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Will the upcoming reform of EU regulation of GMOs calm down the controversy surrounding this area?

March 11, 2015

by Maria Weimer



This issue was discussed this week at a seminar organized by the [Maastricht Centre for European Law](#) in Maastricht. It refers to the recently agreed reform (see [here](#)) of the EU legal framework for the cultivation of genetically modified organisms (GMOs), which essentially gives the Member States a legal basis to ban or restrict the use of GMOs previously approved at EU level for cultivation purposes.

As one of two speakers I had the pleasure to discuss my research with Ms. Céline Valero of DG Health at the European Commission. Both of us presented their views of the current problems of the EU authorization regime. In my presentation titled “Expertise as justification – the legitimacy

of the EU public administration”, I argued that the Commission’s exclusive reliance on the majority views of its expert agency, the European Food Safety Authority, can be understood from the point of view of the Commission’s need to justify its actions as a legitimate European administrative authority. However, the lack of exercise of wider political discretion on the part of the Commission also raises problems with regard to political accountability, and the de-facto influence of scientific experts over the regulatory process. Moreover, as such it is not able to address the broader societal controversy surrounding GMOs, which goes beyond questions of safety, and touches upon socio-economic, cultural and agricultural sustainability questions more generally (btw, regarding the relationship between Commission and EFSA the outcome of the pending [Case T-177/13](#) might be interesting to follow).

Ms. Valero, on the other hand, emphasized the legal and political reasons to adhere to EFSA’s opinion in this highly sensitive area, in which legal and political challenge from all sides is ubiquitous. She also stressed the legal constraints under which the Commission operates, and which narrow down decision-making to scientific arguments pertaining to safety. She expressed hope that by giving the Member States a new legal basis to opt-out on other grounds than safety, the Commission paved the way towards a potential resolution of the current regulatory deadlocks in this field. However, even Ms. Valero was not overly optimistic as to the perspective of less controversy in the future. Things are unlikely to quieten down

in GMO regulation.

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