

**Amendment 4****Mireille D'Ornano**

on behalf of the ENF Group

**Report****Giovanni La Via**

Use of genetically modified food and feed

COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)

**A8-0305/2015****Proposal for a regulation****Recital 7***Text proposed by the Commission*

(7) The reasons for the amendments made to Directive 2001/18/EC, by Directive (EU) 2015/412 as regards GMOs for cultivation are also relevant for other GMOs and GM food and feed covered by Regulation (EC) No 1829/2003. Indeed, the results of the vote on the implementing decision for the authorisation of products covered by Regulation (EC) No 1829/2003 which are not intended for cultivation in the relevant committee, or in the Council, is always “no opinion” (no qualified majority either in favour of or against the authorisation) and there are also Member States in which the use of these products is prohibited. Taking those matters into account, it is appropriate to amend Regulation (EC) No 1829/2003 in order to provide the possibility for the Member States to restrict or prohibit the *use* of GMOs and GM food and feed in all or part of their territory, on the basis of *compelling* grounds compatible with Union law - *not related to risks to human and animal health and to the environment, as those are already assessed at Union level, pursuant to Regulation (EC) No 1829/2003*. This possibility should not apply to GMOs for cultivation which are already covered by the amendments made to Directive

*Amendment*

(7) The reasons for the amendments made to Directive 2001/18/EC, by Directive (EU) 2015/412 as regards GMOs for cultivation are also relevant for other GMOs and GM food and feed covered by Regulation (EC) No 1829/2003. Indeed, the results of the vote on the implementing decision for the authorisation of products covered by Regulation (EC) No 1829/2003 which are not intended for cultivation in the relevant committee, or in the Council, is always “no opinion” (no qualified majority either in favour of or against the authorisation) and there are also Member States in which the use of these products is prohibited. Taking those matters into account, it is appropriate to amend Regulation (EC) No 1829/2003 in order to provide the possibility for the Member States to restrict or prohibit the *placing on the market* of GMOs and GM food and feed in all or part of their territory, on the basis of grounds compatible with Union law. This possibility should not apply to GMOs for cultivation which are already covered by the amendments made to Directive 2001/18/EC, by Directive (EU) 2015/412.

2001/18/EC, by Directive (EU) 2015/412.

Or. en

21.10.2015

A8-0305/5

**Amendment 5**

**Mireille D'Ornano**

on behalf of the ENF Group

**Report**

**Giovanni La Via**

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COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)

**A8-0305/2015**

**Proposal for a regulation**

**Recital 8**

*Text proposed by the Commission*

(8) Member States should therefore be allowed to adopt measures restricting or prohibiting the *use* in all or part of their territory of a GMO or a GM food and feed, or group of GMOs or of GM food and feed, once authorised, provided that such measures are reasoned, based on *compelling* grounds in accordance with Union law, and are in line with *the principles of proportionality and non-discrimination between national and non-national products, and* Article 34, Article 36 and Article 216(2) of TFEU.

*Amendment*

(8) Member States should therefore be allowed to adopt measures restricting or prohibiting the *placing on the market* in all or part of their territory of a GMO or a GM food and feed, or group of GMOs or of GM food and feed, once authorised, provided that such measures are reasoned, based on grounds in accordance with Union law, and are in line with Article 34, Article 36 and Article 216(2) of TFEU.

Or. en

21.10.2015

A8-0305/6

**Amendment 6**

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on behalf of the ENF Group

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**Giovanni La Via**

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**A8-0305/2015**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

(9) The restrictions or prohibitions adopted pursuant to this Regulation should refer to the *use* and not to the free circulation and imports of genetically modified food and feed.

*Amendment*

(9) The restrictions or prohibitions adopted pursuant to this Regulation should refer to the *placing on the market* and not to the free circulation and imports of genetically modified food and feed.

Or. en

21.10.2015

A8-0305/7

**Amendment 7**

**Mireille D'Ornano**

on behalf of the ENF Group

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**Giovanni La Via**

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**A8-0305/2015**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

*Amendment*

***(10) The level of protection of human and animal health and of the environment achieved through the authorisation procedure provided for by Regulation (EC) No 1829/2003 requires a uniform scientific assessment throughout the Union and this Regulation should not alter that situation. Therefore to avoid any interference with the competences which are granted to the risk assessors and risk managers under Regulation (EC) No 1829/2003, Member States should not be authorised to use grounds which are related to risks to health and to the environment which should be dealt with in accordance with the procedure already established in Regulation (EC) No 1829/2003, and in particular its Articles 10, 22 and 34.***

***deleted***

Or. en

**Amendment 8****Mireille D'Ornano**

on behalf of the ENF Group

**Report****Giovanni La Via**

Use of genetically modified food and feed

COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)

**A8-0305/2015****Proposal for a regulation****Recital 11***Text proposed by the Commission*

(11) Member States's measures adopted pursuant to this Regulation should be subject to a procedure of scrutiny and information at Union level with a view to the functioning of the internal market. In light of the level of scrutiny and information provided in this Regulation, it is not necessary to provide, in addition, for the application of Directive 98/34/EC of the European Parliament and of the Council<sup>15</sup>. The amendments being made to Regulation (EC) No 1829/2003 by this Regulation provide that Member States may restrict or prohibit the *use* of GMOs or GM food and feed in all or part of their territory for the whole duration of the authorisation, provided that an established standstill period, during which the Commission and the other Member States are given the opportunity to comment on the proposed measures, has elapsed. The Member State concerned should therefore communicate a draft of those measures to the Commission at least 3 months prior to their adoption, in order to give the opportunity to the Commission and the other Member States to comment, and should refrain from adopting and implementing those measures during that period. On the expiry of the established

*Amendment*

(11) Member States's measures adopted pursuant to this Regulation should be subject to a procedure of scrutiny and information at Union level with a view to the functioning of the internal market. In light of the level of scrutiny and information provided in this Regulation, it is not necessary to provide, in addition, for the application of Directive 98/34/EC of the European Parliament and of the Council<sup>15</sup>. The amendments being made to Regulation (EC) No 1829/2003 by this Regulation provide that Member States may restrict or prohibit the *placing on the market* of GMOs or GM food and feed in all or part of their territory for the whole duration of the authorisation, provided that an established standstill period, during which the Commission and the other Member States are given the opportunity to comment on the proposed measures, has elapsed. The Member State concerned should therefore communicate a draft of those measures to the Commission at least 3 months prior to their adoption, in order to give the opportunity to the Commission and the other Member States 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 or the Member States’ comments. Member States should be allowed to notify to the Commission measures pursuant to this Regulation before that the product concerned by the measures is authorised so that the restriction or the prohibition starts its effects as from the date of entry into force of the Union authorisation.

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<sup>15</sup> 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 regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37).

“standstill” period, the Member State should be able to adopt the measures as originally proposed or amended to take into account the Commission's or the Member States’ comments. Member States should be allowed to notify to the Commission measures pursuant to this Regulation before that the product concerned by the measures is authorised so that the restriction or the prohibition starts its effects as from the date of entry into force of the Union authorisation.

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<sup>15</sup> 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 regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37).

Or. en

21.10.2015

A8-0305/9

**Amendment 9**

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**A8-0305/2015**

**Proposal for a regulation**

**Recital 13**

*Text proposed by the Commission*

(13) Measures adopted pursuant to this Regulation, which restrict or prohibit the *use* of GMOs or GM food and feed should not affect the *use* in other Member States of these products as well as of products derived from their consumption. In addition, this Regulation and the national measures adopted pursuant to it should be without prejudice to Union law requirements concerning unintended and adventitious presence of GM material in other products and should not affect the placing on the market and use of products complying with these requirements.

*Amendment*

(13) Measures adopted pursuant to this Regulation, which restrict or prohibit the *placing on the market* of GMOs or GM food and feed should not affect the *placing on the market* in other Member States of these products as well as of products derived from their consumption. In addition, this Regulation and the national measures adopted pursuant to it should be without prejudice to Union law requirements concerning unintended and adventitious presence of GM material in other products and should not affect the placing on the market and use of products complying with these requirements.

Or. en

21.10.2015

A8-0305/10

**Amendment 10**

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**Report**

**A8-0305/2015**

**Giovanni La Via**

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COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)

**Proposal for a regulation**

**Article 1 – paragraph 1**

Regulation (EU) No 1829/2003

Article 34a – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. Member States may adopt measures restricting or prohibiting the *use* of products referred to in Article 3(1) and 15(1) authorised pursuant to this Regulation provided that such measures are:

1. Member States may adopt measures restricting or prohibiting the *placing on the market* of products referred to in Article 3(1) and 15(1) authorised pursuant to this Regulation provided that such measures are:

Or. en

21.10.2015

A8-0305/11

**Amendment 11**

**Mireille D'Ornano**

on behalf of the ENF Group

**Report**

**A8-0305/2015**

**Giovanni La Via**

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COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)

**Proposal for a regulation**

**Article 1 – paragraph 1**

Regulation (EU) No 1829/2003

Article 34a – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) reasoned and based on ***compelling*** grounds in accordance with Union law ***which shall, in no case, conflict with the risk assessment carried out pursuant this Regulation;***

(a) reasoned and based on grounds in accordance with Union law, ***with particular reference to the precautionary principle;***

Or. en

21.10.2015

A8-0305/12

**Amendment 12**

**Mireille D'Ornano**

on behalf of the ENF Group

**Report**

**A8-0305/2015**

**Giovanni La Via**

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COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)

**Proposal for a regulation**

**Article 1 – paragraph 1**

Regulation (EU) No 1829/2003

Article 34a – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

*(b) proportional and non-discriminatory.*

*deleted*

Or. en