



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate E  
SG-E-2 – Natural Resources, Energy Union & Sustainability

Brussels, 17 May 2019

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NOTE TO MEMBERS OF THE COMMISSION

**Subject: Meeting of the Council of the European Union (Agriculture and fisheries) - Brussels, 14 May 2019 - Summary record**

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NL brought to the attention of the Council the impact of the recent judgement by the Court of Justice of the EU on 'New Breeding Techniques' on the legal framework for Genetically Modified Organisms.

[signed]

Personal data

Further information:

[Redacted contact information]

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**6-b. Follow-up to the judgment of the Court of Justice in Case C-528/16**  
*Information from the Dutch delegation supported by Estonian delegation*

The Dutch delegation presented its information note, stressing that the ruling provides legal clarity as regards the legal status of food & feed obtained by so called ‘new breeding techniques’, but it also triggers many practical questions that can only be addressed at EU level. Calling for a joint effort by the Commission and the Member States to develop a common understanding and shared approach to the issue, the Netherlands asked the Commission to include the revision of the legislative framework governing this area in its next Work Programme.

In his remarks, Commissioner Hogan – replacing Commissioner Andriukaitis – recalled the sensitivity of all discussions around genetic modification, and promised that the Commission will continue supporting the Member States on issues linked to the implementation of the current legislation. On new policy initiatives, Hogan stressed that legislative action is not for this Commission to be taken – the next one will consider and take a decision on possible policy initiatives. For any decision, the new Commission will need robust data and facts to support its approach.

15 Member States intervened (UK, SI, DE, ES, DK, FR, EE, IT, SE, EL, BE, PT, FI, PL and CY), all of them supporting – to various degrees – a debate at EU level aimed at finding a common interpretation of the current provisions and/or paving the way for their future modification. More in detail:

- Several delegations mentioned that the legal framework is problematic/no longer fit for purpose and that there is a need to amend it (the United Kingdom, Italy, Greece and Finland), with Slovenia, France, Sweden, Belgium and Cyprus explicitly referring to the need to include a specific related initiative in the next Work Programme of the Commission;
- the United Kingdom, Germany, France, Estonia, Greece, Belgium and Portugal referred to the problems related to the enforcement of the legislation as interpreted by the Court of Justice – particularly in terms of official controls (including on imports);
- Germany and Denmark underlined the importance to have a comprehensive debate allowing sufficient time for all interested parties to position themselves;
- Germany stressed the need to keep high health and environmental standards, a point also supported by Spain;
- Spain, France, Estonia and Finland mentioned the importance to maintain the competitiveness of the European agri-food sector;
- Poland took a more critical stance by cautioning that European citizens have strong anti-GMOs feelings and are supportive of the current legislative framework (any revision should not result in a backdoor for GMOs in the EU);
- Cyprus noted that guidelines could provide the answer to some of the practical issues raised by the judgement.

The Council took note of the information provided by the Presidency.

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