



29.9.2014

NOTICE TO MEMBERS

Subject: Petition 1359/2013 by Nuria Menendez de Llano (Spanish), on access to information on GMO crops in Spain

1. Summary of petition

The petitioner is asking for information on areas in which GM (genetically modified) crops are grown to be made public.

In this regard she is protesting against the recent decision of the Ministry of Agriculture, which has prohibited the dissemination of maps of the areas in which transgenic crops are being grown in Spain, in order – according to the Ministry – to prevent acts of vandalism against the farms in question.

In the petitioner's view, this measure runs counter to the principles of public participation and access to information on environmental matters, laid down in Directives 2003/4/EC and 2003/35/EC.

2. Admissibility

Declared admissible on 16 April 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 29 September 2014

The Commission is aware that the location of GMOs grown under Directive 2001/18/EC is recorded in Spain in a national Register managed by the Inter-ministerial Council on GMOs (CIOMG) and that this information is available to the public at <http://www.magrama.gob.es>

The Commission considers that this is in line with Directive 2003/4/EC on public access to environmental information and Directive 2003/35/EC on providing for public participation.

In any case, as set out in article 6.1 Directive 2003/4/EC, Member States must provide access to a review procedure to all relevant actors involved : *"Member States shall ensure that any applicant who considers that his request for information has been ignored, wrongfully refused (whether in full or in part), inadequately answered or otherwise not dealt with in accordance with the provisions of Articles 3, 4 or 5, has access to a procedure in which the acts or omissions of the public authority concerned can be reconsidered by that or another public authority or reviewed administratively by an independent and impartial body established by law. Any such procedure shall be expeditious and either free of charge or inexpensive."*

Conclusion

On the basis of the information at hand, the Commission does not consider that Spain has infringed Directives 2003/4/EC and 2003/35/EC.