



2015/0093(COD)

22.7.2015

AMENDMENTS

1 - 31

Draft opinion

Albert Deß

(PE560.772v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory

Proposal for a regulation

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

Amendment 1

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 **and Article 291(3)** thereof,

Or. en

Justification

In order to improve the authorisation procedure for GMOs, there is a need to change Regulation 182/2011, which is based on Article 291(3).

Amendment 2

Norbert Erdős

Proposal for a regulation

Paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) Calls on the Commission, within half a year of the adoption of its decision, to submit a legislative proposal restricting or prohibiting the use of GM foods and feed at Union or Member State level which accords with European Union law and the international obligations of the European Union, and which contains rational and practicable provisions;

Or. hu

Amendment 3
Norbert Erdős

Proposal for a regulation
Paragraph 1 b (new)

Text proposed by the Commission

Amendment

(1b) Calls on the Commission to draft proposals for increasing European feed production and, as soon as possible, putting an end to the serious lack of self-sufficiency in feed in Europe; considers that the Commission should submit these proposals, at the latest, as part of the mid-term review of the Common Agricultural Policy;

Or. hu

Amendment 4

José Bové

on behalf of the Verts/ALE Group

Lidia Senra Rodríguez, Giulia Moi, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) Both Directive 2001/18/EC and Regulation (EC) No 1829/2003 establish a centralised procedure at Union level whereby the Commission is empowered to adopt implementing decisions granting or refusing application for the authorisation of GMOs and GM food and feed, based on an assessment of the potential risks that they could pose to human or animal health, or the environment. Regulation (EC) No 1829/2003 **also provides that** other legitimate factors **may be taken into account, where appropriate.**

(2) Both Directive 2001/18/EC and Regulation (EC) No 1829/2003 establish a centralised procedure at Union level whereby the Commission is empowered to adopt implementing decisions granting or refusing application for the authorisation of GMOs and GM food and feed, based on an assessment of the potential risks that they could pose to human or animal health, or the environment. **Both** Regulation (EC) No 1829/2003 **and Regulation 178/2002 require the Commission to take** other legitimate factors **into account when submitting a draft decision.**

Or. en

Amendment 5

José Bové

on behalf of the Verts/ALE Group

Lidia Senra Rodríguez, Giulia Moi, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The use of genetic engineering in plants and in food and feed is a subject which divides opinion in the Member States and this is reflected in the decision-making process leading to the authorisation of GMOs *and* GM food and feed. *Since the date of application of Regulation (EC) No 1829/2003*, the results of the voting in the committees or in Council show that there has never been a qualified majority either in favour of or against the authorisation of those products. *Therefore*, authorisations have been adopted by the Commission at the end of the procedure, *in accordance with applicable legislation*, without the support of the Member States' committee opinion.

Amendment

(4) The use of genetic engineering in plants and in food and feed is a subject which divides opinion in the Member States and this is reflected in the decision-making process leading to the authorisation of GMOs *for cultivation and of* GM food and feed. The results of the voting in the committees or in Council show that there has never been a qualified majority either in favour of or against the authorisation of those products. *So far*, authorisations have been adopted by the Commission at the end of the procedure, without the support of the Member States' committee opinion. *However, as the area is very sensitive for European citizens, the Commission needs a clear indication on how to act in such cases. Regulation 182/2011 therefore needs to be changed accordingly.*

Or. en

Amendment 6

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) *Once a GMO or a GM food and feed is*

Amendment

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authorised in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003, the Member States may not prohibit, restrict or impede the free circulation of that product within their territory, except in accordance with strict conditions which are laid down by Union law –and require to provide evidence of a severe risk to health or to the environment. Some Member States have had recourse to the safeguard clauses and the emergency measures provided for respectively in Articles 23 of Directive 2001/18/EC and Article 34 of Regulation (EC) No 1829/2003. Other Member States have made use of the notification procedure provided for in Article 114(5) and (6) of TFUE which also is required to be based on new scientific evidence relating to the protection of the environment or the working environment. Other Member States have adopted unilateral prohibitions. Some of these measures have been challenged before national jurisdictions or the Court of Justice.

Or. en

Amendment 7

Edouard Ferrand, Philippe Loiseau

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Once a GMO or a GM food and feed is authorised in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003, the Member States may **not** prohibit, restrict or impede the free circulation of that product within their territory, ***except in accordance with strict conditions which are laid down by Union law –and require to provide evidence of a severe risk to health or to the***

Amendment

(5) Once a GMO or a GM food and feed is authorised in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003, the Member States may prohibit, restrict or impede the free circulation of that product within their territory.

environment. Some Member States have had recourse to the safeguard clauses and the emergency measures provided for respectively in Articles 23 of Directive 2001/18/EC and Article 34 of Regulation (EC) No 1829/2003. Other Member States have made use of the notification procedure provided for in Article 114(5) and (6) of TFUE which also is required to be based on new scientific evidence relating to the protection of the environment or the working environment. Other Member States have adopted unilateral prohibitions. Some of these measures have been challenged before national jurisdictions or the Court of Justice.

Or. fr

Amendment 8

José Bové

on behalf of the Verts/ALE Group

Lidia Senra Rodríguez, Giulia Moi, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) That situation was changed recently as regards GMOs for cultivation due to the adoption, on 13 March 2015, of Directive (EU) 2015/412¹⁴ which amended Directive 2001/18/EC to allow Member States to restrict or prohibit the cultivation of GMOs in their territory. The new provisions are primarily aimed at enabling Member States to decide whether or not they wish to permit the cultivation of GMO crops on their territory, without affecting the risk assessment provided in the system of Union authorisations of GMOs. They were intended to provide more predictability to operators and limit the recourse by the Member States to the

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safeguard clauses provided for in Article 23 of Directive 2001/18/EC and 34 of Regulation (EC) No 1829/2003. It was also expected that those amendments would have a positive impact on the decision-making process for the authorisation of GMOs for cultivation.

¹⁴ Directive (EU) 2015/412 of the European Parliament and of the Council of 11 March 2015 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 (OJ L 68, 13.3.2015, p. 1).

Or. en

Amendment 9

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

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

Or. en

Amendment 10

Edouard Ferrand, Philippe Loiseau

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

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

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 *the national law of the Member State concerned.*

Or. fr

Amendment 11

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(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.

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Or. en

Amendment 12

Aldo Patriciello

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(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.

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Or. it

Amendment 13
Tibor Szanyi

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(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.

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Or. en

Amendment 14
Edouard Ferrand, Philippe Loiseau

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(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.

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Or. fr

Amendment 15

José Bové

on behalf of the Verts/ALE Group

Lidia Senra Rodríguez, Giulia Moi, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(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.

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Or. en

Amendment 16

Edouard Ferrand, Philippe Loiseau

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

deleted

10, 22 and 34.

Or. fr

Amendment 17

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

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.

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Or. en

Amendment 18

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Recital 11

(11) Member States' 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 Council¹⁵. 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 '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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¹⁵ 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

Amendment 19
Aldo Patriciello

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 Council¹⁵. 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 "standstill" period, the Member State

Amendment

(11) Member States' 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 Council¹⁵. 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. 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

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.

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.

¹⁵ 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).

¹⁵ 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. it

Amendment 20
Edouard Ferrand, Philippe Loiseau

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) In the case where a product was lawfully used before a Member State adopts measures pursuant to this Regulation, sufficient time should be given to operators to allow the phasing out of the product from the market.

deleted

Or. fr

Amendment 21
José Bové
on behalf of the Verts/ALE Group
Lidia Senra Rodríguez, Giulia Moi, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) In the case where a product was lawfully used before a Member State adopts measures pursuant to this Regulation, sufficient time should be given to operators to allow the phasing out of the product from the market.

deleted

Or. en

Amendment 22

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(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.

deleted

Or. en

Amendment 23

Edouard Ferrand, Philippe Loiseau

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) 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. fr

Amendment 24

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) Regulation (EC) No 1829/2003 should be amended accordingly,

Amendment

deleted

Or. en

Amendment 25

José Bové

on behalf of the Verts/ALE Group

Lidia Senra Rodríguez, Giulia Moi, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation
Article 1

Text proposed by the Commission

Amendment

[...]

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Or. en

Amendment 26

José Bové

on behalf of the Verts/ALE Group

Giulia Moi, Lidia Senra Rodríguez, Anja Hazekamp, Stefan Eck, Miguel Viegas, Estefanía Torres Martínez

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

In Regulation (EC) No 1829/2003 the following Article is inserted:

Regulation 182/2011 is hereby amended as follows:

(1) The following recital 11a is inserted:

(11a) The area of GMO authorisations, whether it is via Directive 2001/18 or via Regulation 1829/2003, is the only field where regularly neither the responsible committee, nor the Council comes to an opinion (no qualified majority either in favour or against the authorisation). As the area is very sensitive for European citizens, the Commission needs a clear indication on how to act in such cases.

(2) Recital 14 is changed as follows:

(14) When considering the adoption of other draft implementing acts concerning particularly sensitive sectors, notably taxation, consumer health, food safety and protection of the environment, the Commission, in order to find a balanced solution, will, as far as possible, act in such a way as to avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of an implementing act.

With regard to the sensitive field of GMO authorisations, no draft implementing act authorising a GMO should be adopted if a simple majority of the component members of the committee opposes it.

(3) In Article 6, the following paragraph 3a is inserted:

(3a) ‘Where no opinion is delivered in accordance with the second subparagraph of paragraph 3, and where the draft implementing act concerns an application for authorisation of a GMO, in accordance with Directive 2001/18 or Regulation 1829/2003, the Commission shall not adopt the draft implementing act.’

(4) In Article 11, the following second subparagraph is inserted:

‘Where the draft implementing act concerns an application for authorisation of a GMO, in accordance with Directive 2001/18 or Regulation 1829/2003, and where the European Parliament has spoken out against the authorisation, e.g. by means of a resolution, the Commission shall not adopt the draft implementing act.’

Or. en

Justification

As candidate, President of the COM stated he would revise GMO authorisation rules to better take into account views of the majority of MS. In the July 2014 EP Plenary Session he stated: “I’ll make sure that procedural rules governing various authorisations for GMO are reviewed. I would not want the Commission to be able to take a decision when a majority of MS has not encouraged it to do so”. This amendment would ensure that promise was implemented, while this proposal does not deliver.

Amendment 27

Edouard Ferrand, Philippe Loiseau

Proposal for a regulation

Article 1 – paragraph 1

Regulation (EC) 1829/2003
Article 34 a – paragraph 1

Text proposed by the Commission

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:***

Amendment

1. Member States may adopt measures restricting or prohibiting the use of products referred to in Article 3(1) and 15(1).

Or. fr

Amendment 28
Edouard Ferrand, Philippe Loiseau

Proposal for a regulation
Article 1 – paragraph 1
Regulation (EC) 1829/2003
Article 34 a – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

deleted

Or. fr

Amendment 29
Edouard Ferrand, Philippe Loiseau

Proposal for a regulation
Article 1 – paragraph 1
Regulation (EC) 1829/2003
Article 34 a – paragraph 1– point b

Text proposed by the Commission

(b) proportional and non-discriminatory.

Amendment

deleted

Or. fr

Amendment 30
Edouard Ferrand, Philippe Loiseau

Proposal for a regulation
Article 1 – paragraph 1
Regulation (EC) 1829/2003
Article 34 a – paragraph 2

Text proposed by the Commission

Amendment

2. Where a Member State intends to adopt measures as provided for in paragraph 1, it shall first submit to the Commission a draft of those measures, and the corresponding justification. The Commission shall immediately notify to the other Member States the draft measures and the corresponding justification. The Member State may submit the draft measures and such information before the authorisation procedure provided for in Articles 7 and 19 has been completed.

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During a period of 3 months from the date of submission to the Commission of the draft measures and information in accordance with the first subparagraph:

(a) the Member State shall refrain from adopting and implementing those measures;

(b) the Commission and the Member States may make any comments they consider appropriate to the Member State which has submitted the draft measures.

Or. fr

Amendment 31
Edouard Ferrand, Philippe Loiseau

Proposal for a regulation
Article 1 – paragraph 1
Regulation (EC) 1829/2003
Article 34 a – paragraph 3

Text proposed by the Commission

Amendment

3. Measures adopted in accordance with paragraph 1 of this Article shall provide for a reasonable period of time during which existing stocks of the products referred to in Article 3(1) and 15(1) concerned by such measures, which could legally be used before the date of adoption of the measures, may be used up.

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Or. fr