EUROPEAN PARLIAMENT 2014 - 2019

Plenary sitting

A8-0038/2014

18.11.2014

***II
RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory
(10972/3/2014 – C8-0145/2014 – 2010/0208(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Frédérique Ries

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Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column.
Replacements are indicated in ***bold italics*** in both columns.
New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory
(10972/3/2014 – C8-0145/2014 – 2010/0208(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

– having regard to the Council position at first reading (10972/3/2014 – C8-0145/2014),

– having regard to the opinion of the European Economic and Social Committee of 9 December 2010[1],

– having regard to the opinion of the Committee of the Regions of 28 January 2011[2],

– having regard to its position at first reading[3] on the Commission proposal to Parliament and the Council (COM(2010)0375),

– having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

– having regard to Rule 69 of its Rules of Procedure,

– having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A8-0038/2014),

1. Adopts its position at second reading hereinafter set out;

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Council position
Citation 1

Council position	*Amendment*
Having regard to the Treaty on the Functioning of the European Union, and in	Having regard to the Treaty on the Functioning of the European Union, and in

[1] OJ C 54, 19.2.2011, p. 51.
[2] OJ C 104, 2.4.2011, p. 62.
[3] OJ C 033 E, 5.2.2013, p. 350.

particular ***Article 114*** thereof,	particular ***Article 192(1)*** thereof,

Amendment 2

Council position
Recital 2

Council position	*Amendment*
(2) Under that legal framework, GMOs for cultivation are to undergo an individual risk assessment before being authorised to be placed on the Union market in accordance with Annex II to Directive 2001/18/EC. The aim of that authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests, whilst ensuring the effective functioning of the internal market. A uniform high level of protection of health and the environment should be achieved and maintained throughout the territory of the Union.	(2) Under that legal framework, GMOs for cultivation are to undergo an individual risk assessment before being authorised to be placed on the Union market in accordance with Annex II to Directive 2001/18/EC ***taking into account the direct, indirect, immediate and delayed effects, as well as the cumulative long-term effects, on human health and the environment. That risk assessment provides scientific advice to inform the decision making process and is followed by a risk management decision that also takes into account other legitimate factors relevant to the matter.*** The aim of that authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests, whilst ensuring the effective functioning of the internal market. A uniform high level of protection of health, the environment ***and consumers*** should be achieved and maintained throughout the territory of the Union. ***The precautionary principle should always be taken into account in the framework of this Directive and its subsequent implementation.***

Amendment 3

Council position
Recital 2 a (new)

Council position	*Amendment*
	(2a) As reflected in the Council conclusions on GMOs adopted by the Environment Council on 4 December 2008 ("2008 Council conclusions"), the implementation of the risk assessment as laid down in Annex II to Directive 2001/18/EC needs improvement, in particular regarding the long-term environmental effects of genetically modified crops as well as their potential effects on non-target organisms, the characteristics of the receiving environments and the geographical areas in which genetically modified crops may be cultivated, the potential environmental consequences brought about by changes in the use of herbicides linked to herbicide-tolerant genetically modified crops, direct and indirect long-term effects, as well as scientific uncertainties. Therefore, the Commission should, in particular, ensure that the implementing Regulation on environmental risk assessment of GMOs, taking into account the above considerations, is adopted no later than one year after the entry into force of this Directive.

Amendment 4

Council position
Recital 2 b (new)

Council position	*Amendment*
	(2b) It is necessary to take into account the political context, and, in particular, the political commitment expressed in July 2014 by the President-elect of the European Commission to rapidly review

	the existing decision-making process applied to genetically modified organisms in order to confer at least as much weight to the opinions of democratically elected governments as to the views of the scientific community. GMOs should not be authorised against the will of the majority of democratically elected governments and Members of the European Parliament.

Amendment 5

Council position
Recital 2 c (new)

Council position	*Amendment*
	(2c) There is a need to ensure that impartial and independent studies are carried out in this field, by strengthening investment in research in order to increase scientific knowledge about these genetically modified products and the consequences of using them. The results of such studies should be published and debate on the matter encouraged.

Amendment 6

Council position
Recital 5

Council position	*Amendment*
(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed at Member State level. Issues related to the placing on the market and the import of GMOs should remain regulated at Union level to preserve the internal market. Cultivation may however require more flexibility in certain instances as it is an issue with strong	(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed at Member State level. Issues related to the placing on the market and the import of GMOs should remain regulated at Union level to preserve the internal market. Cultivation may however require more flexibility in certain instances as it is an issue with strong

national, regional and local dimensions, given its link to land use, to local agricultural structures and to the protection or maintenance of habitats, ecosystems ***and*** landscapes. ***The*** common authorisation procedure, in particular the evaluation process, should not be adversely affected by such flexibility.

national, regional and local dimensions, given its link to land use, to local agricultural structures and to the protection or maintenance of habitats, ecosystems, landscapes ***and natural plant genotypes***. ***Furthermore, the harmonised assessment of risks to health and the environment might not address all possible impacts of GMO cultivation in different regions and local ecosystems. In accordance with Article 2(2) of the Treaty on the Functioning of the European Union (TFEU), Member States are entitled to have the possibility to adopt legally binding acts restricting or prohibiting the cultivation of GMOs or of groups of GMOs defined by crop or trait or of all GMOs in their territory after such GMOs have been legally authorised to be placed on the Union market. However, the*** common authorisation procedure, in particular the evaluation process ***conducted primarily by the European Food Safety Authority ("the Authority"),*** should not be adversely affected by such flexibility.

Amendment 7

Council position
Recital 6

Council position	*Amendment*
(6) ***In*** order to restrict or prohibit the cultivation of GMOs, some Member States had recourse to the safeguard clauses and emergency measures pursuant to Article 23 of Directive 2001/18/EC and Article 34 of Regulation (EC) No 1829/2003 as a result of, depending on the cases, new or additional information made available since the date of the consent and affecting the environmental risk assessment, or of the reassessment of existing information. Other Member States have made use of the notification procedure set out in Article	(6) ***In the past, in*** order to restrict or prohibit the cultivation of GMOs, some Member States had recourse to the safeguard clauses and emergency measures pursuant to Article 23 of Directive 2001/18/EC and Article 34 of Regulation (EC) No 1829/2003 as a result of, depending on the cases, new or additional information made available since the date of the consent and affecting the environmental risk assessment, or of the reassessment of existing information. Other Member States have made use of the

114(5) and (6) of the Treaty on the Functioning of the European Union (TFEU) which requires putting forward new scientific evidence relating to the protection of the environment or the working environment. ***In addition, the decision-making process has proved to be particularly difficult as regards the cultivation of GMOs in the light of the expression of national concerns which do not only relate to issues associated with the safety of GMOs for health or the environment.***

notification procedure set out in Article 114(5) and (6) of the Treaty on the Functioning of the European Union (TFEU) which requires putting forward new scientific evidence relating to the protection of the environment or the working environment.

Amendment 8

Council position
Recital 7

Council position	*Amendment*
(7) ***In accordance with Article 2(2) TFEU, Member States are therefore entitled to have a possibility, during the authorisation procedure and thereafter, to decide to restrict or prohibit the cultivation of a GMO on their territory with the effect of excluding cultivation of a specific GMO in all or part of that Member State's territory.*** In that context, it appears appropriate to grant 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 affecting the risk assessment provided in the system of Union authorisations of GMOs, either in the course of the authorisation procedure or thereafter, and independently of the measures that Member States are ***entitled*** to take by application of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products. ***The grant of that possibility to Member States should facilitate the decision-making process in the GMO field. At the same time, freedom of choice of consumers,***	(7) In that context, it appears appropriate to grant 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 affecting the risk assessment provided in the system of Union authorisations of GMOs, either in the course of the authorisation procedure or thereafter, and independently of the measures that Member States are ***required*** to take by application of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products ***on their territory and in border areas of neighbouring Member States.***

farmers and operators should be preserved whilst providing greater clarity to affected stakeholders concerning the cultivation of GMOs in the Union. This Directive should therefore facilitate the smooth functioning of the internal market.

Amendment 9

Council position
Recital 7 a (new)

Council position	*Amendment*
	(7a) To ensure that the cultivation of GMOs does not result in the unintended presence of GMOs in other products, effective co-existence measures are indispensable. Member States should therefore be required, under Directive 2001/18/EC, to adopt rules applicable to their territories to avoid such unintended presence. Particular attention should be paid to the prevention of any possible cross-border contamination from a Member State or a region where cultivation is allowed into a neighbouring Member State or region where it is prohibited (e.g. by implementing appropriate 'buffer zones'). For a coherent implementation of such rules, Members States should refer to the guidelines provided by the Commission in its Recommendation of 13 July 2010[1a]. In order to guarantee the effective functioning of co-existence measures in border areas of Member States, the Commission should develop guidelines and Member States should cooperate with neighbouring Member States in order to ensure appropriate information sharing.

[1a] Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops (OJ C 200, 22.7.2010, p. 1).

Amendment 10

Council position
Recital 7 b (new)

Council position	*Amendment*
	(7b) Most Member States do not have measures in place to protect conventional and organic farming from contamination with GMOs, and when measures exist they are not usually efficient enough to protect farmers from contamination. Member States that do not ban the cultivation of GM crops should be obliged to adopt measures to protect conventional and organic farming from contamination and to design liability regimes that ensure that the economic burden of contamination is on GMO producers rather than on conventional and organic farmers.

Amendment 11

Council position
Recital 7 c (new)

Council position	*Amendment*
	(7c) In addition, Member States should co-operate between each other to implement appropriate 'buffer zones' between GMO-free zones and zones where GMOs are cultivated to avoid unintended consequences of cross-border

contamination.

Amendment 12

Council position
Recital 7 d (new)

Council position	*Amendment*
	(7d) The grant of flexibility to Member States should facilitate the decision-making process regarding GMOs, but should in no way influence the position of Member States when it comes to decisions on authorisations of GMOs. At the same time, freedom of choice of consumers, farmers and operators should be preserved whilst providing greater clarity to affected stakeholders concerning the cultivation of GMOs in the Union. This Directive is therefore compatible with the smooth functioning of the internal market.

Amendment 13

Council position
Recital 8

Council position	*Amendment*
(8) During the authorisation procedure of a given GMO, the possibility should be provided for a Member State to ***request*** the Commission to ***present to the notifier/applicant its demand to*** adjust the geographical scope of ***its notification/application submitted*** in accordance with Part C of Directive 2001/18/EC or in accordance with Articles	(8) During the authorisation procedure of a given GMO, the possibility should be provided for a Member State to ***demand*** the Commission ***or, if applicable, the competent authority responsible for issuing the written consent under this Directive,*** to adjust the geographical scope of ***a written consent or authorisation delivered*** in accordance with Part C of

5 and ***17*** of Regulation (EC) No 1829/2003 to the effect that all or part of the territory of that Member State be excluded from cultivation. ***The Commission should facilitate the procedure by presenting the request of the Member State to the notifier/applicant without delay and the notifier/applicant should respond to that request within an established time-limit.***	Directive 2001/18/EC or in accordance with Articles ***7*** and 1***9*** of Regulation (EC) No 1829/2003 to the effect that all or part of the territory of that Member State be excluded from cultivation. ***Where such demand is submitted, the Commission or, if applicable, the competent authority, should adjust the geographical scope of the written consent/authorisation accordingly.***

Amendment 14

Council position
Recital 9

Council position	*Amendment*
(9) The geographical scope of the notification/application should be adjusted accordingly if the notifier/applicant explicitly or tacitly agrees with the Member State's request within an established time-limit from the communication by the Commission of that request. If the notifier/applicant opposes the request, the notifier/applicant should notify the Commission and the Member States. However, a refusal by the notifier/applicant to adjust the geographical scope of the notification/application is without prejudice to the Commission's powers in accordance with Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) No 1829/2003, as the case may be, to make such an adjustment, where appropriate, in the light of the environmental risk assessment carried out by the European Food Safety Authority ('the Authority').	***deleted***

Amendment 15

Council position
Recital 10

Council position	*Amendment*
(10) ***In addition, and only where the notifier/applicant has refused to adjust the geographical scope of the notification/application of a GMO as requested by a Member State, there*** should be the possibility for ***that*** Member State to adopt reasoned measures restricting or prohibiting the cultivation of ***that*** GMO once authorised in all or part of its territory, on the basis of grounds ***distinct from those assessed according to the harmonized set of Union rules, that is Directive 2001/18/EC and Regulation (EC) No 1829/2003***, which are in conformity with Union law. Those grounds may be related to environmental or agricultural policy objectives, or other ***compelling grounds such as town and country planning, land use, socio-economic impacts, co-existence and public policy***. Those grounds may be invoked individually or in combination, depending on the particular circumstances of the Member State, region or area in which those measures will apply.	(10) ***There*** should be the possibility for ***a*** Member State to ***act as risk manager and*** adopt reasoned measures restricting or prohibiting the cultivation of ***a*** GMO ***or of groups of GMOs defined by crop or trait or of all GMOs*** once authorised in all or part of its territory, on the basis of grounds ***relating to the public interest***, which are in conformity with Union law. Those grounds may be related to environmental or agricultural policy objectives, or other ***legitimate factors such as socio-economic impacts, where those factors have not been addressed as part of the harmonised procedure provided for in Part C of Directive 2001/18/EC, or to persisting scientific uncertainty. Those measures should be duly justified on scientific grounds or on grounds relating to other legitimate factors which might arise from the deliberate release or the placing on the market of GMOs.*** Those grounds may be invoked individually or in combination, depending on the particular circumstances of the Member State, region or area in which those measures will apply.

Amendment 16

Council position
Recital 11

Council position	*Amendment*
(11) The level of protection of human or animal health and of the environment chosen in the Union ***allows for a uniform scientific assessment throughout the***	(11) The level of protection of human or animal health and of the environment chosen in the Union ***cannot be diverged from by a Member State, and this***

Union and this Directive should not alter that situation. Therefore, to avoid any interference with the competences which are granted to the risk assessors and risk managers under Directive 2001/18/EC and Regulation (EC) No 1829/2003, a Member State should only use grounds related to environmental policy objectives which ***do not conflict with*** the assessment of risks to health and the environment which are assessed in the context of the authorisation procedures provided in Directive 2001/18/EC and in Regulation (EC) No 1829/2003***, such as the maintenance of certain type of natural and landscape features, certain habitats and ecosystems, as well as specific ecosystem functions and services***.

principle should be maintained. Therefore, to avoid any interference with the competences which are granted to the risk assessors and risk managers under Directive 2001/18/EC and Regulation (EC) No 1829/2003, a Member State should only use grounds related to environmental policy objectives which ***are complementary to*** the assessment of risks to health and the environment which are assessed in the context of the authorisation procedures provided in Directive 2001/18/EC and in Regulation (EC) No 1829/2003.

Amendment 17

Council position
Recital 11 a (new)

Council position	*Amendment*
	(11a) Member States should be allowed to base the measures that restrict or prohibit the cultivation of GMOs on duly justified grounds relating to environmental impacts. Those grounds may include the prevention of the development of pesticide resistance amongst weeds and pests; the invasiveness or persistence of a genetically modified variety, or the possibility of interbreeding with domestically cultivated or wild plants; the prevention of negative impacts on the local environment caused by changes in agricultural practices linked to the cultivation of GMOs; the maintenance and development of agricultural practices which offer a better potential to reconcile production with ecosystem sustainability; the maintenance of local biodiversity,

including certain habitats and ecosystems, or certain types of natural and landscape features as well as specific ecosystem functions and services; scientific uncertainties in relation to those grounds; or the lack of adequate data concerning the potential negative impacts of the release of GMOs on the local or regional environment of a Member State, including on biodiversity.

Amendment 18

Council position
Recital 11 b (new)

Council position	*Amendment*
	(11b) The grounds relating to agricultural policy objectives may include the need to protect the diversity of agricultural production, the maintenance and development of agricultural practices which offer a better potential to reconcile production with eco-system sustainability, and the need to ensure seed purity.

Amendment 19

Council position
Recital 11 c (new)

Council position	*Amendment*
	(11c) The grounds relating to socio-economic impacts may include the impracticability or the high costs of co-existence measures or the impossibility of implementing co-existence measures due to specific geographical conditions such

	as small islands or mountain zones.

Amendment 20

Council position
Recital 11 d (new)

Council position	*Amendment*
	(11d) Member States should be allowed to base measures restricting or prohibiting the cultivation of a GMO or of groups of GMOs defined by crop or trait or of all GMOs also on other grounds that may include land use, town and country planning, or other legitimate factors including those relating to cultural traditions.

Amendment 21

Council position
Recital 12

Council position	*Amendment*
(12) Member States should also be able to base the decisions which they adopt pursuant to Directive 2001/18/EC on grounds concerning socio-economic impacts which might arise from the cultivation of a GMO on the territory of the Member State concerned. While co-existence measures have been addressed by the Commission Recommendation of 13 July 2010[1], there should also be the possibility for Member States to adopt measures restricting or prohibiting cultivation of authorised GMOs in all or part of their territory under this Directive. Those grounds may be related to the impracticability or the impossibility of implementing co-existence measures due to specific geographical conditions, the	***deleted***

need to avoid GMO presence in other products such as specific or particular products, the need to protect the diversity of agricultural production, or the need to ensure seed and plant propagating material purity. Furthermore, the Commission has, as requested in the Council Conclusions of 5 December 2008 on Genetically Modified Organisms, reported to the European Parliament and the Council on socio-economic implications of GMO cultivation. The outcome of that report may provide valuable information for Member States considering taking decisions on the basis of this Directive.

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[1] Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crop (OJ C 200, 22.7.2010, p. 1).

Amendment 22

Council position
Recital 14

Council position	*Amendment*
(14) Member States' measures adopted pursuant to this Directive should be subject to a procedure of scrutiny and information at Union level. In light of the level of Union scrutiny and information, it is not necessary to provide, in addition, for the application of Directive 98/34/EC of the European Parliament and of the Council[1]. Member States may restrict or prohibit the cultivation of a GMO in all or part of their territory ***as from*** the date of entry into force of the Union authorisation ***and no later than two years after the date when***	(14) Member States' measures adopted pursuant to this Directive should be subject to a procedure of scrutiny and information at Union level. In light of the level of Union scrutiny and information, it is not necessary to provide, in addition, for the application of Directive 98/34/EC of the European Parliament and of the Council[1]. Member States may restrict or prohibit the cultivation of a GMO ***or of groups of GMOs defined by crop or trait or of all GMOs*** in all or part of their territory ***prior to*** the date of entry into force of the Union

the consent/authorisation is granted, provided that an established standstill period, during which the Commission was given the opportunity to comment on the proposed measures, has elapsed.

authorisation ***and for the whole duration of the consent/authorisation,*** provided that an established standstill period, during which the Commission was given the opportunity to comment on the proposed measures, has elapsed. ***The Member State concerned should therefore communicate the proposed measures to the Commission at least 75 days prior to their adoption, in order to give the opportunity to the Commission to comment, and should refrain from adopting and implementing those measures during that period. On the expiry of the established standstill period, the Member State should be able to adopt the measures as originally proposed or amended to take into account the Commission's comments.***

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[1] Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37.).

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[1] Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37.).

Amendment 23

Council position
Recital 14 a (new)

Council position	*Amendment*
	(14a) During the standstill period, the authorisation applicant/holder who would be affected by measures restricting or prohibiting the cultivation of a GMO or group of GMOs in a Member State should refrain from all activities related to the cultivation of that GMO or a group of GMOs in that Member State.

Amendment 24

Council position
Recital 15

Council position	*Amendment*
(15) Decisions to restrict or prohibit the cultivation of GMOs by Member States in all or part of their territory should not prevent biotechnology research from being carried out provided that, in carrying out such research, all necessary safety measures are observed.	(15) Decisions to restrict or prohibit the cultivation of GMOs by Member States in all or part of their territory should not prevent biotechnology research from being carried out provided that, in carrying out such research, all necessary safety measures ***relating to human and animal health and environmental protection*** are observed ***and that the activity does not undermine the respect of the grounds upon which the ban has been introduced. Moreover, the Authority and the Member States should aim to establish an extensive network of scientific organisations representing all disciplines including those relating to ecological issues, and should cooperate to identify at an early stage any potential divergence between scientific opinions with a view to resolving or clarifying the contentious scientific issues. The Commission and the Member States should ensure that the necessary resources for independent research on the potential risks arising from the deliberate release or the placing on the market of GMOs are secured, and that the enforcement of intellectual property rights does not prevent independent researchers from accessing all relevant material.***

Amendment 25

Council position
Recital 15 a (new)

Council position	*Amendment*
	(15a) Given the importance of scientific

	evidence in taking decisions on the prohibition or approval of GMOs, the Authority and the Member States should collect and publish annually the results of research regarding the risk or evidence of any accidental presence, contamination or danger to the environment or human health of GMOs.

Amendment 26

Council position
Recital 16

Council position	*Amendment*
(16) When new and objective circumstances justify an adjustment of the geographical scope of the consent/authorisation of a GMO, and in any case no earlier than two years after the date when the consent/authorisation is granted, a Member State should be able to request, via the Commission, the consent/authorisation holder to adjust its geographical scope. If the consent/authorisation holder does not explicitly or tacitly agree, the Member State should be given the possibility to adopt reasoned measures restricting or prohibiting the cultivation of that GMO. The Member State concerned should communicate a draft of those measures to the Commission at least 75 days prior to their adoption, in order to give the opportunity to the Commission to comment, and should refrain from adopting and implementing those measures during that period. On the expiry of the established standstill period, the Member State should be able to adopt the measures as originally proposed or amended to take into account the Commission's comments.	***deleted***

Amendment 27

Council position
Recital 18

Council position	*Amendment*
(18) Written consents or decisions of authorisations issued or adopted with a geographical scope limited to certain areas or measures adopted by Member States, in accordance with this Directive, which restrict or prohibit the cultivation of GMOs, should not prevent or restrict the use of authorised GMOs by other Member States. In addition, this Directive and the national measures adopted pursuant to it should be without prejudice to Union law requirements concerning unintended and adventitious presence of GMOs in non-genetically modified varieties of seed and plant propagating material, and should not prevent the cultivation of varieties complying with these requirements.	(18) Written consents or decisions of authorisations issued or adopted with a geographical scope limited to certain areas or measures adopted by Member States, in accordance with this Directive, which restrict or prohibit the cultivation of GMOs, should not prevent or restrict the use of authorised GMOs by other Member States ***provided that appropriate co-existence measures are undertaken to prevent cross-border contamination***. In addition, this Directive and the national measures adopted pursuant to it should be without prejudice to Union law requirements concerning unintended and adventitious presence of GMOs in non-genetically modified varieties of seed and plant propagating material, and should not prevent the cultivation of varieties complying with these requirements.

Amendment 28

Council position
Recital 20 a (new)

Council position	*Amendment*
	(20a) To guarantee a high level of consumer protection, the Member States should also take effective labelling and information measures to guarantee full transparency about the presence of GMOs on their territory and in products produced or marketed there.

Amendment 29

Council position
Recital 21 a (new)

Council position	*Amendment*
	(21a) The provisions laid down in Articles 26b and 26c of Directive 2001/18/EC apply without prejudice to Article 23 of that Directive as well as Article 34 of Regulation (EC) No 1829/2003[1a].
	[1a] Regulation (EC) No 1829/2003 of the European Parliament and of the European Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003 p. 1.).

Amendment 30

Council position
Recital 22

Council position	*Amendment*
(22) The Commission Recommendation of 13 July 2010 provides guidance to Member States for the development of co-existence measures, including in border areas.	***deleted***

Amendment 31

Council position
Article 1 – introductory part

Council position	*Amendment*
In Directive 2001/18/EC***, the following Articles are inserted***:	Directive 2001/18/EC ***is amended as follows***:

Amendment 32

Council position
Article 1 – point - 1 (new)
Directive 2001/18/EC
Article 22

Present text	*Amendment*
	(- 1) Article 22 is replaced by the following:
Article 22	'Article 22
Free circulation	Free circulation
Without prejudice to Article 23, Member States shall not prohibit, restrict or impede the placing on the market of GMOs, as or in products, which comply with the requirements of this Directive.	Without prejudice to Article 23 ***or Article 26b***, Member States shall not prohibit, restrict or impede the placing on the market of GMOs, as or in products, which comply with the requirements of this Directive.'

Amendment 33

Council position
Article 1 – point -1a (new)
Directive 2001/18/EC
Article 25 – paragraph 5 a (new)

Council position	*Amendment*
	(-1a) In Article 25, the following paragraph is added:
	'5a. Without prejudice to the protection of intellectual property rights, access to material necessary for independent research on potential risks arising from the deliberate release or the placing on

	the market of GMOs, such as seed material, shall not be restricted or impeded.'

Amendment 34

Council position
Article 1 – point -1b (new)
Directive 2001/18/EC
Article 26 a – paragraph 1

Present text	*Amendment*
	(-1b) In Article 26a, paragraph 1 is replaced by the following:
1. Member States ***may*** take appropriate measures to avoid the unintended presence of GMOs in other products.	‘1. Member States ***shall*** take appropriate measures to avoid the unintended presence of GMOs in other products ***on their territory and in border areas of neighbouring Member States. Such measures shall be communicated to the Commission. The Commission shall develop guidelines to guarantee the effective functioning of co-existence measures in border areas of Member States.'***

Amendment 35

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 1

Council position	*Amendment*
1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State may ***request, via the Commission, the notifier/applicant*** to adjust the	1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State may ***demand*** to adjust the geographical scope of ***the written consent or authorisation*** to the

geographical scope of ***its notification/application submitted in accordance with Part C of this Directive or Regulation (EC) No 1829/2003***, to the effect that all or part of the territory of that Member State is to be excluded from cultivation. ***This*** request shall be communicated to the Commission at the latest ***30*** days from the date of the circulation of the assessment report under Article 14(2) of this Directive, or from receiving the opinion of the Authority under Article 6(6) and Article 18(6) of Regulation (EC) No 1829/2003. The Commission shall communicate the request of the Member State to the notifier/applicant and to the other Member States without delay.

effect that all or part of the territory of that Member State is to be excluded from cultivation. ***The*** request shall be communicated to the Commission ***and, if applicable, to the competent authority responsible for issuing the written consent under this Directive*** at the latest ***60*** days from the date of the circulation of the assessment report under Article 14(2) of this Directive, or from receiving the opinion of the Authority under Article 6(6) and Article 18(6) of Regulation (EC) No 1829/2003. The Commission shall communicate the request of the Member State to the notifier/applicant, the other Member States ***and to the public*** without delay.

Amendment 36

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 2

Council position	*Amendment*
2. ***Where the notifier/applicant opposes a request of a Member State*** in accordance with paragraph 1, ***the notifier/applicant shall notify the Commission and the Member States within 30 days from the communication by the Commission of that request. In the event of explicit or tacit agreement of the notifier/applicant,*** the adjustment of the geographical scope of the ***notification/application*** shall be implemented in the written consent or authorisation.	2. ***Where a demand is submitted*** in accordance with paragraph 1, the adjustment of the geographical scope of the ***written consent/authorisation, as approved by the Commission or, if applicable, the competent authority,*** shall be implemented ***as a condition set out*** in the written consent or authorisation.
The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation	The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation

adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003, shall be issued on the basis of the adjusted geographical scope of the notification/application ***as explicitly or tacitly agreed by the notifier/applicant.***	adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003, shall be issued on the basis of the adjusted geographical scope of the notification/application.

Amendment 37

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 3

Council position	*Amendment*
3. ***Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that*** Member State may adopt measures restricting or prohibiting the cultivation of ***that*** GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on ***compelling*** grounds such as those related to:	3. ***Without prejudice to paragraph 1, a*** Member State may***, following the risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003 and acting as risk manager,*** adopt measures restricting or prohibiting the cultivation of a GMO ***or of groups of GMOs defined by crop or trait or of all GMOs*** in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on grounds such as those related to:
(a) environmental policy objectives ***distinct from the elements assessed*** according to this Directive and Regulation (EC) No 1829/2003;	(a) environmental policy objectives ***relating to impacts which might arise from the deliberate release or the placing on the market of GMOs and which are complementary to the impacts concretely examined during the scientific risk assessment conducted*** according to this Directive and Regulation (EC) No 1829/2003;
(b) town and country planning;	(b) town and country planning;

(c) land use;	(c) land use;
(d) socio-economic impacts;	(d) socio-economic impacts;
(e) avoidance of GMO presence in other products ***without prejudice to Article 26a***;	(e) avoidance of GMO presence in other products;
(f) agricultural policy objectives;	(f) agricultural policy objectives;
(g) public policy	(g) public policy.
Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.	Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment 38

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 4 – subparagraph 1

Council position	*Amendment*
4. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall first communicate a draft of those measures and the corresponding grounds invoked to the Commission. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed. During a period of 75 days starting from the date of such communication:	4. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall first communicate a draft of those measures and the corresponding grounds invoked to the Commission. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed. During a period of 75 days starting from the date of such communication:
(a) the Member State concerned shall refrain from adopting and implementing those measures; ***and***	(a) the Member State concerned shall refrain from adopting and implementing those measures;
	(aa) the notifier/applicant shall refrain from his activities of placing on the

	market the variety of that GMO;
	(ab) operators shall refrain from the cultivation of the variety of that GMO; and
(b) the Commission may make any comments it considers appropriate.	(b) the Commission may make any comments it considers appropriate.
	If the authorisation is granted during the 75-day period, it shall be considered as temporarily suspended until the end of that period.

Amendment 39

Council position
Article 1
Directive 2001/18/EC
Article 26b – paragraph 4 – subparagraph 2

Council position	*Amendment*
	By way of derogation from point (a) of the first subparagraph of paragraph 4, national measures can be provisionally imposed in case the 75- day period coincides with the sowing period of the respective GMO.
On expiry of the 75-day period referred to in the first subparagraph, ***and no later than two years after the date that the consent/authorisation is granted,*** the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the ***notifier/applicant*** without delay.	On expiry of the 75-day period referred to in the first subparagraph, the Member State concerned may***, for the whole duration of the consent/authorisation and as from the date of entry into force of the Union authorisation,*** adopt the measures either in the form originally proposed, or as amended to take account of any ***not binding*** comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the ***authorisation holder*** without delay.

Amendment 40

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 4 – subparagraph 2 a (new)

Council position	*Amendment*
	Member States shall make publicly available any such measure to all operators concerned, including growers, at least six months before the start of the growing season. In the event that the GMO concerned is authorised less than six months before the start of the growing season, Member States shall make those measures publicly available upon their adoption.

Amendment 41

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 5

Council position	*Amendment*
5. Where, after the authorisation of a GMO under this Directive or Regulation (EC) No 1829/2003 and no earlier than two years after the date that the consent/authorisation is granted, a Member State considers that new objective circumstances justify an adjustment of the geographical scope of the consent/authorisation, it may apply the procedure under paragraphs 1 to 4, mutatis mutandis, provided that such measures do not affect the cultivation of any authorised GMO seeds and plant propagating materials which were planted lawfully before those measures were adopted.	***deleted***

Amendment 42

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 5 a (new)

Council position	*Amendment*
	5a. A Member State which intends to adopt measures pursuant to paragraph 3 shall ensure that farmers who cultivated such crops legally have sufficient time to finish the ongoing cultivation season.
	The costs and efforts of a cost-benefit analysis shall be shared between the responsible Member State and farmers.

Amendment 43

Council position
Article 1
Directive 2001/18/EC
Article 26 b – paragraph 7 – introductory part

Council position	*Amendment*
7. For the purposes of an adjustment of the geographical scope of the consent/authorisation of a GMO under ***paragraphs 5 and 6, and on condition that under paragraph 5 the consent/authorisation-holder explicitly or tacitly agrees to the request of the Member State:***	7. For the purposes of an adjustment of the geographical scope of the consent/authorisation of a GMO under ***paragraph 6:***

Amendment 44

Council position
Article 1
Directive 2001/18/EC
Article 26 b a (new)

Council position	*Amendment*
	'Article 26 ba
	Liability requirements and financial guarantees
	Member States shall establish a general mandatory system of financial liability, and financial guarantees in their national laws on GMOs which applies to all operators and which ensures that the polluter pays for unintended effects or damage that might occur due to the deliberate release or the placing on the market of GMOs.'

Amendment 45

Council position
Article 1
Directive 2001/18/EC
Article 26 c – paragraph 2

Council position	*Amendment*
2. Where the application is pending and ***the notifier/applicant has explicitly or tacitly agreed to such a request within 30 days from the communication of that request,*** the geographical scope ***of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of***	2. Where the application is pending and ***the Commission has accepted the request of the Member State, duly communicating it to the notifier/applicant, to adjust*** the geographical scope***, the effects of that adjustment shall be produced before the entry into force of the written consent issued under this Directive***.

the adjusted geographical scope of the notification/application as explicitly or tacitly agreed by the notifier/applicant.

Amendment 46

Council position
Article 1
Directive 2001/18/EC
Article 26 c – paragraph 3

Council position	*Amendment*
3. Where the authorisation has already been granted and the authorisation holder has explicitly or tacitly agreed to a request within 30 days from the communication of the request referred to in paragraph (1) of this Article, the authorisation shall be as agreed by the authorisation holder. For a written consent under this Directive, the competent authority shall amend the geographical scope of the consent accordingly as explicitly or tacitly agreed by the authorisation holder and shall inform the Commission, the Member States, and the authorisation holder once this is complete. For an authorisation under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.	3. Where the authorisation has already been granted and the authorisation holder has explicitly or tacitly agreed to a request within 30 days from the communication of the request referred to in paragraph (1) of this Article, the authorisation shall be as agreed by the authorisation holder. For a written consent under this Directive, the competent authority shall amend the geographical scope of the consent accordingly as explicitly or tacitly agreed by the authorisation holder and shall inform the Commission, the Member States, and the authorisation holder once this is complete. For an authorisation under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly. ***The Commission shall also make public such agreement.***

Amendment 47

Council position
Article 1
Directive 2001/18/EC
Article 26 c – paragraph 4

Council position	*Amendment*
4. If a notifier/applicant or, as the case may be, an authorisation holder opposes such a request, paragraphs 3 to 9 of Article 26b shall apply mutatis mutandis.	***deleted***

Amendment 48

Council position
Article 2

Council position	*Amendment*
No later than 4 years after…[+] , the Commission shall present a report to the European Parliament and to the Council regarding the use made by Member States of this Directive including the effectiveness of the provisions enabling Member States to restrict or prohibit the cultivation of GMOs in all or part of their territory and the smooth functioning of the internal market. That report may be accompanied by any legislative proposals the Commission considers appropriate.	No later than 4 years after…[+], the Commission shall present a report to the European Parliament and to the Council regarding the use made by Member States of this Directive including the effectiveness of the provisions enabling Member States to restrict or prohibit the cultivation of GMOs in all or part of their territory and the smooth functioning of the internal market. That report may be accompanied by any legislative proposals the Commission considers appropriate.
The Commission shall also report on the progress towards giving normative status to the strengthened 2010 Authority guidance on the environmental risk assessment of genetically modified plants.	
_____	_____
[+] OJ: please insert the date of the entry into force of this Directive.	[+] OJ: Please insert the date of entry into force of this Directive.

Amendment 49

Council position
Article 2 a (new)

Council position	*Amendment*
	Article 2 a
	No later than ...[+], the Commission shall adopt an implementing Regulation on environmental risk assessment of GMOs, building upon the 2010 EFSA guidelines on environmental risk assessment of genetically modified plants and strengthening them along the lines of the 2008 Council conclusions.
	[+] OJ: Please insert the date: 1 year after the date of entry into force of this Directive.

Amendment 50

Council position
Article 2 b (new)

Council position	*Amendment*
	Article 2b
	Transposition
	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...[+]. They shall immediately inform the Commission thereof.
	When Member States adopt those measures they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main measures of national law which they adopt in the field covered by this Directive.

_____

+ OJ: Please insert the date: 12 months after the date of entry into force of this Directive.

Amendment 51

Council position
Article 2 c (new)
Regulation (EC) No1829/2003
Article 7 – paragraph 3 and Article 19 – paragraph 3

Council position	*Amendment*
	Article 2c
	Regulation (EC) No 1829/2003 is amended as follows:
	In Articles 7(3) and 19(3), the reference to Article 35(2) is replaced by a reference to Article 35(3).

EXPLANATORY STATEMENT

I. Background

On 23 July 2014, the 28 Environment Ministers adopted the Council position concerning the restriction or prohibition of the cultivation of GMOs in the territory of the Member States.

In practice, they were seeking to amend Directive 2001/18/EC on the deliberate release into the environment of GMOs, adding a new article widening the powers of the Member States to justify legally a national or regional ban on GMO cultivation. This amendment would also apply to the cultivation of GMOs authorised under Regulation (EC) No 1829/2003 covering food and feed containing or produced from GMOs.

The provisions of these two legislative texts establish a strict legal framework, authorising the marketing of GMOs only after approval based on a scientific assessment of the risks to human and animal health and to the environment.

It must be specified that the text under discussion concerns only the cultivation of GMOs for harvesting or on-farm research. In other words, GMO imports intended mainly for livestock are not covered by this legislation.

The compromise adopted by the Member States has entered into effect three years after the Parliament vote at first reading on 5 July 2011.

While such progress is welcomed by all, the underlying situation has become increasingly sensitive:

1. The European groundswell of opposition to GMOs is particularly pronounced with regard to their presence in food intended for human consumption, as reflected in the special Eurobarometer survey (no 354) of December 2010 regarding food-related risks, revealing that only 21% of Europeans concurred with the proposition that *'GMO foods are safe for future generations'* (as opposed to 58% against).

An updated survey would be particularly welcome. It would very probably indicate that a large majority is still opposed to GMO cultivation in Europe.

2. In February 2014, the controversy surrounding TC1507 genetically modified maize, opposed by 19 governments out of 28, received intensive media coverage. Only five Member States (Spain, the United Kingdom, Estonia, Finland and Sweden) voted in favour of authorising this new GMO variety, leaving the Commission to take the final decision, which it has not yet done.

3. A backlog of applications has accumulated in the centralised EU authorisation system. In addition to the application for authorisation of TC 1507 maize, six other GMO authorisation procedures (five for maize and one for soya) are pending, a favourable opinion having been issued by the EFSA. Given the strong opposition of most of the Member States, the Commission is hesitating to put it to the vote.

4. It was against this background that the new Commission President Jean-Claude Juncker, outlining Commission policy to the MEPs on 15 July 2014, set out his intentions: *'I also intend to review the current legislation authorising the use of genetically modified organisms. I consider it unacceptable that, under current rules, the Commission is legally obliged to authorise the import and processing of new GMOs, even in cases where a clear majority of Member States are opposed to their use'.*

This was confirmed in the mission statement sent to the new European Commissioner responsible for health and food safety, who will be required to review, in the first six months of his term of office, the existing decision-making process applicable to GMOs.

The rapporteur must therefore take account of the new political climate in drawing up his draft recommendation.

In this, he has the joint backing of the European Parliament, most of the Member States and the new Commission President, who are anxious to 'extricate' the GMO issue from the morass of bureaucracy that is proving so exasperating to all concerned.

II. Objectives and limits of the Council common position

It should be remembered that the principal objective of the this modification to the legislative framework is to provide greater latitude and greater legal security to Member States wishing to prohibit in all or part of their territory the cultivation of GMOs authorised at European level. This is specified by the Council in the fifth recital.

While the Council has adopted a number of Parliament's amendments thereby endorsing its objectives, it has at the same time introduced a procedure imposing fresh obligations on the national authorities.

A Member State is initially required to submit a specific request (paragraphs 1 and 2 of Article 26b (new) to an undertaking seeking to market GMOs in the EU (phase I) so as to ensure that the authorisation does not encompass its national territory.

It is only if this initial phase is unsuccessful and the request opposed by the undertaking that the single (phase II) procedure will be applied (paragraph 3 of Article 26b (new)), enabling a Member State to invoke legal justifications in a bid to prohibit GMO cultivation.

In other words, this involves two consecutive phases, the second conditioned by the first, instead of the procedure set out in the original Commission proposal as amended by the EP and which should remain at the core of the amended version of the 2001 Directive.

However, the Council's version, which runs counter to the European Parliament objective in its vote of 5July 2011, gives the uncomfortable impression of putting the cart before the horse.

This was why the rapporteur tabled Amendment 24 to paragraph 3 of Article 26b, which is essential if recourse to the phase I procedure by a Member State is to be optional.

Another restriction of the rights of Member States is the strict two-year deadline for procedures to be initiated at national level to prohibit GMO cultivation once EU authorisation

has been accorded.

The rapporteur fails to see the reasons for this and considers that ten years, the statutory duration of authorisation, would be an appropriate deadline. That is the reason behind Amendment 25 to paragraph 4 of Article 26b.

The compensatory procedure provided for in paragraph 5 of by Article 26b is therefore no longer needed and Amendment 26 accordingly seeks deletion thereof.

Furthermore, regarding the open-ended list of reasons which may be invoked to justify a ban on GMO cultivation, the rapporteur takes the view that the absence of specific examples weakens the legal framework and has accordingly tabled Amendment 24 closely resembling the text adopted by absolute majority at first reading, except that it includes five categories of justification:

- Environmental criteria in addition to those outlined by the EFSA at European level, relating to local or systemic aspects of GMO utilisation in a given agronomic context;
- Regional development criteria;
- Land-use criteria;
- Socio-economic criteria, for example the high cost of contamination for conventional and/or organic farmers;
- Criteria relating to agricultural policy objectives.

These criteria will give Member States the necessary flexibility to take suitable measures without altering or undermining current EU risk assessment procedures.

III. Other amendments by the rapporteur

At first reading, the European Parliament adopted 28 amendments in its modified proposal, most of which were uncontroversial or supported by an absolute majority. The rapporteur accordingly tabled a total of 33 amendments, including the principal amendments adopted at first reading and not included in the Council common position.

In view of this:

- It is necessary to reaffirm the legal basis chosen by the European Parliament relating to the environment (Amendment 1). This new legislation seeks to modify not only Directive 2001/18/EC but also Regulation (EC) No 1829/2003, where the request for authorisation from a company relates to cultivation and food or feed. While the legal basis relating to the internal market was selected for the 2001 directive, the, legislators selected no less than three, relating to agriculture, the internal market and public health, for the 2003 regulation.

The text also seeks to achieve a major objective: giving greater flexibility to Member States to prohibit GMO cultivation within their territory on a number of grounds, including environmental considerations, such as the protection of biodiversity, habitats and ecosystems.

- It is necessary to improve risk evaluation procedures. Amendment 3 seeks to ensure implementation of the conclusions adopted by the 'Environment' Council of 4 December 2008 calling for comprehensive and effective assessment methods, bearing in mind that insufficient account has been taken to date of the long-term impact of GMO cultivation.

The rapporteur notes with satisfaction that this matter is included in the provisions of the Council text, which nevertheless needs to be improved. Amendment 33 accordingly seeks to make EFSA guidelines binding.

- It is necessary specify compulsory measures to safeguard the coexistence of different types of cultivation.

That was the purpose of the amendment to Article 26a tabled in plenary in July 2011, which the rapporteur wishes to re-table with Amendment 21.

It is important to include in this legislation compulsory provisions requiring Member States to safeguard the coexistence of different types of cultivation and to prevent any cross-border dissemination, a requirement heartily endorsed by most European farmers.

Modifications have also been proposed to guarantee the transparency of the procedure to restrict or prohibit GMO cultivation and ensure that such major decisions are made public.

PROCEDURE

Title	Possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory
References	10972/3/2014 – C8-0145/2014 – 2010/0208(COD)
Date of Parliament's first reading – P number	5.7.2011 T7-0314/2011
Commission proposal	COM(2010)0375 - C7-0178/2010
Receipt of Council position at first reading announced in plenary	18.9.2014
Committee responsible Date announced in plenary	ENVI 18.9.2014
Rapporteurs Date appointed	Frédérique Ries 17.7.2014
Discussed in committee	3.9.2014 13.10.2014
Date adopted	11.11.2014
Result of final vote	+: 53 –: 11 0: 2
Members present for the final vote	Marco Affronte, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Biljana Borzan, Lynn Boylan, Nessa Childers, Alberto Cirio, Mireille D'Ornano, Miriam Dalli, Seb Dance, Jørn Dohrmann, Stefan Eck, Eleonora Evi, José Inácio Faria, Karl-Heinz Florenz, Ashley Fox, Francesc Gambús, Iratxe García Pérez, Jens Gieseke, Julie Girling, Sylvie Goddyn, Matthias Groote, Jytte Guteland, György Hölvényi, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Josu Juaristi Abaunz, Karin Kadenbach, Kateřina Konečná, Giovanni La Via, Norbert Lins, Valentinas Mazuronis, Susanne Melior, Massimo Paolucci, Gilles Pargneaux, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Michèle Rivasi, Teresa Rodriguez-Rubio, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Dubravka Šuica, Tibor Szanyi, Nils Torvalds
Substitutes present for the final vote	Paul Brannen, Nicola Caputo, Caterina Chinnici, Mark Demesmaeker, Herbert Dorfmann, Ismail Ertug, Martin Häusling, Elisabeth Köstinger, József Nagy, James Nicholson, Marit Paulsen, Marijana Petir, Sirpa Pietikäinen, Christel Schaldemose, Bart Staes
Date tabled	19.11.2014