

# Genetically modified organisms (GMOs): possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory

2010/0208(COD) - 11/03/2015 - Final act

**PURPOSE:** to adopt new rules authorising the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory.

**LEGISLATIVE ACT:**

**CONTENT:** the Directive amends [Directive 2001/18/EC](#) by introducing a new Article which allows Member States to restrict or prohibit the cultivation of authorised GMOs in part or all of their territories on grounds other than those covered by the environmental risk assessment under the EU authorisation system and those related to avoiding the unintended presence of GMOs in other products.

The main amendments introduced are as follows:

Cultivation of GMOs:

- (1) During the authorisation procedure of a given GMO: a Member State may demand that the geographical scope of the written consent or authorisation be adjusted to the effect that all or part of the territory of that Member State is to be excluded from cultivation. That demand shall be communicated to the Commission at the latest 45 days from the date of circulation of the assessment report. The Commission shall make the demand publicly available by electronic means. Within 30 days from the presentation by the Commission of that demand, the notifier/applicant may adjust or confirm the geographical scope of its initial notification/application. In the absence of confirmation, the adjustment of the geographical scope of the notification/application shall be implemented in the written consent issued under this Directive.
- (2) After authorisation of a GMO: whilst it is expected that most restrictions or prohibitions adopted pursuant to this Directive will be implemented at the stage of consent/authorisation or renewal thereof, there should, in addition, also be the possibility for Member States to adopt reasoned measures restricting or prohibiting the cultivation in all or part of their territory of a GMO, or of a group of GMOs defined by crop or trait, once authorised, on the basis of grounds related to environmental or agricultural policy objectives, or other compelling grounds such as town and country planning, land use, socioeconomic impacts, coexistence and public policy. A Member State which intends to adopt these type of measures shall first communicate a draft and the corresponding grounds invoked to the Commission. During a period of 75 days starting from the date of such communication, the Member State concerned shall refrain from adopting and implementing those measure and ensure that operators refrain from planting the GMO or GMOs concerned. The Commission may make any comments it considers appropriate. Where a Member State wishes all or part of its territory to be reintegrated into the geographical scope of the consent/authorisation from which it was previously excluded, it may make a request to that effect to the competent authority.

**Avoid cross-border contamination:** as from 3 April 2017, Member States in which GMOs are cultivated shall take appropriate measures in border areas of their territory with the aim of avoiding possible cross-border contamination into neighbouring Member States in which the cultivation of those GMOs is prohibited, unless such measures are unnecessary in the light of particular geographical conditions.

**Report:** no later than 3 April 2019, the Commission shall present: (i) a report regarding the use made by Member States of this Directive, accompanied by any legislative proposals if appropriate; (ii) a report on the actual remediation of environmental damages that might occur due to the cultivation of GMOs.

**Updating the annexes:** no later than 3 April 2017, the Commission shall update the Annexes to Directive 2001/18/EC as regards the environmental risk assessment, with a view to incorporating and building upon the strengthened 2010 Authority guidance on the environmental risk assessment of genetically modified plants.

**ENTRY INTO FORCE:** 2.4.2015.