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**"I/A" ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a Directive 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 genetically modified organisms (GMOs) in their territory **(second reading)**  
- Approval of the European Parliament's amendments **(LA + S)**

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1. On 14 July 2010 the Commission forwarded the above proposal<sup>1</sup>, based on Article 114 of the TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 8 December 2010<sup>2</sup>.  
The Committee of the Regions delivered its opinion on 28 January 2011<sup>3</sup>.
3. The European Parliament adopted its position at first reading on 5 July 2011<sup>4</sup>.
4. On 23 July 2014, the Council adopted its position at first reading<sup>5</sup> and forwarded it, with a statement of its reasons, to the European Parliament.

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<sup>1</sup> 12371/10.  
<sup>2</sup> OJ C 54, 19.2.2011, p. 51.  
<sup>3</sup> OJ C 104, 2.4.2011, p. 63.  
<sup>4</sup> 11037/11.  
<sup>5</sup> 10972/3/14 REV 3.

5. In accordance with the provisions of the Joint Declaration on practical arrangements for the codecision procedure<sup>1</sup>, informal contacts were initiated between the Council, the European Parliament and the Commission with the aim of reaching agreement at second reading.
6. At its sitting on 13 January 2015, the Parliament adopted, at second reading, one amendment to the Council's position at first reading. That amendment reflects the compromise agreement between the three institutions and should therefore be acceptable to the Council. <sup>2</sup>
7. The Commission issued its opinion on the European Parliament's amendment on 25 February 2015.
8. The Permanent Representatives Committee is therefore invited to confirm its agreement on this amendment and to suggest that the Council:
  - approve the European Parliament amendment in 5195/15, as set out after legal and linguistic editing in PE-CONS 1/15, as an "A" item at a forthcoming meeting, with the Portuguese delegation abstaining;
  - decide to enter the statement set out in the addendum to this note in the minutes of that meeting.

Following approval by the Council of the European Parliament's amendment, the Directive is deemed to have been adopted in the form of the position of the Council at first reading, thus amended, in accordance with Article 294(8)(a) of the TFEU.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the Official Journal of the European Union.

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<sup>1</sup> OJ C 145, 30.6.2007, p. 5.

<sup>2</sup> doc. 5191/15.