



**COUNCIL OF
THE EUROPEAN UNION**



Luxembourg, 12 June 2014
10415/14
(OR. en)
PRESSE 323

Council reaches agreement on the cultivation of genetically modified organisms

The Environment Council reached today a political agreement on a draft directive amending directive 2001/18/EC as regards the possibility for member states to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory.

The aim of the proposal, that came as a response to the request addressed to the Commission by 13 member states in June 2009, is to provide a sound legal basis in the related EU legal framework in order to allow member states to restrict or prohibit the cultivation, in all or part of their territory, of GMOs that have been authorised or are under authorisation at EU level.

On 3 March 2014, the exchange of views held by the Environment Council confirmed the willingness of member states to re-open discussions on this legislative proposal on the basis of the presidency compromise text. Since then, the Hellenic presidency has convened several meetings of the ad hoc working party on GMOs, which showed that a new revised proposal could gather broad support.

The text agreed today includes in particular the following elements:

- the link between the first (EU level application of EU level authorisation) and the second phase (national application in every member state where cultivation is planned);
- the member state's request for adjustment of the geographical scope will be channelled exclusively via the Commission and no timely response is considered as a tacit agreement;

P R E S S

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- a non-exhaustive list of possible grounds that can be used by member states to restrict or prohibit the authorisations was introduced, including, notably, environmental reasons, socioeconomic reasons, land use and town planning, agricultural policy objectives and public policy issues etc.;
- amendments were made in order to establish the set of deadlines and responsibilities governing the decisions relating to the adjustment of the geographical scope of the authorisation, including an additional opting out option based on new objective circumstances;
- in the interests of clarity, a number of transitional measures that can be adopted after the entry into force of the present legal act were established, in particular, until up to 6 months after the entry into force of the directive, a member state may request via the Commission to adjust the geographical scope of a notification/application granted under this directive or regulation 1829/2003 before the date of entry into force of this directive;
- no later than four years after the entry into force of the directive, the Commission will present a report to the European Parliament and to the Council on the use of this directive and its effectiveness, including on environmental risk assessments.

The new directive has no impact on the assessment process for GMOs made by the European Food Safety Agency under Directive 2001/18 and Regulation 1829/2003.

Background

The Commission presented the GMO cultivation proposal in July 2010 ([12371/10](#) + [ADD 1](#)) with the aim of providing for a legal basis to allow member states to restrict or prohibit the cultivation of GMOs in their territory on grounds other than health and environment considerations, which had already been addressed during the EU authorisation process for GMOs. The proposal has been examined during several presidencies. The European Parliament adopted, at first reading, a set of amendments to the Commission proposal in July 2011. The Environment Council of 9 March 2012 was not able to reach a political agreement as a blocking minority of delegations still had concerns regarding certain issues.

Next steps

Political agreement is to be followed by the formal adoption by Council of its position at first reading. The Italian Presidency is expected to start negotiations (in second reading) with the newly elected European Parliament in early autumn 2014.