



5<sup>th</sup> November 2014

**Subject: DATE vote on new law on national bans on genetically modified crops**

Dear Member of the Committee on the Environment, Public Health and Food Safety,

On 11<sup>th</sup> November, you and your colleagues will vote on the legislation giving member states the right to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory (2010/0208 (COD)).

The common position adopted by the Council in June this year largely ignores the position adopted by the European Parliament in 2011. In particular, the Council position creates a system for the prohibition of GM cultivation at national level that is legally flawed, cumbersome and limited in time, while giving biotech companies an official role in the decision-making process, further limiting countries' right to prohibit the cultivation of GM crops in their territory. Our organisations support strong legal rights for member states to ban GM crops in their territory.

**Therefore, we call on you to:**

- **Strengthen the legal solidity of the legislation, by changing the legal basis from Article 114 TFEU to Article 192 TFEU.** The objective of this legislation is to allow member states to take individual decisions based on specific national and local considerations; this objective can only be met if the legal basis is Article 192 TFEU.

**Support amendment1**

- **Remove any formal role of biotech companies in the decision-making process.** Sovereign states, acting as risk managers, should have the right to restrict the cultivation of GMOs in their territory without being obliged to first ask the permission from the same companies profiting from the cultivation of GM crops.

**Support amendments 168, 169, 177,178,179,189, 193, 195,199**

- Grant member states the right to **restrict the cultivation of all GMOs or group of GMOs defined by crop or trait**, as foreseen in both the Commission's original proposal and the Parliament's first reading position.

**Support amendments 193, 195, 199**

- **Reintroduce environmental impacts as grounds that member states can use** to justify national bans. EU countries should be allowed to adopt measures on the basis of grounds related to concrete environmental impacts and risks, complementary to those concretely examined during the EU risk assessment. When deciding whether to restrict GM cultivation or not, governments are acting as risk managers, taking into account several factors. These include the European Food Safety Authority's assessment, scientific uncertainties, as well as pertinent environmental and agricultural considerations.

**Support amendments 200, 203, 207, 233**

- **Reject the two-year deadline limiting member states' right to ban.**  
Governments must be allowed to decide whether or not to restrict the cultivation of a GM crop in their territory during the whole period that an EU authorisation for cultivation is valid, and not, as suggested by the Council, only during its first two years.  
**Support amendments 25, 26, 256, 257, 260, 263, 264**
- **Require member states to adopt coexistence measures** to prevent the unintended presence of GMOs in other products in their territory as well as in border areas. The cultivation of GMOs can lead to the contamination of organic and conventional GMO-free agriculture at every step of the production chain. Contamination triggers higher economic costs for farmers and processors who have to put in place monitoring and technical measures to protect their crops from contamination.  
**Support amendments 21, 160, 162**
- **Require member states to put in place liability rules** for operators producing and growing GMOs, to ensure adequate compensation for farmers and processors suffering economic losses due to GM contamination. This measure is consistent with polluter-pays-principle. Workable liability regimes for GM contamination are already in place in several countries, such as Austria and Germany.  
**Support amendments 29, 288**
- **Reject attempts to allow the contamination of all seeds by GMOs.** GMO-free seeds are a pre-condition to guarantee the possibility and economic viability of a GMO-free agriculture in the future. Seeds are the basis of the production chain: allowing contamination thresholds or "low level presence" of unauthorised or even authorised GMOs in seeds would significantly increase costs for farmers and all the other operators downstream in the production chain. Allowing GM contamination of conventional seeds would amount to allow the release in the environment of unauthorised GMOs, with no possibility for farmers and public authorities to know about such a release.  
**Please reject AM 76, 302 and 303**

Please do not hesitate to contact us should you require further information.

Yours sincerely,

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