measures to avoid the unintended presence of genetically modified organisms in other crops".

Against this background, we would be interested to know if the Commission intends to undertake any steps to ensure that applicable EU legislation and jurisprudence is correctly applied in Italy.

Ti ringrazio in anticipo Paola e Ti auguro un'ottima giornata,

EuropaBio

website - [www.europabio.org](http://www.europabio.org)

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Thanks you. Good to know.