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From: House of Representatives of the Republic of Cyprus  
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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  
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*- Opinion on the application of the Principles of Subsidiarity and Proportionality*

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Delegations will find attached document of the above mentioned document.<sup>1</sup>

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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>

**OPINION**  
of the  
**Standing Committee on the Environment**  
of the  
**House of Representatives**  
of the  
**Republic of Cyprus**

**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)177final**

The Standing Committee on the Environment (hereinafter «the Committee»), examined, in its meetings held on the 30<sup>th</sup> September 2015 and the 4<sup>th</sup> November 2015, 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. The Committee, on principle, welcomes the initiative of the European Commission to take into consideration the concerns of the Member States of the European Union with regard to genetically modified organisms. Following an in–depth examination of the said proposal, the Committee hereby expresses its position with regard to the proposal allowing Member States of the European Union to restrict or prohibit the use of genetically modified food and feed on their territory:

- The Committee considers that every initiative undertaken in the field of genetically modified organisms should focus on tackling the potential risk to human health and the environment, in order to address the concerns of European citizens. The current proposal, prohibits the invocation of reasons related to the assessment of risk to human health and the environment which may result from a genetically modified organism, for the purposes of restricting or prohibiting a genetically modified organism, thereby failing to adequately address the concerns of the citizens. Furthermore, the Committee finds that the proposal does not safeguard the necessary certainty and clarity with regard to the rules (legal certainty), neither does it provide Member States wishing to lawfully restrict or prohibit the use of genetically modified organisms or feed in their territory with the necessary tools to do so, since in order to prohibit GMO's, member states must invoke an «imperative need» which must be compatible with the rules of the internal market and the WTO.

- The Committee considers that the absence of a definition to the term “use” from the Commission’s proposal is detrimental to the certainty and clarity with regard to the rules (legal certainty).
- The Committee considers that the non-inclusion of guidelines or criteria with respect to the reasons which may be invoked by member states in order to restrict or prohibit the use of genetically modified organisms in food and feed creates uncertainty to the member states and does not safeguard certainty and clarity with regard to the rules (legal certainty). Therefore, the Committee calls upon the European Commission to establish relevant guidelines or criteria which should at least correspond to the criteria included in Directive (EU) 2015/412 of the European Parliament and of the Council of 11 March 2015 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.
- The Committee further notes that the possibility afforded to the member states by the proposal for a regulation to restrict or prohibit the use of genetically modified in food and feed, but not in the free movement and/or transit of the said products within their territory, questions their ability to implement the said prohibition as well as the effectiveness of the measure adopted.
- The Committee expresses its concern with regard to the effectiveness of the proposal for a regulation for member states wishing to preserve the food chain of their country free of genetically modified organisms, taking into consideration that according to the proposal, the measures restricting or prohibiting the use of genetically modified organisms in food and feed adopted in a member state can neither affect the use of the said products in other member states, nor affect products which result from their consumption.



- The Committee points out that the proposal for a regulation does not entail an in-depth review of the existing decision-making process with respect to genetically modified organisms according to which, the European Commission has the power to decide with respect to the authorization of a genetically modified organism in the case where the necessary majority for or against the approval of the application for authorisation of the said GMO is not reached. Consequently, the Committee calls for an in-depth review of the decision-making process with regard to the authorization of genetically modified organisms, in a way that it will not be up to the European Commission to decide unilaterally on the authorization of a GMO in the case where the necessary majority for or against the approval of the application for authorisation of the said GMO is not reached.
  - Finally, the Committee considers it appropriate that in the review of the decision-making process a provision is included that, according to the principle of subsidiarity, more freedom is afforded to member states to decide whether they wish to allow the cultivation or the trading of GMO's within their territory.
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