

29.6.2011

A7-0170/27

Amendment 27

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Julie Girling

on behalf of the ECR Group

Report

A7-0170/2011

Corinne Lepage

Possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory
COM(2010)0375 – C7-0178/2010 – 2010/0208(COD)

Proposal for a regulation – amending act

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Attention should be drawn to point 10 of the conclusions of the Environment Council meeting of 4 December 2008 which invites EFSA and Member States to pursue the formation of an extensive network of scientific organisations representing all disciplines including those related to ecological issues, with the assessment of risks associated with cultivation or use of GM plants in food and feedingstuffs in accordance with Article 36 of Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹, and thus to ensure effective coordination and cooperation between scientists, and which underlines the importance of the full application of Article 30 of Regulation 178/2002/EC, which requires EFSA to exercise vigilance in order to identify at an early stage any potential divergence between scientific opinions, and to cooperate with Member States and national bodies with a view to resolving or clarifying the contentious scientific issues.

29.6.2011

A7-0170/28

Amendment 28

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Julie Girling

on behalf of the ECR Group

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Proposal for a regulation – amending act

Recital 6

Text proposed by the Commission

Amendment

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more **freedom** to decide whether or not they wish to cultivate GMO crops on their territory without changing the system of Union authorisations of GMOs and independently of the measures that Member States are entitled to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more **flexibility** to decide whether or not they wish to cultivate GMO crops on their territory without changing the system of Union authorisations of GMOs and independently of the measures that Member States are entitled to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

Or. en

29.6.2011

A7-0170/29

Amendment 29

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Proposal for a regulation – amending act

Recital 7

Text proposed by the Commission

Amendment

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of ***all or*** particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. ***This*** should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. ***Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.***

(7) Member States should therefore be authorised to adopt, ***on a case-by-case basis***, measures restricting or prohibiting the cultivation of particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. ***Cultivation is closely linked to land use and conservation of fauna and flora, areas in which the Member States retain significant powers. The possibility for Member States to adopt such measures*** should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. ***Those measures should allow all operators concerned, including growers,***

sufficient time to adapt.

Or. en

29.6.2011

A7-0170/30

Amendment 30

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Julie Girling

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Report

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Proposal for a regulation – amending act

Recital 8

Text proposed by the Commission

Amendment

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of **all or** particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. Those measures **may be based on grounds relating to complementary environmental factors, which might arise from the deliberate release or the placing on the market of GMOs where those factors have not been addressed as part of the harmonised procedure provided for in Part C of Directive 2001/18/EC. Those measures should be duly justified on scientific grounds or on grounds related to risk management which might arise from the deliberate release or the placing on the market of GMOs. Those measures should**

furthermore be *proportionate and* in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

Or. en

Amendment 31**Cristina Gutiérrez-Cortines**

on behalf of the PPE Group

Julie Girling

on behalf of the ECR Group

Report**A7-0170/2011****Corinne Lepage**Possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory
COM(2010)0375 – C7-0178/2010 – 2010/0208(COD)**Proposal for a regulation – amending act****Recital 9***Text proposed by the Commission**Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant **freedom** to Member States to **invoke other grounds than scientific assessment of health and environmental risks to ban** cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations²⁷ which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive.. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant **flexibility** to Member States to **restrict or prohibit the** cultivation of GMOs on their territory **on grounds relating to complementary environmental factors, which might arise from the deliberate release or the placing on the market of GMOs where those factors have not been addressed as part of the harmonised procedure provided for in Part C of Directive 2001/18/EC**. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations²⁷ which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive.. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under

98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

Or. en

29.6.2011

A7-0170/32

Amendment 32

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Julie Girling

on behalf of the ECR Group

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Possibility for Member States to restrict or prohibit the cultivation of GMOs in their territory

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Proposal for a regulation – amending act

Article 1 - point -1 (new)

Directive 2001/18/EC

Article 26a - paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 26a, the following paragraph is inserted:

"1a. Member States shall take appropriate measures on their territory to avoid the unintended presence of GMOs affecting border areas of neighbouring Member States."

Or. en