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from: The Parliament of Denmark
date of receipt: 12 January 2010

to: President of the Council of the European Union

Subject: 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 [doc. 12371/10 ADD1 ENV 499 AGRILEG 100 AGRI 271 MI 254 DENLEG 71 CODEC 714 - COM (2010) 375 final]
- Opinion¹ on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached the above mentioned opinion.

¹ This opinion is available in other linguistic versions on the interparliamentary EU information exchange site (IPEX) at the following address: <http://www.ipex.eu/ipex/cms/home/Documents/pid/10>

Letter dated:
22 October 2010

Ref.: 09-000927-30

From:
Danish Parliament's European Affairs Committee (Thomas Fich, EU Special Adviser)

To:
Commissioner John Dalli

Subject: Opinion on the Commission's proposal for a Regulation amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory — COM (2010) 375

The Danish Parliament's Committees on Foodstuffs and European Affairs have considered the Commission's 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 — COM (2010) 375.

The proposal gives the Member States the possibility of deciding for themselves whether they want GM crops to be cultivated in their territory. It does not change either the approval system at EU level or the initiatives which Member States are entitled to take to avoid the unintended presence of GMOs in other products (coexistence rules).

However, the Commission proposes that the Member States may only invoke grounds other than protection of the health and environment in order to restrict or prohibit GMOs in their territory. Furthermore, any cultivation bans must be compatible with the rules concerning the internal market and international obligations, including those established under the WTO.

A Committee majority, consisting of the Social Democratic Party, the Danish People's Party, the Social Liberal Party and the Red-Green Alliance, regrets that the proposal does not give Member States the possibility of basing possible national GMO prohibitions on health or environmental concerns. It therefore calls on the Commission to amend the proposal so as to delete the provision stating that health or environmental issues cannot constitute arguments for a national prohibition.

The majority also calls on the Commission to follow up the conclusions of the Environment Council meeting of 5 December 2008, which called for the revision and further development of the guidelines on GMO risk assessment. In this connection it refers to the fact that health risks were included in the basis for the Danish Parliament's passing of a bill (V83) on 27 May 2010 concerning GM crops. In addition, the Danish concern about GMOs is linked specifically to the risk of the development of antibiotic resistance in people and animals. This risk is also an argument for introducing national prohibitions, which the WTO accepts.

Finally, the majority calls on the Commission to amend the proposal so that all Member States are obliged to draw up coexistence rules, currently voluntary for the Member States. In this connection it draws attention to the fact that this is a cross-border problem.

[signed]

Anne-Marie Meldgaard
Chair of the European Affairs Committee



Sundheds- og Forbrugerkommissær John Dalli
Europa-Kommissionen
200, Rue de la loi
B - 1049 Bruxelles

Europaudvalget

Christiansborg
DK-1240 København K
Tlf. +45 33 37 55 00
Fax +45 33 32 85 36
www.ft.dk
ft@ft.dk

Udtalelse vedrørende Kommissionens forslag til forordning om ændring af direktiv 2001/18/EF for så vidt angår medlemsstaternes mulighed for at begrænse eller forbyde dyrkning af gmo'er på deres område - KOM (2010) 375

22. oktober 2010

Kære John Dalli

Ref. 09-000927-30

Kontakt
Thomas Fich
EU-specialkonsulent

Dir. tlf. +45 33373611

Folketingets Fødevarerudvalg og Folketingets Europaudvalg har behandlet Kommissionens forslag til Europa-Parlamentets og Rådets forordning om ændring af direktiv 2001/18/EF for så vidt angår medlemsstaternes mulighed for at begrænse eller forbyde dyrkning af gmo'er på deres område - KOM (2010) 375.

Forslaget giver medlemsstaterne mulighed for selv at bestemme, hvorvidt de ønsker, at der dyrkes gmo-afgrøder på deres område. Forslaget ændrer hverken på godkendelsessystemet på EU-niveau eller på hvilke tiltag, som medlemsstaterne har ret til at foretage for at forhindre utilsigtet tilstedeværelse af gmo'er i andre produkter (sameksistensregler).

Kommissionen foreslår dog, at medlemsstaterne udelukkende kan påberåbe sig andre begrundelser end beskyttelsen af sundhed og miljø for at begrænse eller forbyde gmo'er på deres område. Desuden skal eventuelle dyrkningsforbud være i overensstemmelse med reglerne for det indre marked og internationale forpligtelser, herunder WTO.

Et flertal i udvalgene bestående af Socialdemokraterne, Dansk Folkeparti, Socialistisk Folkeparti, Radikale Venstre og Enhedslisten finder det uheldigt, at forslaget ikke giver medlemsstaterne mulighed for at lægge sundheds- og miljøfaglige indvendinger til grund for et eventuelt nationalt forbud mod gmo'er. På den baggrund opfordrer flertallet Kommissionen til at ændre forslaget således, at bestemmelsen om, at miljø og sundhed ikke kan indgå som argument for et nationalt forbud, udgår af forslaget.

Flertallet opfordrer samtidig Kommissionen til at følge op på rådskonklusionerne fra miljørådsmødet den 5. december 2008, som opfordrer til en revision og videreudvikling af retningslinierne vedrørende risikovurderingen af gmo'er. I den forbindelse henviser flertallet til, at sundhedsrisici indgik i grundlaget for

Folketingets vedtagelse (V83) af 27. maj 2010 om genmodificerede afgrøder. Dertil kommer, at den danske bekymring over for gmo'er netop knytter sig til risikoen for udvikling af antibiotikaresistens hos mennesker og dyr. Risikoen for antibiotikaresistens er i øvrigt et argument for at indføre nationale forbud, som WTO accepterer.

Flertallet opfordrer endelig Kommissionen til at ændre forslaget, således at alle medlemsstater forpligtes til at udarbejde regler om sameksistens, hvor det i dag er frivilligt for medlemsstaterne. I den forbindelse gør flertallet opmærksom på, at der er tale om et grænseoverskridende problem.

Med venlig hilsen



Anne-Marie Meldgaard
Formand for Europaudvalget