

To: Interested Parties

5 August 2015

Dear Colleague

**EUROPEAN COMMISSION PROPOSAL TO ALLOW MEMBER STATES TO RESTRICT OR BAN THE USE OF AUTHORISED GENETICALLY MODIFIED (GM) FOOD AND FEED PRODUCTS**

The European Commission has published a proposal to amend EU legislation that would allow Member States (MS) to restrict or ban the use of EU authorised GM food and feed products in their territory, on compelling non-safety grounds.

This letter explains the background to the proposal and asks for your views and information in relation to the potential impact it may have in the UK.

**Background**

All GM food and feed products marketed in the EU must pass a robust independent safety assessment by the European Food Safety Authority. This part of the EU system would remain unchanged by the Commission proposal.

The Commission conducted a review of the GM decision making process to give the views of MS equal weight as with the scientific advice. The review was published on 22 April 2015 and it proposes to amend Regulation (EC) No. 1829/2003.

The proposal would allow MSs to restrict or ban the use of authorised GMOs in their territory if such measures are reasoned and based on compelling non-safety grounds under Union law namely:

- The derogations provided by Article 36 of the Treaty on the Functioning of the European Union (TFEU) or
- For reasons of public interest as developed under European Court of Justice case law.

MSs would have to demonstrate that any such measures are non-discriminatory, and comply with the principles of proportionality and subsidiarity.



A copy of the review and proposal are available at: <http://ow.ly/PQ9ru>

Similar letters are being directed to interested parties in the devolved administrations of Wales, Scotland and Northern Ireland.

## Stakeholder Views

As the UK competent authority for the operation of Regulation (EC) No. 1829/2003 for GM food and feed, the Food Standards Agency (FSA) wishes to:

- identify the potential benefits and risks of this proposal to UK interests;
- assess the potential impacts on UK stakeholders; and gather stakeholder views

To help us prepare for future discussions with the Commission and other MS, we would welcome your responses to the following questions, along with any other comments you wish to make in relation to the proposal:

1. In what ways will different industry sectors be affected by this proposal? (Please provide supporting data).
2. What is the current price per ton of the different types of GM feed and non GM feed?
3. Do you foresee any additional costs or benefits (e.g. relabelling, transport, greater separation of GM/non-GM, disposal etc.) that may arise from this proposal? (Please provide information showing the extent of these costs or benefits broken down by activity).
4. Do you foresee any risks or uncertainties in relation to this proposal?
5. To what extent are there substitutes available for GM feed? What are the barriers to their successful use?

We would welcome **responses by 28 October 2015**. Please email your responses to Firth Piracha at:

[firth.piracha@foodstandards.gsi.gov.uk](mailto:firth.piracha@foodstandards.gsi.gov.uk) or alternatively phone 020 7276 8126.

A broad summary of responses will be produced and published on the FSA website by 25 November 2015.

In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, please indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.

Thank you.

Yours faithfully



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