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*Committee on the Environment, Public Health and Food Safety*

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**2010/0208(COD)**

20.10.2014

# **AMENDMENTS**

## **34 - 190**

### **Draft recommendation for second reading**

**Frédérique Ries**

(PE537.550v01-00)

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

Council position at first reading

(10972/2014 – C8-0145/2014 – 2010/0208(COD))



**Amendment 34**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position**

**Citation 1**

*Council position*

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 192(1) and** Article 114 thereof,

Or. en

*Justification*

*The exclusive reference to Art. 192 is likely to weaken the possibility for a MS to ban GMOs cultivation on grounds different from environmental concerns. Should the double legal basis be rejected it'd probably better keep the proposed art. 114.*

**Amendment 35**

**Younous Omarjee**

**Council position**

**Recital - 1 (new)**

*Council position*

*Amendment*

***(-1) The cultivation and marketing of genetically modified organisms (GMOs) should be prohibited throughout the territory of the European Union.***

Or. fr

**Amendment 36**

**Elisabeth Köstinger, Giovanni La Via**

**Council position**

**Recital 2**

*Council position*

(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.

*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. ***In that context, the appropriate legal basis is Article 114 TFEU, reflecting this comprehensive level of protection. However,*** a uniform high level of protection of health, ***safety, environment as well as consumers*** should be achieved and maintained throughout the territory of the Union.

Or. en

*Justification*

*Article 114 TFEU ensures a high level of protection of health, safety, environment as well as consumers, and therefore grants comprehensive protection. Article 192 (1) TFEU, exclusively focusing on environmental aspects, is not an appropriate legal basis in the GMO context.*

**Amendment 37**

**Sylvie Goddyn, Jean-François Jalkh, Mireille D'Ornano**

**Council position**

**Recital 2**

*Council position*

(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

*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 ***taking into account***, in accordance with Annex II to Directive 2001/18/EC ***the direct, indirect,***

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.

*immediate, delayed and cumulative effects of the GMOs, as well as the cumulative effects of the GMOs together with their associated plant protection products, on human health and the environment.* 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.

Or. fr

#### *Justification*

*Owing to their specific characteristics, there are doubts about the safety of GMOs. They also lead to an increase in the use of plant protection products. The assessment parameters used by EFSA should therefore be amended.*

#### **Amendment 38**

**György Hölvényi, Marijana Petir**

#### **Council position**

##### **Recital 2**

#### *Council position*

(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

#### *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 *taking into account the direct, indirect, immediate and delayed effects, as well as the cumulative long-term effects, on human health and the environment.* The aim of that authorisation procedure, *in accordance with the precautionary principle*, is to ensure a high level of protection of human life and health, animal health and welfare, the environment and

territory of the Union.

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.

Or. en

### *Justification*

*For the clarification of the core content of the risk assessment as laid down in Annex II of the Directive 2001/18/EC, together with a reference to the precautionary principle.*

### **Amendment 39**

**Elisabetta Gardini, Alberto Cirio**

### **Council position**

#### **Recital 2**

#### *Council position*

(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.

#### *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, ***taking into account the direct, indirect, immediate and delayed effects, as well as the cumulative long-term effects, on human health and the environment.*** 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, ***biodiversity*** 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.

Or. it

## **Amendment 40**

**Bart Staes**

on behalf of the Verts/ALE Group

### **Council position**

#### **Recital 2**

#### *Council position*

(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.***

#### *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 ***taking into account the direct, indirect, immediate and delayed effects, as well as the cumulative long-term effects, on human health and the environment. This 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.

Or. en

#### *Justification*

*This amendment supplements amendment 2 of the draft recommendation. As the differentiation between risk assessment and risk management is of high importance in the context of “opt-out”, this principle, which is laid down in both the General food law and in Regulation 1829/2003 on genetically modified food and feed, should be reminded here.*

## **Amendment 41**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**  
**Recital 2 a (new)**

*Council position*

*Amendment*

***(2a) The Commission and Member States should ensure, as a priority, the implementation of the Environment Council Conclusions adopted on 4 December 2008, namely a proper implementation of the legal requirements laid down in Annex II to Directive 2001/18/EC for the risk assessment of GMOs. In particular, the long-term environmental effects of genetically modified crops as well as their potential effects on non-target organisms should be rigorously assessed; the characteristics of the receiving environments and the geographical areas in which genetically modified crops may be cultivated should be duly taken into account; and the potential environmental consequences brought about by changes in the use of herbicides linked to herbicide-tolerant genetically modified crops should be assessed. More specifically, the Commission should ensure that the draft implementing Regulation on environmental risk assessment of GMOs is presented in due time. This implementing Regulation should not be based on the principle of substantial equivalence or on the concept of a comparative safety assessment, and should ensure that the current practices are improved, e.g. by clearly identifying direct and indirect long-term effects, as well as scientific uncertainties.***

Or. en

*Justification*

*Based on amendment 3 of the draft recommendation. The amendment clarifies the reference to the long-awaited legally binding legislative act on environmental risk assessment, with a*



*view to improving current practices.*

**Amendment 42**  
**Jan Huitema, Julie Girling**

**Council position**  
**Recital 2 a (new)**

*Council position*

*Amendment*

*(2a) The Union GMO authorisation system needs to take due account of the risks and possibilities offered by innovations in science and technology. In particular, new developments in plant breeding techniques call into question the risks that should be taken into account. Some techniques such as cisgenesis have been found to be as safe as conventional plantbreeding techniques and could therefore be exempted from the scope of this legislation. A focussed regulatory system for GMOs is a precondition in order to foster cutting-edge innovations in this area.*

Or. en

*Justification*

*Based on amendment 3 of the draft recommendation. The amendment clarifies the reference to the long-awaited legally binding legislative act on environmental risk assessment, with a view to improving current practices.*

**Amendment 43**  
**Elisabeth Köstinger, György Hölvényi, Marijana Petir**

**Council position**  
**Recital 2 a (new)**

*Council position*

*Amendment*

*(2a) 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. Any such improvement as well as any change to the legal status of guidance for risk assessment of GMO requires in-depth discussions and should therefore be subject to a proper review of Directive 2001/18/EC.*

Or. en

*Justification*

*The Risk Assessment as laid down in Directive 2001/18/EC is an essential principle in the authorisation procedure for GMO. Any change to this principle, e.g. its legal status or its functionality, merits a thorough debate and should therefore not be treated in the present amendment to this Directive, but rather in the context of a review thereof.*

**Amendment 44**

**Lynn Boylan**

on behalf of the GUE/NGL Group

**Council position**

**Recital 2 a (new)**

*Council position*

*Amendment*

*(2a) The precautionary principle should always be taken into account in the framework of this Directive and its subsequent implementation.*

Or. en

**Amendment 45**  
**Gilles Pargneaux**

**Council position**  
**Recital 2 a (new)**

*Council position*

*Amendment*

*(2a) There is a need for the precautionary principle to be taken into account in the framework of this directive and when implementing it.*

Or. fr

**Amendment 46**  
**Bart Staes**  
on behalf of the Verts/ALE Group

**Council position**  
**Recital 2 b (new)**

*Council position*

*Amendment*

*(2b) There is a need for the precautionary principle to be taken into account in the framework of this Directive and when implementing this Directive.*

Or. en

*Justification*

*This reference to the precautionary principle has already been included in European Parliament's first reading position.*

**Amendment 47**  
**Luke Ming Flanagan, João Ferreira**

**Council position**  
**Recital 2 a (new)**

*Council position*

*Amendment*

***(2a) Given that the companies which produce GMO are the same ones which produce drugs and pesticides, public authorities need to take into account independent and impartial studies in the field;***

Or. pt

**Amendment 48**

**Michel Dantin, Angélique Delahaye, Françoise Grossetête**

**Council position**

**Recital 2 a (new)**

*Council position*

*Amendment*

***(2a) The Commission and the Member States should monitor the application of the Council conclusions of 4 December 2008 on the implementation of the legal requirements set out in Annex II to Directive 2001/18/EC. To that end, the Commission should submit to the European Parliament and the Council, no later than the entry into force of this directive, a legislative proposal seeking to ensure that that annex complies with the new European Food Safety Authority guidelines on the risk assessment of GMOs.***

Or. fr

**Amendment 49**

**Lynn Boylan**

on behalf of the GUE/NGL Group

**Council position**

**Recital 2 b (new)**

*Council position*

*Amendment*

***(2b) In view of the current political context, including the European Commission President-elect's commitment to review the authorisation procedure and the highly controversial nature the cultivation of GMOs has proven to have in Europe, the entry into force of this Directive should be subject to the revision of the decision-making process for the authorisation of GMOs as set out in Directive 2001/18/EC and Regulation EC (No) 1829/2003, in order to ensure that no GMO is authorised against the majority of Member States and the European Parliament.***

Or. en

**Amendment 50**

**Luke Ming Flanagan, João Ferreira**

**Council position**

**Recital 2 b (new)**

*Council position*

*Amendment*

***(2b) There are added health risks attached to the use of technologies which have been neither tested nor approved by competent and impartial authorities 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.***

Or. pt

**Amendment 51**  
**Gilles Pargneaux**

**Council position**  
**Recital 2 b (new)**

*Council position*

*Amendment*

***(2b) Annex II to Directive 2001/19/EC should be strengthened by incorporating the guidelines published by EFSA in November 2010, together with the conclusions of the Council of Ministers of the Environment of December 2008 on the environmental assessment of the risks of GMOs.***

Or. fr

*Justification*

*Seeks to strengthen the procedures for the assessment of GMOs. EFSA worked to update the guidelines and published a revised document in November 2010. However, the Commission has still not yet submitted any draft provisions that would give these guidelines regulatory force. Accordingly this amendment seeks to include the EFSA guidelines on environmental risk assessment in Annex II to Directive 2001/18/EC, thus placing the strengthening of centralised assessment in a firm legislative framework.*

**Amendment 52**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**  
**Recital 2 c (new)**

*Council position*

*Amendment*

***(2c) It is necessary to take into account the political context, and, in particular, the political commitment expressed on 15 July 2014 by the President-elect of the European Commission to rapidly review the existing decision-making process applied to genetically modified organisms. GMOs should not be authorised against***

*the will of the majority of democratically elected governments and Members of the European Parliament.*

Or. en

*Justification*

*This amendment complements amendment 4 of the draft recommendation, and more specifically refers to Mr Juncker's speech in Plenary.*

**Amendment 53**

**Luke Ming Flanagan, João Ferreira**

**Council position**

**Recital 2 c (new)**

*Council position*

*Amendment*

*(2c) The fact that GMO crops rely on expensive technologies both to obtain and grow them, together with the fact that the seeds are patented, makes these crops into a multi-million dollar business which has little or nothing to do with food subsistence or preservation of biodiversity;*

Or. pt

**Amendment 54**

**Luke Ming Flanagan, João Ferreira**

**Council position**

**Recital 2 d (new)**

*Council position*

*Amendment*

*(2d) In a context where major economic groups are imposing the cultivation of patented products, which are more resistant and increase yields, the farming activity of millions of people around the*

*world depends, year after year, on the use of seeds patented by these groups, making it impossible for them to subsist and maintain a stable existence;*

Or. pt

## **Amendment 55**

**Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn**

### **Council position**

#### **Recital 3**

#### *Council position*

(3) In addition to the authorisation for placing on the market, genetically modified varieties also need to comply with the requirements of Union law on the marketing of seed and plant propagating material, as set out in particular in Council Directives 66/401/EEC<sup>6</sup>, 66/402/EEC<sup>7</sup>, **68/193/EEC**<sup>8</sup>, 98/56/EC<sup>9</sup>, 99/105/EC<sup>10</sup>, 2002/53/EC<sup>11</sup>, 2002/54/EC<sup>12</sup>, 2002/55/EC<sup>13</sup>, 2002/56/EC<sup>14</sup>, 2002/57/EC<sup>15</sup> and 2008/90/EC<sup>16</sup>. Among those Directives, Directives 2002/53/EC and 2002/55/EC contain provisions which allow the Member States to prohibit, under certain well defined conditions, the use of a variety in all or in part of their territory or to lay down appropriate conditions for the cultivation of a variety.

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<sup>6</sup> Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ( OJ P 125, 11.7.1966, p. 2298).

<sup>7</sup> Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ P 125 11.7.1966, p. 2309).

<sup>8</sup> **Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (OJ L 93, 17.4.1968, p. 15).**

#### *Amendment*

(3) In addition to the authorisation for placing on the market, genetically modified varieties also need to comply with the requirements of Union law on the marketing of seed and plant propagating material, as set out in particular in Council Directives 66/401/EEC<sup>6</sup>, 66/402/EEC<sup>7</sup>, 98/56/EC<sup>9</sup>, 99/105/EC<sup>10</sup>, 2002/53/EC<sup>11</sup>, 2002/54/EC<sup>12</sup>, 2002/55/EC<sup>13</sup>, 2002/56/EC<sup>14</sup>, 2002/57/EC<sup>15</sup> and 2008/90/EC<sup>16</sup>. Among those Directives, Directives 2002/53/EC and 2002/55/EC contain provisions which allow the Member States to prohibit, under certain well defined conditions, the use of a variety in all or in part of their territory or to lay down appropriate conditions for the cultivation of a variety.

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<sup>6</sup> Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ( OJ P 125, 11.7.1966, p. 2298).

<sup>7</sup> Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ P 125 11.7.1966, p. 2309).



- <sup>9</sup> Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants (OJ L 226, 13.8.1998, p. 16).
- <sup>10</sup> Council Directive 99/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17).
- <sup>11</sup> Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).
- <sup>12</sup> Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12).
- <sup>13</sup> Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).
- <sup>14</sup> Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60).
- <sup>15</sup> Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).
- <sup>16</sup> Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

- <sup>9</sup> Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants (OJ L 226, 13.8.1998, p. 16).
- <sup>10</sup> Council Directive 99/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17).
- <sup>11</sup> Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).
- <sup>12</sup> Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12).
- <sup>13</sup> Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).
- <sup>14</sup> Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60).
- <sup>15</sup> Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).
- <sup>16</sup> Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

Or. fr

### *Justification*

*It is necessary to protect the specific characteristics of the vine and of local produce with a high added value.*

**Amendment 56**  
**Lorenzo Fontana**

**Council position**  
**Recital 4**

*Council position*

(4) Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, Member States **are not authorised to prohibit**, restrict, or impede its free circulation within their territory, **except under the conditions defined by Union law**.

*Amendment*

(4) Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, Member States **may nonetheless authorise the prohibition or restrict the use thereof**, or impede its free circulation within their territory.

Or. it

**Amendment 57**  
**Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn**

**Council position**  
**Recital 4**

*Council position*

(4) Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, **Member States are** not authorised to prohibit, restrict, or impede its free circulation within **their** territory, except under the conditions defined by Union law.

*Amendment*

(4) Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, **the Member State which authorised that GMO for cultivation purposes is** not authorised to prohibit, restrict, or impede its free circulation within **its** territory, except under the conditions defined by Union law. **Member States which have not authorised a GMO for cultivation purposes are authorised to prohibit, restrict, or impede its free circulation within their territory.**

*Justification*

*Member States which authorise GMOs and their cultivation must assume the responsibilities which go with that choice. It seems unacceptable to authorise cultivation solely for the purpose of profitability while not shouldering the consequences in terms of consumption and export, particularly to poor countries. Furthermore, it is essential that the title of the directive should remain clear and should entail practical consequences; the Member States' true freedom in this area also includes the freedom to prohibit the circulation of a GMO which has been rejected for cultivation purposes.*

**Amendment 58**  
**Younous Omarjee**

**Council position**  
**Recital 4**

*Council position*

(4) Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, Member States are **not** authorised to prohibit, restrict, **or impede** its **free circulation** within their territory, **except under the conditions defined by Union law**.

*Amendment*

(4) Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, Member States are authorised to prohibit **or** restrict its **presence** within their territory.

**Amendment 59**  
**Nicola Caputo**

**Council position**  
**Recital 5**

*Council position*

(5) Experience has shown that cultivation

*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 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.

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. ***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 effective cultivation of GMOs or of groups of GMOs defined by crop or trait or of all GMOs in all or part of their territory once authorised at Union level. However,*** the common authorisation procedure, in particular the evaluation process, should not be adversely affected by such flexibility.

Or. en

**Amendment 60**  
**Françoise Grossetête**

**Council position**  
**Recital 5**

*Council position*

(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***

*Amendment*

(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed at Member State level. ***It is, however, essential that issues*** related to the placing on the market and the

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**.

import of GMOs 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. **Such flexibility should not adversely affect the** common authorisation procedure, in particular the evaluation process, **and should not call into question the vital role played by the European Food Safety Authority (EFSA) in that procedure**.

Or. fr

#### *Justification*

*The authorisation procedure and evaluation process at European level should be safeguarded as far as possible to prevent this legislation becoming a precedent for the renationalisation of other European rules.*

#### **Amendment 61**

**Lynn Boylan**

on behalf of the GUE/NGL Group

#### **Council position**

##### **Recital 5**

#### *Council position*

(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

#### *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. 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,

or maintenance of habitats, ecosystems and landscapes. The common authorisation procedure, in particular the evaluation process, should not be adversely affected by such flexibility.

ecosystems and landscapes. The common authorisation procedure, in particular the evaluation process, should not be adversely affected by such flexibility. **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 effective cultivation of GMOs or of groups of GMOs defined by crop or trait or of all GMO's in all or part of their territory once authorised at Union level** However, the common authorisation procedure, in particular the evaluation process, should not be adversely affected by such flexibility.

Or. en

## Amendment 62 Younous Omarjee

### Council position Recital 5

#### *Council position*

(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

#### *Amendment*

(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed at Member State level. **Nevertheless, issues** related to the placing on the market and the import of GMOs, **as well as to the assessment of health and environmental risks**, should remain regulated at Union level to preserve the internal market **and a high level of human health as set out in the Treaty on the Functioning of the European Union**. 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,

process, should not be adversely affected by such flexibility.

to local agricultural structures and to the protection or maintenance of habitats, ecosystems, landscapes ***and natural plant genotypes***. The common authorisation procedure, in particular the evaluation process, should not be adversely affected by such flexibility ***where this process is carried out to the highest standards and includes an evaluation of all the possible health risks and consequences for nature and the environment of the introduction of GMOs.***

Or. fr

### **Amendment 63**

**Bart Staes**

on behalf of the Verts/ALE Group

#### **Council position**

##### **Recital 5**

###### *Council position*

(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.

###### *Amendment*

(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed at Member State level, ***as different scientific interpretations and political valuations of risks exist.*** 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.

Or. en

*Justification*

*Compatible with AM 5 of the draft recommendation.*

**Amendment 64**  
**Younous Omarjee**

**Council position**  
**Recital 5 a (new)**

*Council position*

*Amendment*

*(5a) The harmonised common European-level authorisation procedure should therefore be strengthened to enable it to include an evaluation of the health and environmental risks not only throughout the European Union but also at local level, by analysing potential impacts on local ecosystems. Only a complete, centralised, truly independent and strengthened evaluation procedure can guarantee the high level of safety required by the Treaties. This requires all Member States to be involved in this evaluation to ensure that many positions are represented and to foster scientific and ethical discussion on the specific local features of each Member State.*

Or. fr

**Amendment 65**  
**Lynn Boylan**

**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

(6) In order to restrict or prohibit the cultivation of GMOs, some Member States **have made** recourse to the safeguard clauses and emergency measures pursuant



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 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.

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 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.

Or. en

**Amendment 66**  
**Younous Omarjee**

**Council position**  
**Recital 6**

*Council position*

(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

*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

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.

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. *It is essential that notifiers/ applicants take these national concerns into account, without putting any pressure on the Member States, in future requests for authorisation to cultivate GMOs on the European market.*

Or. fr

#### **Amendment 67**

**Bart Staes**

on behalf of the Verts/ALE Group

#### **Council position**

##### **Recital 6**

##### *Council position*

(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 114(5) and (6) of the Treaty on the Functioning of the European Union (TFEU) which requires putting forward

##### *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 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.***

new scientific evidence relating to the protection of the environment or the working environment.

Or. en

#### *Justification*

*The Commission has never been able to refute the suspicion that one of the main aims of the proposal was to 'convince' GMO-critical Member States to vote in favour (or at least abstain) on GMO- authorisation decisions. In order not to feed such suspicions, all references to the "complicated decision-making-process" should be avoided.*

#### **Amendment 68**

**Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn**

#### **Council position**

**Recital 6 a (new)**

*Council position*

*Amendment*

***(6a) A Member State should have the right at any time to suspend authorisation for cultivation of a GMO if it considers that its cultivation is detrimental to the welfare of people and the environment in the region concerned, without having to await scientific evidence overturning the view that the product is harmless to human health or the environment. Such suspension should be accompanied by payment of compensation to the producers affected in proportion to their estimated losses.***

Or. fr

## *Justification*

*To uphold the principle of the Member States' freedom to decide on GMO cultivation, states should be allowed to revoke an earlier decision in accordance with the precautionary principle and the national interest.*

### **Amendment 69**

**Elisabeth Köstinger, György Hölvényi, Marijana Petir**

#### **Council position**

##### **Recital 7**

#### *Council position*

(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, 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*

(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 ***on their territory and in border areas of neighbouring Member States.*** 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, 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, *with regard to Article 114 TFEU*.

Or. en

**Amendment 70**  
**Jan Huitema**

**Council position**  
**Recital 7**

*Council position*

*(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, 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

*Amendment*

(7) *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, farmers and operators should be preserved *e.g. for those who wish to use crops that are deemed safe as concluded by the European Food Safety Authority* 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.

smooth functioning of the internal market.

Or. en

**Amendment 71**  
**Valentinas Mazuronis**

**Council position**  
**Recital 7**

*Council position*

***(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, 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*

(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. Member States are required to cooperate with the neighbouring Member States with a view to ensuring appropriate information sharing, aiming to prevent cross-border GMO contamination.***

*Justification*

*We agree that GMOs could cause cross-border contamination of crops and biodiversity. For this reason MS should cooperate to prevent this contamination and exchange information on possible cultivation of GMO close to their borders.*

**Amendment 72**

**Sylvie Goddyn, Mireille D'Ornano, Jean-François Jalkh**

**Council position****Recital 7***Council position*

***(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, farmers and operators should be preserved whilst providing greater clarity to affected stakeholders concerning the cultivation of GMOs in the Union. This***

*Amendment*

(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 ***or market*** GMO crops on their territory, ***in the form of raw materials harvested or of products processed by the agri-food industry***, 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 the border areas of neighbouring Member States.***

*Directive should therefore facilitate the smooth functioning of the internal market.*

Or. fr

*Justification*

*In accordance with the precautionary principle, the Member States must have the right to refuse the placing on the market, and thus the import, of GMOs. Consumer safety must take precedence over the interests of the agri-food industries.*

**Amendment 73**

**Elisabetta Gardini, Alberto Cirio**

**Council position**

**Recital 7**

*Council position*

(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.

*Amendment*

(7) In accordance with Article 2(2) TFEU, Member States *should* therefore *be* 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 *on their territory and in border areas of neighbouring Member States*. The grant of that possibility to Member



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 should therefore facilitate the smooth functioning of the internal market.

States should facilitate the decision-making process in the GMO field. 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 should therefore facilitate the smooth functioning of the internal market *by revising the rules governing food labelling.*

Or. it

#### **Amendment 74**

**Lynn Boylan**

on behalf of the GUE/NGL Group

#### **Council position**

##### **Recital 7**

##### *Council position*

(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

##### *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, 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.

Member States should facilitate the decision-making process in the GMO field. 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 should therefore facilitate the smooth functioning of the internal market *whilst always taking into account the precautionary principle.*

Or. en

**Amendment 75**  
**Younous Omarjee, Lynn Boylan**

**Council position**  
**Recital 7**

*Council position*

(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*

*Amendment*

(7) In accordance with Article 2(2) TFEU, Member States are therefore entitled to have a possibility 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, *absolute* flexibility to decide whether or not they wish to cultivate GMO crops on their territory 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 the border areas of neighbouring Member States. Notifiers/applicants must respect decisions by Member States to restrict or prohibit the cultivation of a GMO on their territory, and accordingly their notification/application for authorisation to cultivate must not relate to the*

*decision-making process in the GMO field. 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 should therefore facilitate the smooth functioning of the internal market.*

*territories of the Member States in question.*

Or. fr

**Amendment 76**  
**Julie Girling**

**Council position**  
**Recital 7 a (new)**

*Council position*

*Amendment*

*(7a) On the basis of the Environment Council conclusions adopted on 4 December 2008, the Commission should assess the need for the establishment of thresholds for labelling the adventitious presence of GMOs in conventional seeds at the lowest practicable, proportionate and functional levels for all economic operators. In addition, the Commission should assess the need for a harmonisation of sampling and analysis methods for non-authorized GMOs present at a low level in seed, in particular for the setting of a minimum performance limit for detection methods.*

Or. en

**Amendment 77**  
**Nicola Caputo**

**Council position**  
**Recital 7 a (new)**

*Council position*

*Amendment*

***(7a) Member States, in their capacity as risk managers, should be allowed to adopt measures restricting or prohibiting in all or part of their territory the cultivation of all GMOs, of groups of GMOs defined by crop or trait, or of a particular GMO authorised in accordance with Part C of Directive 2001/18/EC or Regulation (EC) No 1829/2003, or in the process of being authorised or re-authorised. Those measures should be in conformity with Union law and justified on grounds related to environmental or other legitimate factors such as socio-economic impacts, where those factors have not been addressed as part of the harmonised procedures provided for in Part C of Directive 2001/18/EC and Regulation (EC) No 1829/2003, or to persisting scientific uncertainty.***

Or. en

**Amendment 78**  
**Alojz Peterle**

**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 particular in products recognised under the Union quality schemes such as organic production, effective co-existence measures are needed. 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 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. The Commission Recommendation of 13 July 2010 provides guidance to Member States for the development of national co-existence measures, including in border areas.*

Or. en

#### *Justification*

*Despite the fact that a majority of European consumers reject genetically modified organisms (GMO in food (Eurobarometer, 2010) the risk of GMO contamination in the food chain (from production to consumption) is still not being properly addressed by the EU. The cost of keeping GMOs out of the food chain through segregation and prevention measures as well as the burden of costs for sampling and testing causes increasing financial problems for producers, processors and other stakeholders.*

#### **Amendment 79**

**Lynn Boylan**

on behalf of the GUE/NGL Group

#### **Council position**

**Recital 7 a (new)**

*Council position*

*Amendment*

*(7a) Member States should cooperate with neighbouring Member States in order to ensure appropriate information sharing, aiming to guarantee the effective functioning of co-existence measures in border areas and to prevent any cross-border dissemination from a Member State where the GMO cultivation is allowed into a neighbouring Member State in which is prohibited.*

Or. en

**Amendment 80**

**Elisabeth Köstinger, György Hölvényi, Giovanni La Via**

**Council position**

**Recital 7 a (new)**

*Council position*

*Amendment*

*(7a) To ensure that the cultivation of GMO does not result in the unintended presence of GMO in other products, effective co-existence measures are indispensable. Member States should therefore be entitled, under Directive 2001/18/EC, to adopt rules applicable to their territories to avoid such unintended presence. Particular attention should be paid to 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. For a coherent implementation of such rules, including in border areas, Member States should refer to the guidelines as provided by the Commission in its Recommendation of 13 July 2010<sup>1a</sup>.*

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

Or. en

**Amendment 81**

**Elisabetta Gardini, Alberto Cirio**

**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 needed , which must not, however, run counter to other measures authorised or encouraged subject to certain conditions in a Member State. 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 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. The Commission Recommendation of 13 July 2010 provides guidance to Member States for the development of national co-existence measures, including in border areas.<sup>1a</sup>***

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***<sup>1a</sup> 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).***

Or. it

**Amendment 82  
Younous Omarjee**

**Council position  
Recital 7 a (new)**

*Council position*

*Amendment*

***(7a) Where a notifier/applicant submits a request for authorisation to cultivate a***

***GMO on the territory of the European Union, its request should not relate to the territory of a Member State which has decided to restrict or prohibit the cultivation of GMOs on its territory. Non-compliance with this condition should result in the application by the notifier/applicant being automatically rejected by the Commission.***

Or. fr

**Amendment 83**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**

**Recital 7 a (new)**

*Council position*

*Amendment*

***(7a) The grant of flexibility to Member States should in no way influence the positioning 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.***

Or. en

*Justification*

*Based on amendment 9 of the draft recommendation. The Commission is always disclaiming that one of the main aims of the proposal would be to 'convince' GMO-critical Member States to vote in favour (or at least abstain) on GMO- authorisation decisions. This should therefore be made very clear in the Directive.*



**Amendment 84**  
**Alojz Peterle**

**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.***

Or. en

*Justification*

*Despite the fact that a majority of European consumers reject genetically modified organisms (GMO in food (Eurobarometer, 2010) the risk of GMO contamination in the food chain (from production to consumption) is still not being properly addressed by the EU. The cost of keeping GMOs out of the food chain through segregation and prevention measures as well as the burden of costs for sampling and testing causes increasing financial problems for producers, processors and other stakeholders.*

**Amendment 85**  
**Nicola Caputo**

**Council position**  
**Recital 8**

*Council position*

*Amendment*

***(8) During the authorisation procedure of a given GMO, the possibility should be***      ***deleted***

*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 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.*

Or. en

**Amendment 86**  
**Sirpa Pietikäinen**

**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 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.*

*deleted*

**Amendment 87**  
**Alojz Peterle**

**Council position**  
**Recital 8**

*Council position*

(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 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.***

*Amendment*

(8) During the authorisation procedure of a given GMO, the possibility should be provided for a Member State to request the Commission to adjust the geographical scope of ***a*** notification/application submitted in accordance with Part C of Directive 2001/18/EC or in accordance with Articles 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.

Or. en

*Justification*

*EU food law defines 179/2002 common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety. This foresees close cooperation between EFSA as lead for risk assessment, Commission and Member States. Applicants/notifier should not be given a formal role at the risk management stage. This directive and regulation 1829/2003 defines the role of notifiers/ applicants in full implementation of the EU food law.*

**Amendment 88**  
**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position**  
**Recital 8**

*Council position*

(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 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.***

*Amendment*

(8) During the authorisation procedure of a given GMO, ***a Member State may notify the Commission of its intention not to allow the cultivation of the given GMO in all or part of its territory. In this case the notifier/applicant has the possibility to request the Commission or the authorizing body 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 5 and 17 of Regulation (EC) No 1829/2003 accordingly. The Commission should inform the concerned Member State and the other Member States about the request of the notifier/applicant without delay.***

Or. en

**Amendment 89**  
**Younous Omarjee**

**Council position**  
**Recital 8**

*Council position*

(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 5 and 17 of Regulation (EC) No 1829/2003 to the effect that all or part of the territory of that Member State be***

*Amendment*

(8) ***Ahead of*** the authorisation procedure of a given GMO, the notifier/applicant ***should always request authorisation from the 28 Member States before including their territory within the scope of its application. Without the explicit approval of a Member State, the application by the notifier/applicant should not relate to the territory of that Member State.***

*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.*

Or. fr

#### **Amendment 90**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

#### **Council position**

##### **Recital 8**

##### *Council position*

(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 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.*

##### *Amendment*

(8) During the authorisation procedure of a given GMO, a Member State may notify the Commission its intention not to allow the cultivation of the given GMO in all or part of its territory. In this case the notifier/applicant has the possibility to request the Commission or the authorizing body to adjust accordingly the geographical scope of its notification/application submitted in accordance with Part C of Directive 2001/18/EC or in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003. The Commission *should inform about the request of the notifier/applicant the concerned Member State and to the other Member States without delay.*

Or. en

#### **Amendment 91**

**Bart Staes**

on behalf of the Verts/ALE Group

**Lynn Boylan**

on behalf of the GUE/NGL Group

**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 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.*

*deleted*

Or. en

*Justification*

*Amendment related to the deletion of "phase 1".*

**Amendment 92**

**Nicola Caputo**

**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*

*deleted*

*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').*

Or. en

**Amendment 93**  
**Sirpa Pietikäinen**

**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*

*deleted*

*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').*

Or. en

#### **Amendment 94**

**Bart Staes**

on behalf of the Verts/ALE Group

**Lynn Boylan**

on behalf of the GUE/NGL Group

#### **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*



*Justification*

*Amendment related to the deletion of "phase 1".*

**Amendment 95**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position****Recital 9***Council position*

(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').

*Amendment*

(9) The geographical scope of the notification/application should be adjusted accordingly if the *Commission or the authorizing body does not reject the notifier/applicant's* request within an established time-limit from *its* communication. *If the Commission or the authorizing body rejects the request, it* should notify *its decision to the* notifier/applicant, *the concerned Member State as well as the others Member States. The Commission retains its* 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').

**Amendment 96**

**Younous Omarjee, Lynn Boylan**

**Council position****Recital 9**

*Council position*

**(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').**

*Amendment*

**(9) The notifier/applicant should comply with the sovereign decisions of the Member States and should not therefore submit any application relating to the territory of Member States which have decided, explicitly or tacitly, to restrict or prohibit GMOs on their territory. The geographical scope of the notification/application should therefore be limited to the territories of Member States which have explicitly and publicly given their consent to the cultivation of GMOs on their territory. Any pressure exerted on a Member State should be prohibited and should be subject to appropriate financial penalties.**

Or. fr

**Amendment 97  
Gilles Pargneaux**

**Council position  
Recital 9 a (new)**

*Council position*

**(9a) Restrictions on or prohibitions of cultivation of GMOs by Member States should not prevent biotechnology research from being carried out provided that, in carrying out such research, all necessary safety measures are observed.**

*Amendment*

Or. fr

**Amendment 98**  
**Renate Sommer**

**Council position**  
**Recital 10**

*Council position*

(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.

*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 **and** co-existence. These 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.

Or. de

**Amendment 99**  
**Christofer Fjellner**

**Council position**  
**Recital 10**

*Council position*

(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.***

*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 ***strict scientific*** 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.

Or. en

**Amendment 100**  
**Julie Girling**

**Council position**  
**Recital 10**

*Council position*

(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

*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.

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 ***which already provide for procedures which take into account the risks that cultivation of a particular GMO may pose to public health and the environment***, 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.

Or. en

## **Amendment 101**

### **Alojz Peterle**

#### **Council position**

##### **Recital 10**

###### *Council position*

(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

###### *Amendment*

(10) ***There should always 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***

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.

*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.

Or. en

### *Justification*

*EU food law Regulation (178/2002) defines common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety. This foresees close cooperation between EFSA as lead for risk assessment, Commission and Member States. Applicants/notifiers should not be given a formal role at the risk management stage.*

## **Amendment 102** **Nicola Caputo**

### **Council position** **Recital 10**

#### *Council position*

(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*

#### *Amendment*

(10) *Member States, acting as risk managers, should be authorised/granted the possibility/allowed to adopt measures restricting or prohibiting the cultivation of a GMO or of groups of GMOs or of all GMOs in all or part of their territory, on the basis of grounds related to environmental impacts or other legitimate factors such as socio-economic impacts, where those factors have not been properly addressed as part of the harmonised procedures provided for in Part C of Directive 2001/18/EC and*

*(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.*

*Regulation (EC) No 1829/2003, or to persisting scientific uncertainty. Those measures should be in conformity with Union law.*

Or. en

### **Amendment 103**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

#### **Council position**

##### **Recital 10**

###### *Council position*

(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

###### *Amendment*

(10) Where the notifier/applicant *chooses not to exploit the possibility to request the restriction of the geographical scope of a given GMO, the concerned* Member State *should send to the Commission the* reasoned measures restricting or prohibiting the cultivation of that GMO in all or part of its territory, on the basis of grounds *listed in Article 26b paragraph 3 of this* Directive 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.

on the particular circumstances of the Member State, region or area in which those measures will apply.

Or. en

## **Amendment 104** **Sirpa Pietikäinen**

### **Council position** **Recital 10**

#### *Council position*

(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.

#### *Amendment*

(10) In addition, there should be the possibility for that Member State to ***act as risk manager and*** adopt reasoned measures restricting or prohibiting the cultivation of ***a GMO, or 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***, 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 ***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.

Or. en



**Amendment 105**  
**Paul Brannen**

**Council position**  
**Recital 10**

*Council position*

(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.

*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 ***based on empirical evidence***, 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.

Or. en

*Justification*

*Consequence of amendment to Article 26 b paragraph 3.*

**Amendment 106**  
**Valentinas Mazuronis**

**Council position**  
**Recital 10**

*Council position*

(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.***

*Amendment*

(10) ***Without prejudice to the possibility provided for a Member State to request the adjustment of the geographical scope of a notification/application, there should always be the possibility for a Member State to 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 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.***

Or. en

**Amendment 107**  
**Elisabetta Gardini, Alberto Cirio**

**Council position**  
**Recital 10**

*Council position*

(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***

*Amendment*

(10) ***Without prejudice to the possibility of a Member State requesting adjustment of the geographical scope of a notification/application, a Member State should always have the possibility of***

*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.

*acting as risk manager and adopting* reasoned 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, 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* grounds such as *the socio-economic consequences, if these factors are not covered under the harmonized procedure set out in Part C of Directive 2001/18/EC, or the persistence of scientific uncertainty. These measures should be duly justified on the basis of scientific reasons or reasons relating to factors of health, economic, social and ethics that might arise from the deliberate release or 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.

Or. it

**Amendment 108**  
**Younous Omarjee**

**Council position**  
**Recital 10**

*Council position*

(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

*Amendment*

(10) A Member State should *have* the possibility to adopt measures restricting or prohibiting the cultivation of *a* GMO once authorised in all or part of its territory. *Such measures, which should be at the full discretion of the Member States*, may be *based on* environmental or agricultural policy objectives, or *any* other compelling

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.*

grounds such as town and country planning, land use, socio-economic impacts, co-existence and public policy.

Or. fr

#### **Amendment 109**

**Bart Staes**

on behalf of the Verts/ALE Group

**Lynn Boylan**

on behalf of the GUE/NGL Group

#### **Council position**

##### **Recital 10**

###### *Council position*

(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*

###### *Amendment*

(10) *Member States should always have the possibility to act as risk manager, and adopt reasoned measures restricting or prohibiting the cultivation of a GMO, groups of GMOs defined by crop or trait or of all GMOs in all or part of their territory, on the basis of grounds related to environmental or agricultural policy objectives, or other legitimate factors which might arise from the deliberate release or the placing on the market of GMOs, such as socio-economic impacts, co-existence or persisting scientific uncertainty. Those grounds may be*

*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.*

invoked individually or in combination.

Or. en

#### *Justification*

*Based on amendment 11 of the draft recommendation, but deleting the reference to "phase 1" and strengthening the examples given. In its draft proposal, even the Commission had allowed governments to ban particular or all GMOs. The Council did not follow the Commission nor the 1<sup>st</sup> reading position of the Parliament.*

**Amendment 110**  
**Luke Ming Flanagan, João Ferreira**

**Council position**  
**Recital 10 a (new)**

*Council position*

*Amendment*

*(10a) Bearing in mind that the most recent study addressing and analysing the impact on human health and safety of using these products dates from 2001 and that the latest studies of their socioeconomic impact and effects on animal health date from 2011/2012, further studies of the impact of these products on human and animal health should be encouraged and supported;*

Or. pt

**Amendment 111**  
**Nicola Caputo**

**Council position**  
**Recital 11**

*Council position*

(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 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*.

*Amendment*

(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 *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 *impacts* 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.

Or. en

**Amendment 112**  
**Elisabetta Gardini, Alberto Cirio**

**Council position**  
**Recital 11**

*Council position*

(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 Union* and this *Directive* should *not alter*

*Amendment*

(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 *principle* should *be maintained*. Therefore,

*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*.

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 *in line with* environmental policy objectives which **complement** 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.

Or. it

### **Amendment 113** **Younous Omarjee**

#### **Council position** **Recital 11**

##### *Council position*

(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 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

##### *Amendment*

(11) **The European Union must guarantee a high** level of protection of human or animal health and of the environment **by means of a serious, uniform, genuinely independent, high-quality** scientific assessment throughout the 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 **complement** the assessment of risks to health and the environment which are assessed in the context of the authorisation procedures

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.

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.

Or. fr

#### **Amendment 114**

**Bart Staes**

on behalf of the Verts/ALE Group

#### **Council position**

**Recital 11 a (new)**

*Council position*

*Amendment*

*(11a) Member States should also be allowed to base such measures on grounds relating to socio-economic impacts. These may include grounds such as the impracticability or the high costs of coexistence measures or the impossibility of implementing coexistence measures due to specific geographical conditions such as small islands or mountain zones; the need to protect the diversity of agricultural production; or the need to ensure seed purity.*

Or. en

#### *Justification*

*Based on AM 14 by the Rapporteur; adds introductory sentence.*

#### **Amendment 115**

**Nicola Caputo**

#### **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 a GMO or of groups of GMOs defined by crop or trait or of all 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 ecosystem, or certain types of natural and landscape features; the absence or 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 biodiversity.***

Or. en

**Amendment 116**

**Elisabetta Gardini, Alberto Cirio**

**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 and respect for traditional***

*agricultural methods, or on grounds relating to risk management. 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; the absence or 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.*

Or. it

**Amendment 117**  
**Nicola Caputo**

**Council position**  
**Recital 11 b (new)**

*Council position*

*Amendment*

*(11b) The grounds relating to socio-economic impacts may include the impracticability or the high costs of coexistence measures or the impossibility of implementing coexistence measures due to specific geographical conditions.*

Or. en

**Amendment 118**  
**Elisabetta Gardini, Alberto Cirio**

**Council position**  
**Recital 11 b (new)**

*Council position*

*Amendment*

*(11b) The grounds relating to socio-economic impacts may include the impracticability or the high costs of coexistence measures or the impossibility of implementing coexistence measures due to specific geographical conditions such as those characterising small islands or mountain zones, the need to protect the diversity of agricultural production or the need to ensure seed purity, the availability of plant propagation materials, as well as the preservation of conventional and organic farming methods.*

Or. it

**Amendment 119**  
**Nicola Caputo**

**Council position**  
**Recital 11 c (new)**

*Council position*

*Amendment*

*(11c) 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.*

Or. en

## Amendment 120

Elisabetta Gardini, Alberto Cirio, Giovanni La Via

### Council position

#### Recital 11 c (new)

*Council position*

*Amendment*

***(11c) Member States should be allowed to base measures restricting or prohibiting the cultivation of GMOs also on other grounds that may include land use, town and country planning, or other legitimate factors including those relating to cultural traditions.***

Or. it

## Amendment 121

Younous Omarjee

### 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<sup>1</sup>, 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 need to avoid GMO

(12) Member States should also be able to base ***their*** decisions ***to restrict or prohibit the cultivation of GMOs on their territory*** on grounds concerning socio-economic impacts which might arise from the cultivation of a GMO on the territory of the Member State concerned. Those grounds may be related ***inter alia*** to the impracticability or the impossibility of implementing co-existence measures due to specific geographical conditions, the 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

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.

Organisms, reported to the European Parliament and the Council on socio-economic implications of GMO cultivation. The outcome of this report may provide valuable information for Member States considering taking decisions on the basis of this Directive.

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<sup>1</sup> ***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).***

Or. fr

## **Amendment 122**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

### **Council position**

#### **Recital 12**

##### *Council position*

(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<sup>1</sup>, there should also be the possibility for Member States to adopt measures restricting or prohibiting***

##### *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. Those grounds may be related to ***the need or willingness*** 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

***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 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.

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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***<sup>1</sup> 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).***

Or. en

### **Amendment 123**

**Lynn Boylan**

on behalf of the GUE/NGL Group

### **Council position**

**Recital 12 a (new)**

*Council position*

*Amendment*

***(12a) 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***

**Amendment 124**  
**Lorenzo Fontana**

**Council position**  
**Recital 13**

*Council position*

(13) The restrictions or the prohibitions adopted pursuant to this Directive should refer to the cultivation, and ***not to*** the free circulation and import, of genetically modified seeds and plant propagating material as, or in, products and of the products of their harvest, ***and should furthermore be in conformity with the Treaties, in particular as regards the principle of non- discrimination between national and non- national products, the principle of proportionality and Article 34, Article 36 and Article 216(2) TFEU.***

*Amendment*

(13) The restrictions or the prohibitions adopted pursuant to this Directive should refer to the cultivation and ***may, at the discretion of the Member State, include*** the free circulation and import, of genetically modified seeds and plant propagating material as, or in, products and of the products of their harvest.

**Amendment 125**  
**Sylvie Goddyn, Mireille D'Ornano, Jean-François Jalkh**

**Council position**  
**Recital 13**

*Council position*

(13) The restrictions or the prohibitions adopted pursuant to this Directive should refer to the cultivation, ***and not to the free*** circulation and import, of genetically modified seeds and plant propagating material as, or in, products and of the

*Amendment*

(13) The restrictions or the prohibitions adopted pursuant to this Directive should refer to the cultivation, circulation and import of genetically modified seeds and plant propagating material as, or in, products and of the products of their

products of their harvest, and should furthermore be in conformity with the Treaties, in particular as regards *the principle of non- discrimination between national and non- national products*, the principle of proportionality and Article 34, Article 36 and Article 216(2) TFEU.

harvest, and should furthermore be in conformity with the Treaties, in particular as regards the principle of proportionality and Article 34, Article 36 and Article 216(2) TFEU.

Or. fr

### *Justification*

*In accordance with the precautionary principle, the Member States must have the right to refuse the placing on the market, and thus the import, of GMOs. Consumer safety must take precedence over the interests of the agri-food industries.*

### **Amendment 126**

**Younous Omarjee, Lynn Boylan**

#### **Council position**

##### **Recital 13**

#### *Council position*

(13) The restrictions or the prohibitions adopted *pursuant to this Directive* should refer to the cultivation, *and not to the* free circulation and import, of genetically modified seeds and plant propagating material as, or in, products and of the products of their harvest, and should *furthermore* be in conformity with the Treaties, in particular as regards the principle of non- discrimination between national and non- national products, the principle of proportionality and Article 34, Article 36 and Article 216(2) TFEU.

#### *Amendment*

(13) The restrictions or the prohibitions adopted should refer to the cultivation, free circulation and import of genetically modified seeds and plant propagating material as, or in, products and of the products of their harvest, and should be in conformity with the Treaties, in particular as regards the principle of non- discrimination between national and non- national products, the principle of proportionality and Article 34, Article 36 and Article 216(2) TFEU.

Or. fr

### **Amendment 127**

**Nicola Caputo**



**Council position**  
**Recital 14**

*Council position*

(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<sup>1</sup>. 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 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.

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<sup>1</sup> 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*

(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<sup>1</sup>. 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 as from the date of entry into force of the Union 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.

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<sup>1</sup> 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.).

Or. en

**Amendment 128**  
**Elisabetta Gardini, Alberto Cirio**

**Council position**  
**Recital 14**

*Council position*

(14) Member States' measures adopted pursuant to this Directive should be subject

*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<sup>1</sup>. 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 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.

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<sup>1</sup> 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.).

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<sup>1</sup>. Member States may restrict or prohibit the cultivation of a GMO in all or part of their territory *prior to* the date of entry into force of the Union 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 must therefore communicate to the Commission the measures proposed at least 75 days before consent is given, so as to give the Commission an opportunity to comment, and during this period should refrain from implementing and adopting these measures. Upon expiry of the standstill period, then such Member State should take measures such as originally proposed or as modified to take into account the comments of the Commission.*

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<sup>1</sup> 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.).

Or. it

**Amendment 129**  
**Younous Omarjee**

**Council position**  
**Recital 14**

*Council position*

(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<sup>1</sup>. 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 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.***

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<sup>1</sup> 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*

(14) Member States' measures adopted pursuant to this Directive should be subject to **an** information ***procedure*** at Union level ***in accordance with*** Directive 98/34/EC of the European Parliament and of the Council<sup>1</sup>. Member States may restrict or prohibit the cultivation of a GMO in all or part of their territory ***without any constraint as to time or duration.***

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<sup>1</sup> 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.).

Or. fr

**Amendment 130**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**

**Recital 14**

*Council position*

(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

*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<sup>1</sup>. 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 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.***

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<sup>1</sup> 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.).

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<sup>1</sup>. Member States may restrict or prohibit the cultivation of ***all, a group of, or a specific*** GMO in all or part of their territory as from the date of entry into force of the Union authorisation and ***for the whole duration of*** the consent/authorisation.

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<sup>1</sup> 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.).

Or. en

#### *Justification*

*Compatible with AM 17 of the draft recommendation. In its draft proposal, even the Commission had allowed governments to ban particular or all GMOs. The Council did not follow the Commission nor the 1<sup>st</sup> reading position of the Parliament.*

#### **Amendment 131** **Biljana Borzan**

#### **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.*

Or. en

**Amendment 132**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**

**Recital 15**

*Council position*

(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.

*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. ***Moreover, the European Food Safety 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.***

Or. en

### *Justification*

*Text taken from EP 1st rd position, to be seen as an addition to amendment 18 of the draft recommendation. Research cooperation is a precondition for a decent risk assessment.*

#### **Amendment 133** **Younous Omarjee**

##### **Council position** **Recital 15**

###### *Council position*

(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.

###### *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 ***relating to human and animal health and environmental protection*** are observed.

Or. fr

#### **Amendment 134** **Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

##### **Council position** **Recital 15**

###### *Council position*

(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.

###### *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 ***and that the activity does not undermine the respect of the grounds upon which the ban has been introduced.***

**Amendment 135**  
**Elisabetta Gardini, Alberto Cirio**

**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 make use of accredited public and private research institutions so as to guarantee constant information and regular publication of the results of research regarding the risk or evidence of any accidental presence, contamination or danger to the environment or human health of GMOs.***

Or. it

**Amendment 136**  
**Julie Girling**

**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

(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 *five* 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.

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.

Or. en

**Amendment 137**  
**Paul Brannen**

**Council position**  
**Recital 16**

*Council position*

(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

*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 *five* 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.

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.

Or. en

### *Justification*

*Consequence of proposed amendment to Article 26 b paragraph 5.*

## **Amendment 138**

**Jan Huitema**

### **Council position**

#### **Recital 16**

#### *Council position*

(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

#### *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 **publicly** communicate a draft of those **reasoned** 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

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.

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.

Or. en

**Amendment 139**  
**Younous Omarjee**

**Council position**  
**Recital 16**

*Council position*

***(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***

*Amendment*

***(16) A Member State should be able at any time to review its decision and adjust the geographical scope of the consent/authorisation of a GMO and adopt measures to restrict or prohibit the cultivation of the GMO.***

**Amendment 140**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position**

**Recital 16**

*Council position*

(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.

*Amendment*

(16) When *deemed appropriate*, and in any case *not* earlier than two years, after the date when the consent/authorisation is granted *to a GMO*, a Member State should be *able* to adopt measures restricting or prohibiting the cultivation of that GMO *on all or part of its territory. Such measures should be notified* to the Commission at least 75 days prior to their adoption, in order to give the opportunity to the Commission to *send a non-binding comment. The Member State concerned* 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 *in the event it would be deemed appropriate by the Member State concerned* to take into account the Commission's comments. *In the event that the 75 days overlap in full or in part with the sowing season of the species to which the approved GMO belongs, the Member State should be authorized to implement the ban.*

**Amendment 141**

**Biljana Borzan**

**Council position**  
**Recital 16 a (new)**

*Council position*

*Amendment*

***(16a) 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.***

Or. en

**Amendment 142**  
**Younous Omarjee**

**Council position**  
**Recital 17**

*Council position*

*Amendment*

(17) A Member State ***should*** be able to request the competent authority or the Commission to reintegrate all or part of its territory into the geographical scope of the consent/authorisation from which it was previously excluded. In that case, ***there should be no need to forward the request to the consent/authorisation holder and ask for his agreement.*** The competent authority which has issued the written consent or the Commission under Directive 2001/18/EC or Regulation (EC) No 1829/2003 respectively, should amend the geographical scope of the consent or of the decision of authorisation accordingly.

(17) A Member State ***must also*** be able to request the competent authority or the Commission to reintegrate all or part of its territory into the geographical scope of the consent/authorisation from which it was previously excluded. In that case, the competent authority which has issued the written consent or the Commission under Directive 2001/18/EC or Regulation (EC) No 1829/2003 respectively, should amend the geographical scope of the consent or of the decision of authorisation accordingly.

Or. fr

**Amendment 143**

**Bart Staes**

on behalf of the Verts/ALE Group

**Lynn Boylan**

on behalf of the GUE/NGL Group

**Council position**

**Recital 17**

*Council position*

*Amendment*

*(17) A Member State should be able to request the competent authority or the Commission to reintegrate all or part of its territory into the geographical scope of the consent/authorisation from which it was previously excluded. In that case, there should be no need to forward the request to the consent/authorisation holder and ask for his agreement. The competent authority which has issued the written consent or the Commission under Directive 2001/18/EC or Regulation (EC) No 1829/2003 respectively, should amend the geographical scope of the consent or of the decision of authorisation accordingly.*

*deleted*

Or. en

*Justification*

*Amendment related to the deletion of "phase 1".*

**Amendment 144**

**Lynn Boylan**

on behalf of the GUE/NGL Group

**Council position**

**Recital 18**

*Council position*

*Amendment*

(18) Written consents or decisions of

(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.

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 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.

Or. en

## **Amendment 145**

**Bart Staes**

on behalf of the Verts/ALE Group

### **Council position**

#### **Recital 18**

##### *Council position*

(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***

##### *Amendment*

(18) 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.

*not prevent the cultivation of varieties complying with these requirements.*

Or. en

*Justification*

*Amendment related to the deletion of "phase 1".*

**Amendment 146**  
**Younous Omarjee**

**Council position**  
**Recital 18 a (new)**

*Council position*

*Amendment*

*(18a) To ensure that the cultivation of GMOs does not result in the unintended presence of GMOs in other products and other crops, effective co-existence measures are needed. 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 any possible cross-border contamination from a Member State or a region where GMO cultivation is allowed into a neighbouring Member State or region where it is prohibited. The Commission Recommendation of 13 July 2010 provides guidance to Member States for the development of national co-existence measures, including in border areas.<sup>1a</sup>*

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*<sup>1a</sup> 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 147**

**Jean-François Jalkh, Sylvie Goddyn, Mireille D'Ornano**

**Council position**

**Recital 20**

*Council position*

(20) This Directive *is without prejudice to* Member States' obligations as regards the free movement of conventional seeds, plant propagating material and of the product of the harvest *pursuant to relevant Union law and in accordance with the TFEU*.

*Amendment*

(20) This Directive *should not be regarded as endorsing* Member States' obligations as regards the free movement of conventional seeds, plant propagating material and of the product of the harvest, *and opens up new prospects concerning the applicable EU law with regard to state sovereignty*.

Or. fr

*Justification*

*The directive should not be regarded as a minor concession to national sovereignty, but as an important precedent for the principle of subsidiarity, which is correctly understood as defining that the powers of the Union begin where those of the nation state end.*

**Amendment 148**

**Younous Omarjee, Lynn Boylan**

**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 149**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position**

**Recital 21 a (new)**

*Council position*

*Amendment*

***(21a) The Commission, in accordance with Article 207 TFEU, will continue to ensure the defence of any complaint against measures adopted by a Member State in this area before WTO dispute settlement bodies.***

Or. en

*Justification*

*As the new articles allow MSs to adopt national ban on GMOs cultivation based on grounds different from environmental and public health reasons there is a clear risk that such restricting measures could be challenged before the dispute panel of the WTO. Should such an event occur, we need to ensure that the defending line be the same across the Union and that Member State are not left alone in settling possible international disputes. The text proposed is a copy/paste with what has been written in the Commission Staff Working paper of 29/04/2011 sent to the European Council on 05/05/2011.*

**Amendment 150**

**Gilles Pargneaux**

**Council position**

**Recital 21 a (new)**

*Council position*

*Amendment*

***(21a) Neighbouring Member States should cooperate to ensure appropriate exchange of information with a view to guaranteeing the effective operation of coexistence measures in border areas and avoiding the cross-border spread of a GMO from a Member State where its***

*cultivation is authorised to a neighbouring Member State where it is prohibited.*

Or. fr

*Justification*

*The proposed amendment to Directive 2001/18/EC should step up its emphasis on coexistence at borders, which is still not given sufficient consideration.*

**Amendment 151**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position**

**Recital 21 b (new)**

*Council position*

*Amendment*

*(21b) 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<sup>1a</sup>.*

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*<sup>1a</sup> 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.).*

Or. en

**Amendment 152**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position**

**Recital 21 b (new)**

*Council position*

*Amendment*

*The Commission, in accordance with Article 207 TFEU, will continue to ensure*

*the defence of any complaint against measures adopted by a Member State in this area before WTO dispute settlement bodies.*

Or. en

*Justification*

*As the new articles allow MSs to adopt national ban on GMOs cultivation based on grounds different from environmental and public health reasons there is a clear risk that such restricting measures could be challenged before the dispute panel of the WTO. Should such an event occur, we need to ensure that the defending line be the same across the Union and that Member State aren't left alone in settling possible international disputes. The text proposed is a copy/paste with what has been written in the Commission Staff Working paper of 29/04/2011 sent to the European Council on 05/05/2011.*

**Amendment 153**  
**Younous Omarjee**

**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*

Or. fr

**Amendment 154**  
**Bart Staes**  
on behalf of the Verts/ALE Group

**Council position**  
**Recital 23**

*Council position*

*Amendment*

(23) Directive 2001/18/EC should be

(23) Directive 2001/18/EC *and Regulation*

amended accordingly,

(EU) No 1829/2003<sup>1a</sup> should be amended accordingly,

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***<sup>1a</sup> Regulation No 1829/2003 (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.).***

Or. en

#### *Justification*

*There is a need to address deficits in the authorisation procedure not only in this Directive, but also in Regulation 1829/2003, as GMOs can also be authorised for cultivation in accordance with Regulation 1829/2003.*

#### **Amendment 155** **Younous Omarjee**

##### **Council position**

**Article 1 – paragraph 1 – point -1 (new)**

Directive 2001/18/EC

Article -1 (new)

##### *Council position*

***In Directive 2001/18/EC, the following Articles are inserted:***

##### *Amendment*

***(-1) Directive 2001/18/EC is amended as follows:***

***‘Article -1***

***The cultivation and marketing of genetically modified organisms (GMOs) shall be prohibited throughout the territory of the European Union.’***

Or. fr

#### **Amendment 156**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**

**Article 1 – paragraph 1 – introductory part**

*Council position*

*In Directive 2001/18/EC, the following Articles are inserted:*

*Amendment*

Directive 2001/18/EC is **amended as follows:**

Or. en

**Amendment 157**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**

**Article 1 – paragraph 1 – point - 1 (new)**

Directive 2001/18/EC

Article 22

*Council position*

*Amendment*

**(- 1) Article 22 is replaced by the following:**

'Article 22

Free circulation

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.'

Or. en

*Justification*

*Amendment already included in the European Parliament's 1st reading report. There is the need to include into Article 22 a reference to the new possibility for Member States the possibility to restrict or prohibit the cultivation of GMOs on their territory, otherwise there would be conflicting Articles within Directive 2001/18.*

**Amendment 158**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**

**Article 1 – paragraph 1 – point -1a (new)**

Directive 2001/18/EC

Article 25

*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.'***

Or. en

*Justification*

*Amendment already included in the European Parliament's 1st reading report. The measures described in this Directive are inherently linked to a thorough risk assessment.*

**Amendment 159**

**Bart Staes**

on behalf of the Verts/ALE Group

**Council position**

**Article 1 – paragraph 1 – point -1 b**

Directive 2001/18/EC

Article 7 – paragraph 3, Article 18 – paragraph 1 Article 23 – paragraph 2 and Article 30 – paragraph 2

*Council position*

*Amendment*

***(-1b) In Articles 7(3), 18(1) and 23(2), the reference to Article 30(2) is replaced by a reference to Article 30(3). In Article 30(3), the following words are added:***

***'However, by way of derogation from paragraphs 3 and 4 of Article 5a, a draft measure authorising a GMO shall not be adopted if the Council has not given a positive opinion.'***

Or. en

*Justification*

*Mr Juncker made very clear that he wishes to democratize the decision-making process regarding GMO-authorisations as a matter of urgency. The current proposal offers the opportunity to address the issue right away. For the time period until legislation on GMOs is aligned to the Treaty, replacing the reference to the regulatory procedure by a reference to the regulatory procedure with scrutiny offers a quick solution, if complemented by a provision democratizing the procedure.*

**Amendment 160**

**Nicola Caputo**

**Council position**

**Article 1 – paragraph 1 – point -1 (new)**

Directive 2001/18/EC

Article 26 a – paragraph 1

*Present text*

Member States *may* take appropriate measures to avoid the unintended presence of GMOs in other products

*Amendment*

***(-1) Article 26a (1) is replaced by the following:***

***'Member States shall take appropriate and binding measures to avoid the unintended presence of GMOs in other products on their territory and in border areas of neighbouring Member States.'***

Or. en

**Amendment 161**

**Julie Girling, Jadwiga Wiśniewska, Bolesław G. Piecha**

**Council position**

**Article 1 – paragraph 1 – point -1 (new)**

Directive 2001/18/EC  
Article 26a – paragraph 1

*Present text*

1. Member States may take appropriate measures to avoid the unintended presence of GMOs in other products

*Amendment*

***(-1) Article 26a (1) is replaced by the following:***

'1. Member States may take appropriate measures to avoid the unintended presence of GMOs in other products. ***At the request of a neighbouring Member State, they shall take appropriate measures to avoid the unintended presence of GMOs in border areas of that Member State.***'

Or. en

**Amendment 162**  
**Benedek Jávor, Jo Leinen, Marijana Petir**

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

*Present text*

1. Member States ***may*** take appropriate measures to avoid the unintended presence of GMOs in other products

*Amendment*

***(-1) Article 26 a (1) is replaced by the following:***

1. Member States ***shall*** take appropriate measures to avoid the unintended presence of GMOs in other products ***on their territory and in the border areas of neighbouring Member States. In order to avoid conflicting measures of neighbouring countries, the Commission shall elaborate minimum Union-level requirements on preventing cross-border contaminations.***

Or. en



### *Justification*

*Based on amendment 21 of the draft recommendation. Recent developments show that there is a need for stronger control and prevention of possible GMO contamination across the EU (see example below). For a legally sound, consistent and transparent system, measures only at member state level will not suffice, as different measures may be valid at the two sides of a border. Therefore, specific attention should be paid to any possible cross-border contamination by means of setting minimum EU-level requirements to complement the protection at MS level. The EFSA recently declared oilseed rape MON88302 to be safe to the environment in its scientific opinion published in June 2014, even though there is a risk of an uncontrolled spread during transportation of the material. Since the EFSA released its opinion, experts warned that these plants may cause cross-border economic or environmental damage, and that it may be too late for counter-measures if it becomes impossible to withdraw them from the environment.*

### **Amendment 163**

**György Hölvényi, Elisabeth Köstinger**

#### **Council position**

**Article 1 – paragraph 1 – point -1 (new)**

Directive 2001/18/EC

Article 26a– paragraph 1

#### *Present text*

1. Member States *may* take appropriate measures to avoid the unintended presence of GMOs in other products

#### *Amendment*

***(-1) Article 26a((1) is replaced by the following:***

1. Member States ***shall*** take appropriate measures to avoid the unintended presence of GMOs in other products ***on their territory and in the border areas of neighbouring Member States.***

Or. en

### *Justification*

*In order to fully guarantee the choice of a Member State to remain GMO-free, and also to protect the interests of farmers working in conventional or organic farming, it is not sufficient to only encourage Member States for the avoidance of unintended presence of GMOs in other products. Such measures should be compulsory throughout the Union in order to have an effective protection with special regards to cross-border areas.*

## Amendment 164

Angélique Delahaye, Françoise Grossetête, Michel Dantin,

### Council position

#### Article 1 – paragraph 1 – point -1 (new)

Directive 2001/18/EC

Article 26a– paragraph 1

#### *Present text*

1. Member States *may* take appropriate measures to avoid the unintended presence of GMOs in other products.

#### *Amendment*

***(-1) Article 26a(1) shall be replaced by the following:***

***"1. Member States in which a GMO may be cultivated in accordance with the authorisation issued pursuant to Article 26b shall take all appropriate measures to avoid the unintended presence of GMOs in other products in the border areas of neighbouring Member States."***

Or. fr

#### *Justification*

*Member States which authorise GMO cultivation must take the measures necessary to avoid cross-border contamination.*

## Amendment 165

Susanne Melior

### Council position

#### Article 1 – paragraph 1 – point -1 (new)

Directive 2001/18/CE

Article 26 a – paragraph 1

#### *Present text*

1. Member States *may* take appropriate measures to avoid the unintended presence of GMOs in other products.

#### *Amendment*

***(-1) Article 26a(1) is replaced by the following:***

***'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. In border areas of neighbouring Member States,***

***uniform provisions concerning planting distances shall apply throughout the EU.'***

Or. de

*Justification*

*The possible cultivation of GMOs should not result in additional costs for farmers working in conventional or organic farming. It should thus be compulsory for Member States to take measures to avoid the presence of GMOs in other products. Specific attention should be paid to any possible cross-border contamination. In border areas, it is particularly important that national measures on coexistence should be coordinated, tailored to one another and comparable.*

**Amendment 166**  
**Gilles Pargneaux**

**Council position**

**Article 1 – paragraph 1 – point -1 (new)**

Directive 2001/18/CE

Article 26 a – paragraph 1

*Council position*

*Amendment*

***(-1) In Article 26a(1) the following subparagraph is added:***

***'Member States in which a GMO may be cultivated in accordance with the written consent issued under this Directive and, where applicable, with 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 take all appropriate measures to avoid the unintended presence of GMOs in other products on their territory and in the border areas of neighbouring Member States. They shall inform the Commission of the measures in question.'***

Or. fr

*Justification*

*The possible cultivation of GMOs should not result in additional costs for farmers working in conventional or organic farming. Member States in which a GMO may be cultivated should consequently be forced to take the necessary measures to avoid the presence of GMOs in other products. Specific attention should be paid to any possible cross-border contamination.*

**Amendment 167**  
**Gilles Pargneaux**

**Council position**  
**Article 1 – paragraph 1**  
Directive 2001/18/CE  
Article 26 b – paragraph -1 (new)

*Council position*

*Amendment*

***-1. At the beginning of the authorisation procedure for a given GMO or during the renewal of an authorisation, the notifier/applicant shall list the Member States or parts of Member States to which the notification/application for authorisation relates.***

Or. fr

*Justification*

*The geographical scope of requests for authorisation should be clearly set out in the file submitted by the applicant.*

**Amendment 168**  
**Nicola Caputo**

**Council position**  
**Article 1 – paragraph 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***      ***deleted***

*may request, via the Commission, the notifier/applicant to adjust 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.*

Or. en

**Amendment 169**  
**Sirpa Pietikäinen**

**Council position**

**Article 1 – paragraph 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 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*

*deleted*

*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.*

Or. en

**Amendment 170**  
**Alojz Peterle**

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

*Council position*

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 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

*Amendment*

1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State may request, to adjust the geographical scope of the *written consent or authorisation* to the 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.

States without delay.

Or. en

### *Justification*

*EU food law defines Regulation (EC) No 178/2002 common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety. This foresees close cooperation between EFSA as lead for risk assessment, Commission and Member States. Applicants/notifier should not be given a formal role at the risk management stage. This directive and regulation 1829/2003 defines the role of notifiers/ applicants in full implementation of the EU food law.*

### **Amendment 171**

**Elisabeth Köstinger, Giovanni La Via**

#### **Council position**

##### **Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 1

#### *Council position*

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 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

#### *Amendment*

1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State may 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 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

States without delay.

notifier/applicant and to the other Member States without delay.

Or. en

## **Amendment 172**

**Valentinas Mazuronis**

### **Council position**

#### **Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 1

#### *Council position*

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 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.

#### *Amendment*

1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State may 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 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. *That* request shall be communicated to the Commission 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 and to the other Member States without delay.

Or. en

## **Amendment 173**

**Françoise Grossetête, Michel Dantin, Angélique Delahaye**



## Council position

### Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 1

#### *Council position*

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 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.

#### *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 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, ***without any particular reasons needing to be given and on the understanding that the notifier/applicant may himself specify from the outset whether his notification/application relates to the whole territory of the Union or merely to all or part of the territory of a Member State. The request from the Member State*** 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 without delay as well as to the other Member States.

Or. fr

#### *Justification*

*For reasons of legal certainty, the Member States should not have to provide specific reasons in support of the request for the exclusion of all or part of its territory which it submitted in phase 1, given that the European Food Safety Authority (EFSA) evaluation procedure had not yet been completed at that stage. Again in the interests of legal certainty and to simplify the procedure, the notifier/applicant should have the option of excluding a Member State or all or*

*part if its territory from the scope of the notification/application it submits at the outset.*

## **Amendment 174**

**Elisabetta Gardini, Alberto Cirio**

### **Council position**

#### **Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 1

#### *Council position*

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 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.

#### *Amendment*

1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State may ***ask*** the Commission to adjust the geographical scope, ***informing the notifier/applicant***, to the effect that all or part of the territory of that Member State is to be excluded from cultivation This request shall be ***motivated by factors such as those indicated in paragraph 3 of this article***. This shall be communicated to the Commission at the latest ***90*** 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 ***and within no more than 30 days***.

Or. it

#### *Justification*

*The involvement of parties with vested interests in a regulatory procedure concerning a matter of public interest is not an appropriate means of striking a fair balance between them and would, on the contrary, legitimize excessive encroachment by 'vested interests' on an administrative assessment and negotiation procedure intended to ensure that the public interest is upheld.*

**Amendment 175**  
**Younous Omarjee**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/CE

Article 26 b – paragraph 1

*Council position*

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 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.*

*Amendment*

1. *Ahead of* the authorisation procedure of a given GMO, the notifier/applicant *shall always request authorisation from the 28 Member States before including their territory within the scope of its application. Without the explicit approval of a Member State, the application by the notifier/applicant shall not relate to the territory of that Member State.*

Or. fr

**Amendment 176**

**Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 1

*Council position*

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 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.

*Amendment*

1. During the authorisation procedure of a given GMO, *a Member State may notify to the Commission its intention not to allow the cultivation of the given GMO in all or part of its territory. In this case the notifier/applicant has the possibility to request the Commission or the authorizing body to adjust accordingly the geographical scope of its notification/application submitted in accordance with Part C of this Directive or Regulation (EC) No 1829/2003. This request shall be sent to the Commission or the authorizing body at the latest 30 days from the date the notifier/applicant receives the notification from the Commission about the decision of the Member State to restrict or ban the cultivation of that GMO.* The Commission shall communicate the request of the *notifier/applicant* to the *interested Member State* and to the other Member States without delay.

Or. en

**Amendment 177**

**Bart Staes**

on behalf of the Verts/ALE Group

**Lynn Boylan**

on behalf of the GUE/NGL Group

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26b – paragraph 1

*Council position*

*1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State*

*Amendment*

*deleted*

*may request, via the Commission, the notifier/applicant to adjust 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.*

Or. en

#### *Justification*

*"Phase 1", which had been introduced by the Council, stipulates that a Member State, via the Commission, asks the applicant to exempt its territory from the geographical scope of the application. Such a requirement would give private stakeholders an important role in the authorisation process. This is not appropriate. "Phase 1" runs counter any principles of independent decision-making and would set a dangerous precedent for other legislation.*

#### **Amendment 178** **Sirpa Pietikäinen**

##### **Council position**

##### **Article 1 – paragraph 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*

*deleted*

*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.*

*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.*

Or. en

**Amendment 179**  
**Nicola Caputo**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26b – 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.*

*deleted*

*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.*

Or. en

**Amendment 180**  
**Elisabetta Gardini, Alberto Cirio**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 2 – subparagraph 1

*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.*

*deleted*

Or. it

*Justification*

*The involvement of parties with vested interests in a regulatory procedure concerning a matter of public interest is not an appropriate means of striking a fair balance between them and would, on the contrary, legitimize excessive encroachment by 'vested interests' on an administrative assessment and negotiation procedure intended to ensure that the public interest is upheld.*

**Amendment 181**  
**Renate Sommer**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26b – paragraph 2 – subparagraph 1

*Council position*

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.

*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 agreement of the notifier/applicant, the adjustment of the geographical scope of the notification/application shall be implemented in the written consent or authorisation.

*(This amendment applies throughout the entire text.)*

Or. de

**Amendment 182**  
**Alojz Peterle**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 2 – subparagraph 1

*Council position*

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

*Amendment*

2. *In case* a request *is submitted* in accordance with paragraph 1, the adjustment of the geographical scope of the notification/application shall be implemented *as a condition* in the written consent or authorisation.



notification/application shall be implemented in the written consent or authorisation.

Or. en

#### *Justification*

*EU food law Regulation (EC) No 178/2002 defines common principles and responsibilities, the means to provide a strong science base, efficient organisational arrangements and procedures to underpin decision-making in matters of food and feed safety. This foresees close cooperation between EFSA as lead for risk assessment, Commission and Member States. Applicants/notifiers should not be given a formal role at the risk management stage. This directive and regulation 1829/2003 defines the role of notifiers/ applicants in full implementation of the EU food law.*

### **Amendment 183** **Biljana Borzan**

#### **Council position**

##### **Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 2 – subparagraph 1

#### *Council position*

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.

#### *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. ***The Commission shall make public such notification of opposition within seven days upon receipt.*** 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. ***The Commission shall make public such agreement.***

Or. en

**Amendment 184**  
**Younous Omarjee**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/CE

Article 26 b – paragraph 2 – subparagraph 1

*Council position*

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.*

*Amendment*

2. *The notifier/applicant shall comply with the sovereign decisions of the Member States and shall not therefore submit any request relating to the territory of Member States which have decided, explicitly or tacitly, to restrict or prohibit GMOs on their territory. The geographical scope of the notification/application shall therefore be limited to the territories of Member States which have explicitly and publicly given their consent to the cultivation of GMOs on their territory. Any pressure on a Member State shall be prohibited and shall be subject to appropriate financial and penal sanctions.*

Or. fr

**Amendment 185**  
**Renate Sommer**

**Council position**

**Article 1 – paragraph 1**

Directive 2001/18/CE

Article 26 b – paragraph 2 – subparagraph 2

*Council position*

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

*Amendment*

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.

issued on the basis of the adjusted geographical scope of the notification/application as explicitly agreed by the notifier/applicant.

Or. de

**Amendment 186**  
**Gilles Pargneaux**

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

*Council position*

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.

*Amendment*

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 ***subject to the validation by the Commission of the coexistence measures taken pursuant to Article 26a(1).***

Or. fr

*Justification*

*The possible cultivation of GMOs should not result in additional costs for farmers working in conventional or organic farming. Member States in which a GMO may be cultivated should consequently be obliged to take the necessary measures to avoid the presence of GMOs in other products. Specific attention should be paid to any possible cross-border contamination. The Commission should validate these measures.*

**Amendment 187**  
**Alojz Peterle**

## **Council position**

### **Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 2 – subparagraph 2

#### *Council position*

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*.

#### *Amendment*

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.

Or. en

## **Amendment 188**

**Eleonora Evi, Marco Zullo, Piernicola Pedicini, Marco Affronte**

## **Council position**

### **Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26 b – paragraph 2 – subparagraph 2

#### *Council position*

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*.

#### *Amendment*

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 *Commission or authorizing body*.

Or. en

## **Amendment 189**

**Bart Staes**

on behalf of the Verts/ALE Group

**Lynn Boylan**

on behalf of the GUE/NGL Group

### **Council position**

#### **Article 1 – paragraph 1**

Directive 2001/18/EC

Article 26b – 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.***

*deleted*

***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.***

Or. en

### *Justification*

*"Phase 1", which had been introduced by the Council, stipulates that a Member State, via the Commission, asks the applicant to exempt its territory from the geographical scope of the application. Such a requirement would give private stakeholders an important role in the authorisation process. This is not appropriate. "Phase 1" runs counter any principles of independent decision-making and would set a dangerous precedent for other legislation.*

## Amendment 190

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

### Council position

#### Article 1 – paragraph 1

Directive 2001/18

Article 26b – paragraph 2

#### *Council position*

*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.*

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*.

#### *Amendment*

*After 30 days from the communication by the notifier/applicant, where the Commission or the authorizing body did not oppose the request, the* adjustment of the geographical scope of the notification/application or permit shall be implemented 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 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 *Commission or authorizing body*.

Or. en