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#### COVER NOTE

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From: Romanian Senate  
date of receipt: 23 June 2015  
To: President of the Council of the European Union

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Subject: 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  
doc. 8356/15 AGRI 222 AGRILEG 95 DENLEG 67 MI 271 CONSOM 70 SAN 132 CODEC 609 - COM (2015) 177 final  
*- Opinion on the application of the Principles of Subsidiarity and Proportionality<sup>1</sup>*

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Delegations will find attached the above-mentioned document.

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<sup>1</sup> Translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange site IPEX at the following address: <http://www.ipex.eu/IPEXL-WEB/search.do>



Parliament of Romania  
Senate

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Bucharest, 16th of June 2015

Courtesy translation

**OPINION**

**of the SENATE of ROMANIA**

**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 Senate of Romania examined 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, according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of the Committee for European Affairs of 16th of June 2015, **the Plenum of the Senate**, during its session of 16th of June 2015, decided the following:

(1) Considers that 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, is in compliance with the principle of subsidiarity and proportionality.

(2) Considers that each Member State must have its own policy regarding restriction or prohibition, use of GMO's in food and feed.

(3) Considers that supplementary clarifications are needed in the text of the proposal as following:

a) The necessity of a clear definition of the term „use” because in the proposal of the Commission it is generic, not being clear if it refers to the achievement of the finished product or it refers to the processing as well;

b) Measures must be justified and based on reasonable grounds, in accordance with the European legislation. It is not clear defined in the proposal of the Commission which are these „*other legitimate factors/legitimate reasons*” that could be invoked by the Member States, as well as how to be able to maintain the internal market functional and the commercial relations with the third countries;

c) The European Commission must establish a procedure under which each Member State could decide the measure of restriction or prohibition and also, it has to be established the procedure at EU level where a Member State shall transmit the decision to accept, restrict or prohibit a GMO.

d) The type of restrictions should be established in such a way that negative effects do not appear on the internal market and on the competitiveness at the EU level, in general.

**p. President of the Senate**

**Cristian-Sorin DUMITRESCU**

A handwritten signature in black ink, appearing to read 'Cristian-Sorin', written over the printed name 'Cristian-Sorin DUMITRESCU'. The signature is written in a cursive style with a long horizontal stroke extending to the right.

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