



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 March 2011**

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**Interinstitutional File:  
2010/0208 (COD)**

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**LIMITE**

**ENV 153  
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AGRI 178  
MI 103  
DENLEG 35  
CODEC 323**

**NOTE**

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**From:** Presidency  
**To:** Coreper/Council  
**No. Cion prop.:** 12371/10 ADD 1 ENV 499 AGRILEG 100 AGRI 271 MI 254 DENLEG 71  
CODEC 714 - COM(2010) 375 final

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**Subject:** Proposal for a Regulation 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 GMOs in their territory  
- Exchange of views at the next "Environment" Council on 14th March 2011

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1. In preparation for the COREPER on 4 March and Council on 14 March 2011, delegations' attention is drawn to document 6283/11 from the Presidency (hereby referred to as Presidency "non-paper") and document 16826/10 ADD1 from the Commission. In addition delegations will find herewith two questions prepared by the Presidency. All these elements are to be used as a basis for the exchange of views at the next "Environment" Council.

2. Following the deliberations in the "Environment" Council in December 2010, the Commission presented a list<sup>1</sup> containing possible grounds based on which Member States may adopt measures to restrict or prohibit the cultivation of GMOs on their territory. Furthermore, in order to facilitate the discussion and to structure the work on the GMO-package, the Presidency provided a non-paper<sup>2</sup> summarising the main stumbling blocks that have emerged in the discussions to date as well as identifying possible avenues to overcome the concerns expressed by the Member States and the institutions.

Following the "ad hoc" Working Party on GMOs held on 11 February 2011 several Member States commented on the Presidency non-paper and on the Commission document. The Presidency is grateful for these comments and remains committed to work together and to take into consideration opinions held by the Member States in order to move towards an agreement on the dossier, thus also addressing recurring legitimacy issues<sup>3</sup>.

3. Therefore the Presidency would like to progress work on this file. To this end an exchange of views at the "Environment" configuration of the Council seems to be, at this stage, an appropriate step to take.

In order to facilitate the above mentioned exchange of views at the "Environment" Council, delegations are asked to state their views on the following questions:

1. Which possible grounds do you think would stand as a basis for the prohibition or restriction of cultivation of GMOs (such as public moral, public order, avoiding GMO presence in other products, social policy objectives, town and country planning, land use, cultural policy, general environmental policy objectives, other than assessment of the adverse effects of GMOs on environment, agronomic and phytosanitary impacts, health issues)?

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<sup>1</sup> 16826/10 ADD 1 - Complementary considerations on legal issues on GMO cultivation raised in the opinions of the legal service of the Council of the European Union of 5 November 2010 and of the Legal service of the European Parliament of 17 November 2010.

<sup>2</sup> 6283/11 – Discussion document ("non-paper") by the Presidency on the work of the Ad-Hoc Working Party on Genetically Modified Organisms

<sup>3</sup> On public acceptance on GM food see [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_341\\_winds\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_341_winds_en.pdf);  
On the first "citizens initiative" under the Lisbon Treaty see, [http://ec.europa.eu/commission\\_2010-2014/dalli/docs/GMO\\_Midday\\_GreenpeacePetition\\_09122010\\_en.pdf](http://ec.europa.eu/commission_2010-2014/dalli/docs/GMO_Midday_GreenpeacePetition_09122010_en.pdf)

2. What other possible grounds would you propose to be added to the list of grounds provided by the Commission?

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