

Commission takes Poland to the EU Court of Justice for banning genetically modified feed

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The European Commission decided today to refer Poland to the Court of Justice of the European Union for failing to fulfil its obligations under EU law by prohibiting the production, the placing on the market and the use of genetically modified feed. The Commission considers that by maintaining this ban Poland is not applying correctly Regulation (EC) No 1829/2003 on genetically modified food and feed, which establishes a single authorisation procedure.

The issue

On 22 July 2006, Poland adopted a law on animal feed prohibiting the production, placing on the market and use of genetically modified (GM) animal feed. The ban also covers the marketing and use of GM feed originating from other Member States and non-EU countries. In accordance with Article 65 of this law, the prohibition was originally going to enter into force on 12 August 2008. Following an amendment to the law, adopted on 26 June 2008, the entry into force of the prohibition was postponed until 1 January 2013.

This general ban infringes Regulation (EC) No 1829/2003 on GM food and feed, which introduces a single authorisation procedure at European Union level. The procedure is based on an independent risk assessment carried out by the European Food Safety Authority (EFSA). Member States may not ban the placing on the market of GM feed outside the provisions of Regulation (EC) No 1829/2003.

Background

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