

## European GMO- free Regions Network

### Position Paper

on the 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 -

The European GMO-free Regions Network would like to react to the 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).

1. From the Network's perspective the European authorization procedure for genetically modified food and feed requires a fundamental change. In its work programme for 2015 the European Commission announced its intention to review the process for approving genetically modified organisms. However, the present proposal of the European Commission leaves the authorisation procedure unchanged. Against this background, one must assume that the European Commission will continue to decide on authorisation matters without a qualified majority of Member States, if a positive EFSA opinion exists. However, a qualified majority is exactly the condition that should be fulfilled.
2. The Network broadly welcomes the intention to give Member States and Regions a greater say and to extend their decision-making powers with respect to genetically modified food and feed. However we do not consider that the present proposal provides sufficient legal certainty to prohibit the use of genetically modified food and feed.

3. The Network regrets the failure to provide a list of examples of legal grounds on which a national prohibition could be justified. Such a list has proved helpful in providing legal certainty in the past, for example in Directive (EU) 2015/412.
4. The Network explicitly regrets the absence of an impact assessment to the proposal.
5. The Network believes that a ban on using genetically modified food and feed could create a need for border checks between the Member States, could have a negative influence on the European single market, and might be unworkable in practice.
6. The Network supports the rationale and welcomes the fact that both the Committee of the Regions at his Plenary Session on 13 October 2015 and the European Parliament at the Plenary Session on 28 October 2015 rejected the European Commission proposal. The Network therefore calls for the withdrawal of the proposal.

Düsseldorf, on 29 October 2015



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