GENETICALLY MODIFIED ORGANISMS

The Council was invited to act, by qualified majority, relatively to two decisions proposed by the Commission:

a) requesting Hungary to repeal the prohibition of use and sale in its territory of a genetically modified maize *(Zea mays* L. line MON 810) expressing the Bt cry1a(b) gene (*15786/06*);

b) authorising the placing on the market of a carnation (*Dianthus caryophyllus* L., line 123.2.38) genetically modified for flower colour (*16434/06*).

– ***Hungarian Zea mays L. line MON 810***

Concerning the maize MON 810 provisionally prohibited in Hungary, the Council adopted, by qualified majority[1], a decision rejecting the proposal from the Commission.

The Council justified its decision on the grounds that:

– Maize line MON 810 had been approved according to Directive 90/220/EC, which has since been replaced by Directive 2001/18/EC, which contains harmonised environmental risk assessment criteria for GMOs and that these two products have not yet undergone a procedure of re-approval and re-assessment in accordance with the new Directive;

– where the conditions set out in the relevant legislation apply, a Member State may restrict the use and/or sale of a GMO in accordance with Article 23 of Directive 2001/18/EC (safeguard clause);

– the different agricultural structures and regional ecological characteristics in the European Union need to be taken into account in a more systematic manner in the environmental risk assessment of GMOs.

Commission Decision of 22 April 1998 gave consent for the placing in the market of *Zea mays* L. line MON 810. On 3 August 1998, the French authorities granted such consent. On 20 January 2005, Hungary informed the Commission of its decision to provisionally prohibit the use and sale of *Zea mays* L. line MON 810, justifying the decision.

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[1] FIN, UK, NL and SE voting against and Romania abstaining.

The European Food Safety Authority[1] concluded, on 8 June 2005, that the information submitted by Hungary did not constitute new scientific evidence sufficient to invalidate the environmental risk assessment of *Zea mays* line MON 810 justifying a prohibition of its use and sale in Hungary.

On 24 June 2005, the Council rejected, by qualified majority, a Commission proposal requesting Austria to repeal a similar safeguard clause and presented its reasons in a statement, calling on the Commission to gather further evidence on the GMO in question.

In November 2005, EFSA was consulted again by the Commission, being, in particular, requested to take account of any further scientific information that had arisen subsequent to the previous scientific opinion. In its opinion of 29 March 2006, EFSA concluded that there is no reason to believe that the continued placing on the marked of MON 810 maize is likely to cause any adverse effects for human and animal health or the environment under the conditions of its consent[2].

Therefore, the Commission prepared a proposal for a decision asking Hungary to repeal the safeguard measures concerning *Zea mays* L. line MON 810, now submitted to the Council, which has a period of three month[3] to act by qualified majority.

It is recalled that a similar proposal inviting Austria to repeal identical measures was rejected by a qualified majority of the Council[4] on 18 December 2006.

– Carnation *Dianthus caryophyllus* L., line 123.2.38, genetically modified for flower colour

Concerning the genetically modified carnation, the Council could not reach qualified majority in favour or against the Commission proposal, consequently, it will be up to the Commission to take the decision.

The Netherlands authorities received a notification concerning the placing on the market of a carnation genetically modified for flower colour. They forwarded to the Commission their assessment report, concluding that the genetically modified carnation should be placed on the market for import, distribution and retailing as for any other carnation.

The Commission forwarded the assessment report to all other Member States, some of them having objections to the placing on the market in terms of monitoring plan, allergenicity and toxicity, and detection of the product.

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1 Which replaced the relevant scientific committees, see http://www.efsa.europa.eu/en.html.
2 http://www.efsa.europa.eu/en/science/gmo/gmo_opinions/1439.html
3 Ends on 22 February 2007.
4 See *16164/06*.