



26.6.2015

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: Reasoned opinion by the Netherlands House of Representatives on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory (COM(2015)0177 – C8-0107/2015 – 2015/0093(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, national parliaments may, within eight weeks of the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity.

The Netherlands House of Representatives has sent the attached reasoned opinion on the aforementioned proposal for a regulation.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for matters relating to compliance with the subsidiarity principle.

The Hague, 16 June 2015

Subject: Reasoned opinion (subsidiarity) on the EU proposal to amend the regulation on decision-making concerning genetically modified organisms (GMOs) (COM(2015) 177)

The House of Representatives has considered the above proposal in the light of the subsidiarity principle in accordance with the required procedure. In so doing, it applied Article 5 of the Treaty on European Union and Protocol No 2 to the Lisbon Treaty concerning the application of the principles of subsidiarity and proportionality.

I am writing to inform you of the opinion of the House of Representatives. Identical letters have been sent to the European Parliament, the Council and the Netherlands Government.

The House does not consider that the above proposal complies with the subsidiarity principle. A variety of views are taken within the House of Representatives concerning the position and role of the Member States in the proposal. On the one hand, the proposal affords the Member States too little scope for a national ban on GMOs. In view of the sensitivity of the subject of GMOs in the public arena, it is deemed desirable to consider the matter carefully at national level and to have the freedom to adopt a national policy which differs from the policies pursued elsewhere. Doubts have been expressed as to whether the opt-out for Member States for which the proposal provides is legally compatible with the functioning of the European internal market. On the other hand, the idea of assigning Member States the power to authorise GMOs is rejected, because organising a level playing field and equal starting points for the Member States in this regard is considered to be a task *par excellence* for the European Commission.

Besides the role and position of the Member States in the proposal, the House of Representatives regards the continuation of the current procedure – under which, in the absence of a qualified majority, responsibility for authorising GMOs is reassigned to the European Commission – as undemocratic decision-making at European level.

On the basis of these – in some cases disparate – arguments, the House of Representatives ultimately takes the view, all things considered, that proposal COM(2015) 177 does not comply with the subsidiarity principle.