



COMMISSION OF THE EUROPEAN COMMUNITIES

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OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**CONCERNING THE TRACEABILITY AND LABELLING OF GENETICALLY
MODIFIED ORGANISMS AND TRACEABILITY OF FOOD AND FEED
PRODUCTS PRODUCED FROM GENETICALLY MODIFIED ORGANISMS AND
AMENDING DIRECTIVE 2001/18/EC**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. BACKGROUND

The Commission forwarded the above proposal for a regulation based on Article 175(1) to the Parliament and to the Council on 17 August 2001.

The European Economic and Social Committee delivered its opinion on 21 March 2002.

The Committee of the Regions delivered its opinion on 16 May 2002

The European Parliament adopted an opinion at first reading on 3 July 2002.

The Commission accepted some of the Parliament's amendments. It submitted an amended proposal to the Council on 13 September 2002 including these amendments.

The Council adopted its Common Position by qualified majority on 17 March 2003.

On 2 July 2003, the European Parliament adopted 6 amendments to the Council's Common Position at second reading.

This opinion presents the Commission's position on the European Parliament's amendments pursuant to Article 251(2)(c) of the EC Treaty.

2. PURPOSE OF THE COMMISSION PROPOSAL

The Proposal lays down the following requirements to ensure a harmonised Community framework for traceability and labelling of genetically modified organisms (GMOs) and traceability of food and feed produced from GMOs at all stages of their placing on the market:

- Operators shall have in place systems and procedures to identify to whom and from whom products are made available.

- Operators shall transmit specified information concerning the identity of a product in terms of the individual GMOs (unique codes) it contains or whether it is produced from GMOs.
- Operators shall retain specified information for a period of 5 years and make it available to competent authorities on demand.

The objective of this framework is to facilitate accurate labelling, environmental monitoring and withdrawals of products.

3. COMMISSION OPINION ON THE PARLIAMENT'S AMENDMENTS

3.1. Summary of the Commission's position

Six amendments (or parts of) were adopted and the Commission can **accept** these amendments in full. The Commission considers that the amendments provide some clarification of its Proposal but do not alter its substance.

3.2. Parliament amendments at second reading

3.2.1. *Amendment 3 - introduces a new recital referring to reporting obligations for the Commission.*

This reflects the obligation for the Commission to submit a report to the Council and European Parliament on the implementation of the Regulation two years after its entry into force (Article 12).

3.2.2. *Amendment 4 - introduces a new recital referring to the need for consumer choice.*

This amendment is already partially represented in Recital 4 of the Common Position but the European Parliament required that clear reference be made to consumer choice in a single recital.

3.2.3. *Amendments 8 and 13 (1st parts) - introduce the need for **standardised** procedures for the holding of traceability information for products containing GMOs (Article 4(4) and products produced from GMOs 5(2)).*

As this information has to be transmitted between operators in writing (as introduced by the Council in its Common Position), then it is logical that this documentation be held so that its origin can be confirmed. It will be possible to expand on standardised procedures for this purpose in the guidelines to be produced in the context of Article 9(2).

3.2.4. *Amendment 17 (2nd part) - introduces the need to **publish** the guidelines to be produced for sampling and testing (Article 9(2)).*

This amendment is self-explanatory.

3.2.5. **Amendment 18** - introduces reference to a central register in a new Article 9(2)(a).

Central registers will also have to be introduced under Directive 2001/18/EC and the Proposal on GM Food and Feed. It is foreseen that these registers will contain very similar if not identical information and will be closely inter-linked.

4. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission is amending its Proposal as indicated above.