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Committee on the Environment, Public Health and Food Safety

2010/0208(COD)

20.10.2014

AMENDMENTS

191 - 314

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))

AM_Com_LegRecomm

Amendment 191
Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on *compelling grounds such as those related to:*

Amendment

Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on *strict scientific grounds.*

Or. en

Amendment 192
Julie Girling

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt

Amendment

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt

measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds *such as those related to:*

measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law *and the Union's international obligations, that they are* reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds.

Or. en

Amendment 193 **Nicola Caputo**

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of *that GMO in all or part of its territory once* authorised in accordance with Part C of this Directive *or with* Regulation (EC) No 1829/2003, provided that *such* measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, *in addition, are* based on *compelling* grounds such as those related to:

Amendment

3. Member States may, acting as risk managers, adopt measures restricting or prohibiting the cultivation of *a particular GMO or of groups of GMOs defined by crop or trait or of all GMOs* authorised in accordance with Part C of this Directive *or with* Regulation (EC) No 1829/2003, *in all or part of their territory*, provided that *those* measures are in conformity with Union law, reasoned, proportional and non-discriminatory and based on grounds such as those related to:

Or. en

Amendment 194
Valentinas Mazuronis

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

Amendment

3. Without prejudice to paragraph 1 of this Article, Member States may, following the risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003 adopt measures restricting or prohibiting the cultivation of a GMO or of groups of GMOs defined by crop or trait or of all GMOs in all or part of their territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

Or. en

Amendment 195
Sirpa Pietikäinen

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or

Amendment

3. A Member State may, following the risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003 and acting as risk manager, adopt measures restricting or prohibiting the cultivation of a GMO or of groups of GMOs defined by crop or trait or of all

prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

GMOs in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

Or. en

Amendment 196

Elisabetta Gardini, Alberto Cirio

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

Amendment

3. Without prejudice to paragraph 1, a Member State may, further to the risk assessment conducted under this Directive or under Regulation (EC) No 1829/2003, acting as risk manager, adopt measures restricting or prohibiting in all or part of its territory the cultivation of a GMO or a group of GMOs defined by their variety or characteristics, or of all GMOs, once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

Or. it

Amendment 197

Younous Omarjee

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

Amendment

3. Without prejudice to paragraph 1 of this Article, a Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003.

Those measures, which Member States may adopt at their discretion, may be related to environmental or agricultural policy objectives, or other compelling grounds such as town and country planning, land use, socio-economic impacts, coexistence and public policy.

Or. fr

Amendment 198

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope

Amendment

3. A Member State may adopt measures restricting or prohibiting the cultivation of

of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory. ***National, regional or local bans for the cultivation of a given GMO can be adopted based on*** grounds such as, ***among others***, those related to:

Or. en

Amendment 199

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 26 b – paragraph 3 – subparagraph 1 – introductory part

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of that GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling

Amendment

3. A Member State may, following the risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003 and acting as risk manager, adopt measures restricting or prohibiting the cultivation of a GMO or of groups of GMOs defined by crop or trait or of all GMOs in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, non-discriminatory and based on grounds such as those related to:

grounds such as those related to:

Or. en

Justification

This amendment takes up the wording proposed by the Rapporteur, but deletes the reference to "phase 1". Moreover, it deletes the word "proportional", as the proportionality of the measures has to be judged according to national law; there is therefore no need for harmonisation (principle of subsidiarity). The amendment also deletes the word "compelling", as this is a subjective term which is not necessary here.

Amendment 200

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 26 b – paragraph 3 – subparagraph 1 – point a

Council position

(a) environmental policy objectives *distinct* from the *elements assessed* according to this Directive and Regulation (EC) No 1829/2003;

Amendment

(a) environmental policy objectives *relating to environmental impacts which might arise* from the *deliberate release or the placing on the market of GMOs and which are complementary to the impacts concretely examined during the scientific risk assessment conducted* according to this Directive and Regulation (EC) No 1829/2003. *Those grounds may include, inter alia:*

- the prevention of the development of pesticide resistance amongst weeds and pests;

- the prevention of an increased use of pesticides due to GMO cultivation;

- 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 of local biodiversity, including certain habitats and ecosystems, or certain types of natural and landscape features, as well as specific ecosystem functions and services;*
- 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;*
- scientific uncertainties as regards any of the grounds mentioned above, i.e. contradictory evidence or the absence of sufficient science.*

Or. en

Justification

The notion of "Placing on the market" had already been included in the COM proposal. Environmental impacts can also occur by trade and transport of seeds, thus this must also be taken into account. "Scientific uncertainties" is added as this wording allows for precautionary measures in the framework of the WTO SPS-agreement. Moreover, General food law rules that where a risk to life or health exists but scientific uncertainty persists, the precautionary principle provides a mechanism for determining risk management measures.

Amendment 201
Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point a

Council position

Amendment

(a) environmental policy objectives distinct from the elements assessed according to this Directive and Regulation

deleted

(EC) No 1829/2003;

Or. en

Amendment 202
Julie Girling

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26b – paragraph 3 – subparagraph 1 – point a

Council position

Amendment

*(a) environmental policy objectives
distinct from the elements assessed
according to this Directive and Regulation
(EC) No 1829/2003;*

deleted

Or. en

Amendment 203
Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point a

Council position

Amendment

*(a) environmental policy objectives
distinct from the elements assessed
according to this Directive and Regulation
(EC) No 1829/2003;*

*(a) environmental impacts which might
arise from the deliberate release or the
placing on the market of GMOs and
which are complementary to the
environmental impacts examined during
the scientific assessment of the impacts on
the environment conducted under Part C
of this Directive. Those grounds may
include:*

*- the prevention of the development of
pesticide resistance amongst weeds and
pests;*

- *the invasiveness or persistence of a GM variety, or the possibility of interbreeding with domestic cultivated or wild plants;*
- *the prevention of negative impacts on the local environment caused by changes in agricultural practices linked to the cultivation of GMOs;*
- *the maintenance and development of agricultural practices which offer a better potential to reconcile production with ecosystem sustainability;*
- *the maintenance of local biodiversity, including certain habitats and ecosystems, or certain types of natural and landscape features, as well as specific ecosystem functions and services;*
- *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. en

Amendment 204

Paul Brannen

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point a

Council position

(a) environmental policy objectives distinct from the elements assessed according to this Directive and Regulation (EC) No 1829/2003;

Amendment

(a) environmental policy objectives distinct from the elements assessed according to this Directive and Regulation (EC) No 1829/2003 ***and based on empirical evidence which might arise from the cultivation of GMOs such as pesticide resistance or loss of biodiversity;***

Or. en

Justification

In order not to contravene an assessment duly conducted by EFSA, reasons for an opt-out cited by a Member State must be based on strong scientific arguments and take into account some likely environmental impacts of GMOs such as those resulting in an increased pesticide resistance or a loss of biodiversity.

Amendment 205

Françoise Grossetête, Michel Dantin, Angélique Delahaye

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point a

Council position

(a) environmental policy objectives distinct from the elements assessed according to this Directive and Regulation (EC) No 1829/2003;

Amendment

(a) environmental policy objectives **clearly** distinct from the elements **already** assessed according to this Directive and Regulation (EC) No 1829/2003 **by the European Food Safety Authority**;

Or. fr

Justification

Member States should not be able to invoke environmental policy grounds which have already been assessed by the European Food Safety Authority (EFSA) in order to justify a cultivation ban, as this would undermine the authorisation procedure and the EFSA's central role in that procedure.

Amendment 206

Valentinas Mazuronis

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point a

Council position

(a) environmental policy objectives distinct from the elements assessed according to

Amendment

(a) environmental policy objectives distinct from the elements assessed according to

this Directive and Regulation (EC) No 1829/2003;

this Directive and Regulation (EC) No 1829/2003. *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 of local biodiversity, including certain habitats and ecosystems, or certain types of natural and landscape features, as well as specific ecosystem functions and services;

- 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. en

Amendment 207

Elisabetta Gardini, Alberto Cirio

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point a

Council position

(a) environmental policy objectives *distinct from the elements assessed according to this Directive and Regulation (EC) No 1829/2003;*

Amendment

(a) environmental policy objectives *relating to environmental impacts which might arise from the cultivation of GMOs and which are complementary to the impacts examined during the scientific risk assessment conducted according to this Directive and Regulation (EC) No*

1829/2003; 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 of local biodiversity, including certain habitats and ecosystems, or certain types of natural and landscape features, as well as specific ecosystem functions and services;

– 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;

– the protection of bees.

Or. it

Amendment 208
Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point b

Council position

Amendment

(b) town and country planning;

deleted

Or. en

Amendment 209
Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point c

Council position

Amendment

(c) land use;

deleted

Or. en

Amendment 210
Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point d

Council position

Amendment

(d) socio-economic impacts;

deleted

Or. en

Amendment 211
Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point d

Council position

Amendment

(d) socio-economic impacts;

*(d) socio-economic impacts; **Those grounds may include:***

- the impracticability or the high cost of coexistence measures or the impossibility of implementing coexistence measures

due to specific geographical conditions;
- the need to protect the diversity of agricultural production;
- the need to ensure seed purity; or

Or. en

Amendment 212
Valentinas Mazuronis

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

Council position

Amendment

(d) socio-economic impacts;

(d) socio-economic impacts *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*

Or. en

Amendment 213
Elisabetta Gardini, Alberto Cirio

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

Council position

Amendment

(d) socio-economic impacts;

(d) socio-economic impacts *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 in the case of small islands or mountain zones;*

Amendment 214

Elisabeth Köstinger, Marijana Petir, Herbert Dorfmann

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point d

Council position

(d) socio-economic impacts;

Amendment

(d) socio-economic impacts *such as the impracticability or the high costs of coexistence measures due to specific geographical conditions such as small islands or mountainous regions*;

Or. en

Amendment 215

Julie Girling

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point e

Council position

(e) avoidance of GMO presence in other products without prejudice to Article 26a;

Amendment

deleted

Or. en

Amendment 216

Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point e

Council position

Amendment

(e) avoidance of GMO presence in other products without prejudice to Article 26a;

deleted

Or. en

Amendment 217

Elisabetta Gardini, Alberto Cirio

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point e

Council position

Amendment

(e) avoidance of GMO presence in other products *without prejudice to Article 26a*;

(e) avoidance of GMO presence in other products;

Or. it

Amendment 218

Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point f

Council position

Amendment

(f) agricultural policy objectives;

deleted

Or. en

Amendment 219

Elisabeth Köstinger

Council position

Article 1 – paragraph 1

Directive 2001/18/EC
Article 26 b – paragraph 3 – subparagraph 1 – point f

Council position

(f) agricultural policy objectives;

Amendment

(f) agricultural policy objectives, ***including the need to protect the diversity of agricultural production, the maintenance and development of agricultural practices which offer a better potential to reconcile production with eco-system sustainability, and the need to ensure seed purity;***

Or. en

Amendment 220
Valentinas Mazuronis

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point f

Council position

(f) agricultural policy objectives;

Amendment

(f) agricultural policy objectives. ***Those grounds may include:***

- the need to protect the diversity of agricultural production;

- the maintenance and development of agricultural practices which offer a better potential to reconcile production with ecosystem sustainability;

– the need to ensure seed purity.

Or. en

Amendment 221
Elisabetta Gardini, Alberto Cirio

Council position

Article 1 – paragraph 1

Directive 2001/18/EC
Article 26 b – paragraph 3 – subparagraph 1 – point f

Council position

(f) agricultural policy objectives;

Amendment

(f) agricultural policy objectives; ***those grounds may include:***
– ***the need to protect the diversity of agricultural production;***
– ***the maintenance and development of agricultural practices which offer a better potential to reconcile production with ecosystem sustainability;***
– ***the need to ensure seed purity.***

Or. it

Amendment 222
Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g

Council position

(g) public policy.

Amendment

deleted

Or. en

Amendment 223
Valentinas Mazuronis

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g

Council position

(g) public policy.

Amendment

deleted

Amendment 224
Renate Sommer

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

Council position

Amendment

(g) public policy.

deleted

Or. de

Amendment 225
Bart Staes
on behalf of the Verts/ALE Group

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

Council position

Amendment

(g) agricultural policy objectives;

*(g) agricultural policy objectives. **Those grounds may include:***

- the need to protect the diversity of agricultural production;

- the need to protect organic and/or traditional small scale farming structures;

- the need to preserve cultural heritage linked to sustainable practices;

- the maintenance and development of agricultural practices which offer a better potential to reconcile production with long-term ecosystem sustainability;

– the need to ensure seed purity.

Or. en

Justification

This amendment builds upon AM 24 of the draft report.

Amendment 226

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g a (new)

Council position

Amendment

(ga) public opinion

Or. en

Justification

This amendment builds upon AM 24 of the draft recommendation.

Amendment 227

Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g a (new)

Council position

Amendment

(ga) other legitimate factors.

Or. en

Amendment 228

Sirpa Pietikäinen

Council position

Article 1 – paragraph 1

Directive 2001/18/EC
Article 26 – paragraph 3 – subparagraph 1 – point g a (new)

Council position

Amendment

(ga) or other legitimate factors where those factors have not been addressed as part of the harmonised procedure provided for in Part C of this Directive , or to persisting scientific uncertainty.

Or. en

Amendment 229
Luke Ming Flanagan, João Ferreira

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g a (new)

Council position

Amendment

(ga) Protection of small and medium-scale farmers who do not use patented seeds;

Or. pt

Amendment 230
Luke Ming Flanagan, João Ferreira

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g b (new)

Council position

Amendment

(gb) Protection and safeguarding of the rights which assist producers of traditional crops in keeping their crops free of contamination and consumers in choosing between GMO and non-GMO

crops;

Or. pt

Amendment 231

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g b (new)

Council position

Amendment

(gb) public morals, including ethical or philosophical concerns.

Or. en

Justification

This amendment builds upon AM 24 of the draft recommendation.

Amendment 232

Luke Ming Flanagan, João Ferreira

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 1 – point g c (new)

Council position

Amendment

(gc) Recognition of the right of Member States to establish themselves as GMO-free areas, in order to preserve their products and traditional and organic farming method;

Or. pt

Amendment 233

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, ***with the exception of the ground set out in point (g) which cannot be used individually, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with*** the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment

Those grounds may be invoked individually or in combination, ***after having considered the results of*** the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. en

Justification

Based on amendment 24 of the draft recommendation. The evocation of grounds shall not unnecessarily be restricted.

Amendment 234

Marijana Petir

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, ***with the exception of the ground set out in point (g) which cannot be used individually,*** depending on the particular circumstances

Amendment

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, but shall, in no

of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. en

Justification

In the context of the use and release of living GMO in the environment, public policy of local, regional self-governments and national authorities must be considered. Freedom of choice on local regional and national level, in the scope of their competences, according to the internal organization of Member States, as well as the commitment of over 150 regions and 4500 units of local government in Europe, which have declared themselves to be GMO-free or have opted to become GMO-free, shall not be challenged by raising any additional requirements (<http://www.gmo-free-regions.org/>). Their right is based on the European Charter of Local Self-Government (COE Nr.: 122) of 15th October 1985 which entered into force on 1st September 1988.

Amendment 235

Daciana Octavia Sârbu

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, ***with the exception of the ground set out in point (g) which cannot be used individually***, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment

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, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. en

Amendment 236
Christofer Fjellner

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment

deleted

Or. en

Amendment 237
Renate Sommer

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, *with the exception of the ground set out in point (g) which cannot be used individually*, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No

Amendment

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, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment 238

Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually, *depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.*

Amendment

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually.

Amendment 239

Françoise Grossetête, Michel Dantin, Angélique Delahaye

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which *cannot* be used individually, depending on the particular circumstances of the Member State, region or area in

Amendment

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which *can never* be used individually, depending on the particular circumstances of the Member State, region or area in

which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. fr

Justification

A threat linked to public policy may never be invoked as the sole ground justifying a cultivation ban. The directive should contain a clear provision to that effect.

Amendment 240 **Valentinas Mazuronis**

Council position
Article 1 – paragraph 1
Directive 2001/18/EC
Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, *with the exception of the ground set out in point (g) which cannot be used individually*, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment

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, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. en

Amendment 241 **Elisabetta Gardini, Alberto Cirio**

Council position
Article 1 – paragraph 1

Directive 2001/18/EC
Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, ***with the exception of the ground set out in point (g) which cannot be used individually***, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment

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, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. it

Justification

In order to afford greater legal soundness and certainty to the grounds that Member States may invoke for wishing to limit and/or prohibit the cultivation of one or more GMOs on their territory, the above list should be included, to incorporate the text adopted by Parliament at first reading and the text adopted in the Council position at first reading.

Amendment 242
Daciana Octavia Sârbu

Council position

Article 1 – paragraph 1

Directive 2001/18/EC
Article 26 b– paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, ***with the exception of the ground set out in point (g) which cannot be used individually***, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this

Amendment

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, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Directive or to Regulation (EC) No
1829/2003.

Or. en

Amendment 243
Tonino Picula

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2

Council position

Those grounds may be invoked individually or in combination, ***with the exception of the ground set out in point (g) which cannot be used individually***, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carries out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Amendment

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 ***and with respect to their commitment to be GMO-free***, but shall, in no case, conflict with the environmental risk assessment carries out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. en

Amendment 244
Sirpa Pietikäinen

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3 – subparagraph 2 a (new)

Council position

Amendment

Those measures shall 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.

Amendment 245
Gilles Pargneaux

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 3

Council position

3. Where the notifier/applicant opposes the adjustment of the geographical scope of its notification/application corresponding to a request made by a Member State in accordance with paragraph 1 of this Article, that Member State may adopt measures restricting or prohibiting the cultivation of *that* GMO in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

(a) environmental policy objectives ***distinct from the elements assessed*** according to this Directive and Regulation (EC) No 1829/2003;

Amendment

3. Without prejudice to paragraph 1, a Member State may, following the risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003 and acting as risk manager, adopt measures restricting or prohibiting the cultivation of *a GMO or of groups of GMOs defined by crop or trait or of all GMOs* in all or part of its territory once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

(a) environmental policy objectives ***relating to environmental impacts which might arise from the cultivation of GMOs and which are complementary to the impacts observed during the scientific risk assessment conducted*** according to this Directive and Regulation (EC) No 1829/2003. ***Those grounds may be:***

– the prevention of the development of pesticide resistance among weeds and pests;

– the invasiveness or persistence of a genetically modified variety, or the possibility of interbreeding with domestically cultivated or wild plants;

- (b) town and country planning;
- (c) land use;
- (d) socio-economic impacts;

- (e) avoidance of GMO presence in other products without prejudice to Article 26a;
- (f) agricultural policy objectives;

- (g) public policy.

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually, depending on the particular circumstances

- the prevention of negative impacts on the local environment caused by changes in agricultural practices linked to the cultivation of GMOs;*
- the maintenance of local biodiversity, including certain habitats and ecosystems, or certain types of natural and landscape features, as well as specific ecosystem functions and services;*
- 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;*

- (b) town and country planning;
- (c) land use;
- (d) socio-economic impacts *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;*
- (e) avoidance of GMO presence in other products without prejudice to Article 26a;
- (f) agricultural policy objectives. *Those grounds may include:*
 - the need to protect the diversity of agricultural production;*
 - the maintenance and development of agricultural practices which offer greater potential to reconcile production with ecosystem sustainability;*
 - the need to ensure seed purity;*
- (g) public policy;
- (h) grounds relating to public opinion, for example results of referendums at national, regional or local level.*

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually, depending on the particular circumstances

of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

Or. fr

Amendment 246
Julie Girling

Council position
Article 1 – paragraph 1
Directive 2001/18/EC
Article 26 b – paragraph 3 a (new)

Council position

Amendment

3a. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall ensure that those measures:

(a) respect the freedom of choice of farmers and consumers;

(b) do not entail any distortion of competition between farmers in different Member States;

(c) do not conflict with the environmental risk assessment carried out pursuant to this Directive or Regulation (EC) No 1829/2003;

(d) have been the subject of a prior impact assessment showing them to be necessary and proportionate.

Or. en

Amendment 247
Renate Sommer

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – introductory part

Council position

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

Amendment

4. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall first communicate a draft of those measures and the corresponding grounds invoked to the Commission. This communication may take place during a period of **90** days starting from the date of such communication:

Or. de

Amendment 248

Marijana Petir

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4

Council position

4. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall first communicate a draft of those measures and the corresponding grounds invoked to the Commission. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed. During a period of 75 days starting from the date of such communication:

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

Amendment

4. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall first communicate a draft of those measures and the corresponding grounds invoked to the Commission. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed. During a period of 75 days starting from the date of such communication:

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

(aa) the notifier/applicant shall refrain from his activities of placing on the market the variety of that GMO;

(ab) operators shall refrain from the cultivation of the variety of that GMO; and

(b) the Commission may make any comments it considers appropriate.

(b) the Commission may make any comments it considers appropriate.

Or. en

Justification

To ensure that the applicant/notifier is not in a privileged position regarding the Member State, during the revision time of proposal of measures and specific reasons which have been filed by its Member State, for the reason of reducing the potential harm to the applicant and the operator if it turns out that the requirements of Member States are justified.

Amendment 249 **Julie Girling**

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – introductory part

Council position

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

Amendment

4. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall first communicate a draft of those measures, and the corresponding grounds invoked to the Commission. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed. ***In accordance with Directive 98/34/EC* of the European Parliament and of the Council***, during a period of **3 months** starting from the date of such communication:

**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 250
Younous Omarjee

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 1 – introductory part

Council position

A Member State which *intends to adopt* measures pursuant to paragraph 3 of this Article shall *first* communicate *a draft of those measures and the corresponding grounds invoked* to the Commission. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed. *During a period of 75 days starting from the date of such communication:*

Amendment

A Member State which *adopts* measures pursuant to paragraph 3 of this Article shall communicate *them* to the Commission, *which shall in turn communicate them to the other Member States and to the notifiers/applicants and make them public*. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed.

Or. fr

Amendment 251

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

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 1 – point a

Council position

Amendment

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

deleted

Or. fr

Justification

The deleted provision curtails Member States' freedom of action, which is a fundamental aspect of the proposal.

Amendment 252

Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 1 – point a

Council position

Amendment

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

(a) the Member State concerned shall refrain from adopting and implementing those measures, ***provided that this does not coincide with the sowing period of the GM crops addressed by the measures; and***

Or. en

Amendment 253

Biljana Borzan

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 1 – point a

Council position

Amendment

(a) the Member State concerned shall refrain from adopting and implementing

(a) the Member State concerned shall refrain from adopting and implementing

those measures; and

those measures, *the authorisation applicant/holder who is affected by measures restricting or prohibiting the cultivation of a GMO or group of GMOs in a Member State shall refrain from all activities related to the cultivation of that GMO or group of GMOs in that Member State*; and

Or. en

Amendment 254

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 1 – point c

Council position

(c) the Commission may make any comments it considers appropriate.

Amendment

(c) the Commission may make any *non-binding* comments it considers appropriate.

Or. en

Amendment 255

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 1 a (new)

Council position

Amendment

If during this timeframe the authorization is being granted it has to be considered as temporarily suspended until the end of the 75-day period.

Or. en

Amendment 256

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26b – paragraph 4 – subparagraph 2

Council position

On expiry of the 75-day period referred to in the first subparagraph, ***and no later than two years after the date that the consent/authorisation is granted***, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the ***notifier/applicant*** without delay.

Amendment

By way of derogation from paragraph 4 (a), national measures can be provisionally imposed in case the 75- day period coincides with the sowing period of the respective GMO.

On expiry of the 75-day period referred to in the first subparagraph, the Member State concerned may, ***for the whole duration of the consent/authorisation and as from the date of entry into force of the Union authorisation***, adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the ***authorisation holder*** without delay.

Or. en

Justification

Based on AM 25 of the draft recommendation.

Amendment 257

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 2

Council position

On expiry of the 75-day period referred to in the first subparagraph, ***and no later than two years after the date that the consent/authorisation is granted***, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Amendment

On expiry of the 75-day period referred to in the first subparagraph, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any not binding comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Or. en

Amendment 258
Renate Sommer

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 2

Council position

On expiry of the ***75-day*** period referred to in the first subparagraph, ***and no later than two years after the date that the consent/authorisation is granted***, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Amendment

On expiry of the ***90-day*** period referred to in the first subparagraph, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Or. de

Amendment 259
Julie Girling

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 2

Council position

On expiry of the **75-day** period referred to in the first subparagraph, and no later than two years after the date that the consent/authorisation is granted, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Amendment

On expiry of the **3 month** period referred to in the first subparagraph, and no later than two years after the date that the consent/authorisation is granted, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay. ***Member States shall adopt measures for a maximum of five years and shall review them when the GMO authorisation is renewed.***

Or. en

Amendment 260
Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 4 – subparagraph 2

Council position

On expiry of the 75-day period referred to in the first subparagraph, ***and no later than two years after the date that the consent/authorisation is granted***, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of

Amendment

On expiry of the 75-day period referred to in the first subparagraph, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the

any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Commission, the other Member States and the notifier/applicant without delay.

Or. en

Amendment 261
Younous Omarjee

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

Council position

On expiry of the 75-day period referred to in the first subparagraph, and no later than two years after the date that the consent/authorisation is granted, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Amendment

Throughout the period of validity of the consent/authorisation and with effect from the date that the consent/authorisation comes into force, the Member State concerned may adopt the measures either in the form originally proposed, or as amended to take account of any comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the notifier/applicant without delay.

Or. fr

Amendment 262
Julie Girling

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

Council position

Amendment

Member States shall make publicly

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

Or. en

Amendment 263
Renate Sommer

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

Council position

Amendment

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

deleted

Or. de

Amendment 264
Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 5

Council position

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

Amendment

deleted

Or. en

Amendment 265

Paul Brannen

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 5

Council position

5. Where, after the authorisation of a GMO under this Directive or Regulation (EC) No 1829/2003 and no earlier than ***two*** years after the date that the consent/authorisation is granted, a Member State considers that new objective circumstances justify an adjustment of the geographical scope of the consent/authorisation, it may apply the procedure under paragraphs 1 to 4, mutatis

Amendment

5. Where, after the authorisation of a GMO under this Directive or Regulation (EC) No 1829/2003 and no earlier than ***five*** years after the date that the consent/authorisation is granted, a Member State considers that new objective circumstances justify an adjustment of the geographical scope of the consent/authorisation, it may apply the procedure under paragraphs 1 to 4, mutatis

mutandis, provided that such measures do not affect the cultivation of any authorised GMO seeds and plant propagating materials which were planted lawfully before those measures were adopted.

mutandis, provided that such measures do not affect the cultivation of any authorised GMO seeds and plant propagating materials which were planted lawfully before those measures were adopted.

Or. en

Justification

Farmers should be allowed to have at least two growing seasons before any new opt-out or ban could be implemented - this would ensure certainty of farmers' operations vis-a-vis a possibly lengthy national seed listing process.

Amendment 266

Julie Girling, Jadwiga Wiśniewska, Bolesław G. Piecha

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 5

Council position

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

Amendment

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

Or. en

Amendment 267

Younous Omarjee

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 5

Council position

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

Amendment

5. Where, after the authorisation of a GMO under this Directive or Regulation (EC) No 1829/2003, a Member State considers that new objective circumstances justify an adjustment of the geographical scope of the consent/authorisation, it may **still adopt measures restricting or prohibiting the cultivation of the GMO in question on all or part of its territory. In that event it shall ensure that farmers who cultivated such crops legally have sufficient time to finish the ongoing cultivation season.**

Or. fr

Amendment 268

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 5

Council position

5. Where, after the authorisation of a GMO under this Directive or Regulation (EC) No 1829/2003 and no earlier than two years after the date that the consent/authorisation is granted, a Member State considers **that new objective circumstances justify an adjustment** of the **geographical scope of the consent/authorisation, it may apply** the procedure under paragraphs 1 to 4,

Amendment

5. Where, after the authorisation of a GMO under this Directive or Regulation (EC) No 1829/2003 and no earlier than two years after the date that the consent/authorisation is granted, a Member State considers **appropriate not to allow the cultivation of the given GMO in all or part of its territory, the procedure under paragraphs 1 to 4 shall apply** mutatis mutandis. **When**

mutatis mutandis, ***provided that such measures do not*** affect the cultivation of any authorised GMO seeds and plant propagating materials which were planted lawfully before those measures were adopted.

the restrictive measures are adopted by a Member State within two years of the date of the consent/authorisation or should they affect the cultivation of any authorised GMO seeds and plant propagating materials which were planted lawfully before those measures were adopted, ***the concerned Member State shall provide to affected farmers a compensation consistent with the real economic damage they have suffered*** .

Or. en

Amendment 269
Annie Schreijer-Pierik

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

Council position

Amendment

5a. A Member State which intends to adopt measures pursuant to paragraph 3 shall:

- (a) ensure that farmers who cultivated such crops legally have sufficient time to finish the ongoing cultivation season; and***
- (b) carry out a prior independent cost-benefit analysis, taking into account any alternatives.***

The costs and efforts of a cost-benefit analysis shall be shared between the responsible Member State and farmers.

Or. en

Justification

Addition to amendment as proposed by rapporteur to make sure costs are evenly distributed between MS and farmers involved.

Amendment 270
Gilles Pargneaux

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 5 a (new)

Council position

Amendment

5a. A Member State which intends to adopt measures in accordance with paragraph 3 shall ensure that farmers who cultivated such crops legally have sufficient time to finish the ongoing cultivation season.

Or. fr

Justification

Re-tabled Amendment 17 adopted at first reading. It lays down a new criterion which Member States must comply with as regards GMOs already on the market.

Amendment 271

Elisabeth Köstinger, Herbert Dorfmann, Giovanni La Via

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 5 a (new)

Council position

Amendment

5a. A Member State which intends to adopt measures pursuant to paragraph 3, shall ensure that farmers who cultivated such crops are legally granted sufficient time to finish the ongoing cultivation season.

Or. en

Amendment 272

Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 6

Council position

Amendment

6. Where a Member State wishes all or part of its territory to be reintegrated into the geographical scope of the consent/authorisation from which it was previously excluded pursuant to paragraph 2, it may make a request to that effect to the competent authority which issued the written consent under this Directive or to the Commission if the GMO has been authorised under Regulation (EC) No 1829/2003. The competent authority which has issued the written consent or the Commission, as the case may be, shall amend the geographical scope of the consent or of the decision of authorisation accordingly.

deleted

Or. en

Amendment 273

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 26 b – paragraph 6

Council position

Amendment

6. Where a Member State wishes all or

deleted

part of its territory to be reintegrated into the geographical scope of the consent/authorisation from which it was previously excluded pursuant to paragraph 2, it may make a request to that effect to the competent authority which issued the written consent under this Directive or to the Commission if the GMO has been authorised under Regulation (EC) No 1829/2003. The competent authority which has issued the written consent or the Commission, as the case may be, shall amend the geographical scope of the consent or of the decision of authorisation accordingly.

Or. en

Justification

Amendment connected to the deletion of "phase 1". Provisions enabling a Member State to revoke measures restricting or prohibiting the cultivation of a GMO on its territory are dealt with in paragraph 8.

Amendment 274

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

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 6

Council position

6. Where a Member State wishes all or part of its territory to be reintegrated into the geographical scope of the consent/authorisation from which it was previously excluded pursuant to paragraph 2, it may make a request to that effect to the competent authority which issued the written consent under this Directive or to the Commission if the GMO has been authorised under Regulation (EC) No 1829/2003. The competent authority which

Amendment

6. Where a Member State wishes all or part of its territory to be reintegrated into the geographical scope of the consent/authorisation from which it was previously excluded pursuant to paragraph 2, it may make a request to that effect to the competent authority which issued the written consent under this Directive or to the Commission if the GMO has been authorised under Regulation (EC) No 1829/2003. The competent authority which

has issued the written consent or the Commission, as the case may be, shall amend the geographical scope of the consent or of the decision of authorisation accordingly.

has issued the written consent or the Commission, as the case may be, shall amend the geographical scope of the consent or of the decision of authorisation accordingly. ***The Member State must, however, justify the reintegration of the area and must consult the local authorities or, directly, the inhabitants of the area concerned.***

Or. fr

Justification

Any revision of a decision which is likely to lead to the authorisation of GMOs must be consistent with the precautionary principle, which lays down that the decision in question must not exacerbate an existing situation. The inhabitants of the area in question must be able to express their views and be told the reasons for the reintegration.

Amendment 275

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 26 b – paragraph 7

Council position

Amendment

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

deleted

(a) for a GMO which has been authorised under this Directive, the competent authority which has issued the written consent shall amend the geographical

scope of the consent accordingly and inform, the Commission, the Member States and the authorisation holder once this is complete;

(b) for a GMO which has been authorised under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.

Or. en

Justification

Amendment connected to the deletion of "phase 1". Provisions enabling a Member State to revoke measures restricting or prohibiting the cultivation of a GMO on its territory are dealt with in paragraph 8.

Amendment 276

Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 7

Council position

Amendment

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

deleted

(a) for a GMO which has been authorised under this Directive, the competent authority which has issued the written consent shall amend the geographical scope of the consent accordingly and

inform, the Commission, the Member States and the authorisation holder once this is complete;

(b) for a GMO which has been authorised under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.

Or. en

Amendment 277
Younous Omarjee

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 7 – subparagraph 1 – introductory part

Council position

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

Amendment

7. For the purposes of an adjustment of the geographical scope of the consent/authorisation of a GMO under *paragraph 6:*

Or. fr

Amendment 278
Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 7 – subparagraph 1 – introductory part

Council position

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

Amendment

7. For the purposes of an adjustment of the geographical scope of the consent/authorisation of a GMO under paragraphs 5 and 6, and on condition that under paragraph 5 the ***Commission or the authorizing body*** explicitly or tacitly agrees to the request of the ***notifier/applicant***:

Or. en

Amendment 279

Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 7 – subparagraph 1 – point a

Council position

(a) for a GMO which has been authorised under this Directive, the competent authority which has issued the written consent shall amend the geographical scope of the consent accordingly and inform, the Commission, the Member States and the authorisation holder once this is complete;

Amendment

deleted

Or. en

Amendment 280

Nicola Caputo

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b – paragraph 7 – subparagraph 1 – point b

Council position

Amendment

(b) for a GMO which has been authorised under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.

deleted

Or. en

Amendment 281
Julie Girling

Council position
Article 1 – paragraph 1
Directive 2001/18/EC
Article 26 b – paragraph 10 (new)

Council position

Amendment

10. Measures adopted under this Article shall not prevent biotechnology research from being carried out provided that, in carrying out such research, all necessary safety measures are observed.

Or. en

Amendment 282
Gilles Pargneaux

Council position
Article 1 – paragraph 1
Directive 2001/18/EC
Article 26 b – paragraph 10 (new)

Council position

Amendment

10. Neighbouring Member States shall cooperate by sharing appropriate

information with a view to ensuring that coexistence measures in border areas work effectively and to preventing cross-border release from a Member State where cultivation of a GMO is authorised to another where it is prohibited.

Or. fr

Justification

The provisions of the amended version of Directive 2001/18/EC on cross-border coexistence must be strengthened.

Amendment 283

Angélique Delahaye, Françoise Grossetête, Michel Dantin

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 b a (new)

Council position

Amendment

"Article 26ba

Liability requirements and financial guarantees

Member States in which a GMO may be cultivated on the basis of an authorisation issued in accordance with Article 26b shall establish a general mandatory system of financial liability and financial guarantees which applies to all operators and which ensures that the polluter pays for unintended effects or damage that might occur as a result of the deliberate release or the placing on the market of GMOs.'

Or. fr

Amendment 284
Gilles Pargneaux

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

Council position

Amendment

"Article 26ba

Liability requirements and financial guarantees

Member States in which a GMO may be cultivated on the basis of the written authorisation issued in accordance with this Directive and, where appropriate, the decision delivered in accordance with Article 19 and the authorisation decision adopted in accordance with Articles 7 and 19 of Regulation (EC) No 1829/2003 shall establish a general mandatory system of financial liability and financial guarantees which applies to all operators and which ensures that the polluter pays for unintended effects or damage that might occur as a result of the deliberate release or the placing on the market of GMOs.'

Or. fr

Justification

This amendment takes up the idea formulated in Amendment 24 adopted at first reading. It lays down a new criterion which Member States must comply with as regards GMOs already on the market.

Amendment 285
Marijana Petir

Council position
Article 1 – paragraph 1

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

Council position

Amendment

Article 26ba

Liability requirements and financial guarantees

1. Member States shall establish a general mandatory system of financial liability and financial guarantees which applies to all consent/authorisation holders and operators which ensures that the polluter pays for unintended effects or damage that might occur due to the deliberate release or the placing on the market of GMOs.

Or. en

Justification

With regard to the application of the provisions of the Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage where the responsibility for any environmental damage only considers the relationship between operators and Member State, consent (authorisation) holder cannot be exempted from the liability for environmental damage.

Amendment 286
Younous Omarjee

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

Council position

Amendment

"Article 26ba

Liability requirements and financial guarantees

Member States shall establish a general mandatory system of financial and

criminal liability and financial guarantees which applies to all operators and which ensures that the polluter pays and is held criminally liable for unintended effects or damage that might occur as a result of the deliberate release or the placing on the market of GMOs.'

Or. fr

Amendment 287
Elisabetta Gardini, Alberto Cirio

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

Council position

Amendment

Article 26ba

Liability requirements and financial guarantees

Member States shall establish a general mandatory system of financial liability and insurance guarantees which applies to all operators and which ensures that the polluter pays for effects or damage, which may be unintended, that might occur due to the deliberate release or the placing on the market of GMOs

Or. it

Justification

Taken from Amendment 24 adopted by Parliament at first reading.

Amendment 288
Benedek Jávor, Biljana Borzan, Eleonora Evi

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

Council position

Amendment

Article 26ba

Liability requirements and financial guarantees

Member States shall establish a general mandatory system of financial liability and financial guarantees in their national GMO laws, which applies to all operators and which ensures that the polluter pays for unintended effects or damage that might occur due to the deliberate release or the placing on the market of GMOs. The Commission shall establish a mandatory EU-level financial guarantee fund built up from contributions of all the companies introducing GMO products to the European market in order to cover supplementary unintended costs of cross-border contamination cases.

Or. en

Justification

Based on amendment 29 of the draft recommendation. The Commission's 2009 report on the coexistence of GM crops with conventional and organic farming showed that the majority of MSs did not implement specific liability rules in their national GMO laws. A mandatory financial liability system could ensure that polluter pays. However, a polluter often cannot be identified. As for cross-border contaminations, cost should not be borne by affected MSs. There is a need for a mandatory EU-level financial guarantee fund from the contribution of companies introducing GMO products to the EU market on the basis of general liability. This means an extension of the polluter pays principle. Recent developments show that there is a need for stronger control and prevention of possible GMO contamination across the EU. The European Food Safety Authority 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 the EU Institutions and the Member States of the fact that these plants may cause cross border economic or environmental damage, and it may be too late for counter-measures if it becomes impossible to withdraw them from the environment.

Amendment 289
Gilles Pargneaux

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

Council position

Amendment

"Article 26bb

'GMO-free' labelling

***The Commission shall propose
harmonised conditions subject to which
operators may make use of terms
indicating that products are GMO-free.***

Or. fr

Justification

The 13 July 2010 guidelines on the coexistence of crops specify that Member States may take measures to ward off the economic impacts of the presence of GMOs below the Community 0.9% labelling threshold. To prevent distortions of competition, the conditions subject to which operators may make use of terms indicating that products are GMO-free should be harmonised at Community level.

Amendment 290

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 26 c

Council position

Amendment

Article 26c

deleted

Transitional measures

- 1. As from... * until ... ** a Member State may request, via the Commission, a notifier/applicant to adjust the geographical scope of a notification/application submitted, or of an authorisation granted, under this Directive or Regulation (EC) No 1829/2003 before... *. The Commission shall communicate the request of the Member State to the notifier/applicant and to the other Member States without delay.***
- 2. Where the application is pending and the notifier/applicant has explicitly or tacitly agreed to such a request within 30 days from the communication of that request, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application as explicitly or tacitly agreed by the notifier/applicant.***
- 3. Where the authorisation has already been granted and the authorisation holder has explicitly or tacitly agreed to a request within 30 days from the communication of the request referred to in paragraph (1) of this Article, the authorisation shall be as agreed by the authorisation holder. For a written consent under this Directive, the competent authority shall amend the geographical scope of the consent accordingly as explicitly or tacitly agreed by the authorisation holder and shall inform the Commission, the Member States, and the authorisation holder once this is complete. For an authorisation under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without***

applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.

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

5. This Article is without prejudice to the cultivation of any authorised GMO seeds and plant propagating materials which were planted lawfully before the cultivation of the GMO is restricted or prohibited in the Member State.

6. Measures adopted under this Article shall not affect the free circulation of authorised GMOs as, or in, products.

**OJ: please insert the date of entry into force of the Directive in document st 10972/14.*

***OJ: please insert the date of entry into force of the Directive in document st 10972/14+ 6 months."*

Or. en

Justification

This amendment is related to the deletion of "phase I".

Amendment 291
Younous Omarjee

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

Council position

1 As from... * until ... ** a Member State may *request, via the Commission,* a

Amendment

1. As from... * until ... ** a Member State may *decide that* a notifier/applicant *should*

notifier/applicant *to* adjust the geographical scope of a notification/application submitted, or of an authorisation granted, under this Directive or Regulation (EC) No 1829/2003 before...*. The Commission shall communicate the *request* of the Member State to the notifier/applicant and to the other Member States without delay.

*OJ: please insert the date of entry into force of the Directive in document st 10972/14.

**OJ: please insert the date of entry into force of the Directive in document st 10972/14+ 6 months.".

adjust the geographical scope of a notification/application submitted, or of an authorisation granted, under this Directive or Regulation (EC) No 1829/2003 before...*. The Commission shall communicate the *decision* of the Member State to the notifier/applicant and to the other Member States without delay.

*OJ: please insert the date of entry into force of the Directive in document st 10972/14.

**OJ: please insert the date of entry into force of the Directive in document st 10972/14+ 6 months.".

Or. fr

Amendment 292

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 1

Council position

1. As from...* until ...** a *Member State* may request, *via the Commission, a notifier/applicant* to adjust the geographical scope of a notification/application submitted, or of an authorisation granted, under this Directive or Regulation (EC) No 1829/2003 before...*. The Commission shall communicate the request of *the Member State* to the *notifier/applicant* and to the other Member States without delay.

*OJ: please insert the date of entry into force of the Directive in document

Amendment

1. As from...* until ...** a *notifier/applicant* may request *the Commission or the authorizing body* to adjust the geographical scope of a notification/application submitted, or of an authorisation granted, under this Directive or Regulation (EC) No 1829/2003 before...*. The Commission shall communicate the request of *notifier/applicant* to the *concerned Member State* and to the other Member States without delay.

*OJ: please insert the date of entry into force of the Directive in document

st 10972/14.

**OJ: please insert the date of entry into force of the Directive in document st 10972/14+ 6 months.".

st 10972/14.

**OJ: please insert the date of entry into force of the Directive in document st 10972/14+ 6 months.".

Or. en

Amendment 293

Renate Sommer

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 2

Council position

2. Where the application is pending and the notifier/applicant has explicitly *or tacitly* agreed to such a request within 30 days from the communication of that request, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application as explicitly *or tacitly* agreed by the notifier/applicant.

Amendment

2. Where the application is pending and the notifier/applicant has explicitly agreed to such a request within 30 days from the communication of that request, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application as explicitly agreed by the notifier/applicant.

Or. de

Amendment 294

Elisabetta Gardini, Alberto Cirio

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 2

Council position

2. Where the application is pending and *the notifier/applicant has explicitly or tacitly agreed to such a request within 30 days from the communication of that request*, the geographical scope of *the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application as explicitly or tacitly agreed by the notifier/applicant.*

Amendment

2. Where the application is pending and *the Commission has accepted the request of the Member State, duly communicating it to the notifier/applicant, to adjust the geographical scope, the effects of that adjustment shall be produced before the entry into force of the written consent issued under this Directive.*

Or. it

Amendment 295
Younous Omarjee

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

Council position

2. Where *the application is pending and the notifier/applicant has explicitly or tacitly agreed to such a request within 30 days from the communication of that request*, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application *as explicitly or*

Amendment

2. *Where such a decision has been taken by a Member State*, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application.

tacitly agreed by the notifier/applicant.

Or. fr

Amendment 296

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 2

Council position

2. Where the application is pending and the *notifier/applicant has explicitly or tacitly agreed to* such a request within 30 days from the communication of that request, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application as explicitly or tacitly agreed by the *notifier/applicant*.

Amendment

2. Where the application is pending and the *Commission or the authorizing body has not opposed* such a request within 30 days from the communication of that request, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall be issued on the basis of the adjusted geographical scope of the notification/application as explicitly or tacitly agreed by the *Commission or the authorizing body*.

Or. en

Amendment 297

Younous Omarjee

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 3

Council position

Amendment

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

deleted

Or. fr

Amendment 298

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 3

Council position

Amendment

3. Where the authorisation has already been granted and the **authorisation holder** has explicitly or tacitly agreed to a request within 30 days from the communication of the request referred to in paragraph (1) of this Article, the authorisation shall be as agreed by the **authorisation holder**. For a

3. Where the authorisation has already been granted and the **Commission or the authorizing body** explicitly or tacitly agreed to a request within 30 days from the communication of the request referred to in paragraph (1) of this Article, the authorisation shall be as agreed by the

written consent under this Directive, the competent authority shall amend the geographical scope of the consent accordingly as explicitly or tacitly agreed by the **authorisation holder** and shall inform the Commission, the Member States, and the authorisation holder once this is complete. For an authorisation under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.

Commission or the granting authority.
For a written consent under this Directive, the competent authority shall amend the geographical scope of the consent accordingly as explicitly or tacitly agreed by the **Commission or the granting authority** and shall inform the Commission, the Member States, and the authorisation holder once this is complete. For an authorisation under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly

Or. en

Amendment 299

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 4

Council position

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

Amendment

deleted

Or. en

Amendment 300

Younous Omarjee

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 4

Council position

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

Amendment

4. A notifier/applicant *may not oppose in any way the decision taken by a Member State.*

Or. fr

Amendment 301
Renate Sommer

Council position

Article 1 – paragraph 1

Directive 2001/18/EC

Article 26 c – paragraph 5 a (new)

Council position

Amendment

5a. Member States shall ensure that farmers who are cultivating GMOs which were already authorised previously are given sufficient time to adapt and cannot be held liable retrospectively. Measures to revoke the authorisation of GMOs which are already being cultivated must therefore be published at least 12 months before the beginning of the cultivation phase. Farmers shall receive compensation for GM seed which they have already acquired and are no longer permitted to sow after a ban on cultivation.

Or. de

Amendment 302
Renate Sommer

Council position

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

Directive 2001/18/EC

Article 26 c a (new)

Council position

Amendment

(1a) The following Article is inserted:

'Article 26ca

Seed thresholds

The Commission shall establish thresholds for labelling GMO traces in conventional seeds at the lowest practicable, proportionate and functional levels for all economic operators.'

Or. en

Amendment 303

Julie Girling

Council position

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

Directive 2001/18/EC

Article 26 c a (new)

Council position

Amendment

(1a) The following Article is inserted:

'Article 26ca

Seed thresholds

On the basis of the Environment Council conclusions adopted on 4 December 2008, the Commission shall assess the need for the establishment of thresholds for labelling the adventitious presence of GMOs in conventional seeds. The Commission shall ensure that any thresholds considered are at the lowest practicable, proportionate and functional levels for all economic operators, and contribute to ensuring freedom of choice to farmers and consumers.

In addition, the Commission shall 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 304

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 2

Council position

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

⁺ OJ: please insert the date of the entry into force of this Directive.

Amendment

No later than 4 years after...⁺, the Commission shall present a report to the European Parliament and to the Council regarding the use made by Member States of this Directive including the effectiveness of the provisions enabling Member States to restrict or prohibit the cultivation of GMOs in all or part of their territory and the smooth functioning of the internal market. That report may be accompanied by any legislative proposals the Commission considers appropriate.

⁺ OJ: please insert the date of the entry into force of this Directive.

Or. en

Justification

Related to the amendment asking the Commission to present a draft implementing Regulation on environmental risk assessment of GMOs.

Amendment 305
Younous Omarjee

Council position
Article 2

Council position

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

⁺ OJ: please insert the date of the entry into force of this Directive.

Amendment

No later than 4 years after...⁺, the Commission shall present a report to the European Parliament and to the Council regarding the use made by Member States of this Directive including the effectiveness of the provisions enabling Member States to restrict or prohibit the cultivation of GMOs in all or part of their territory and the smooth functioning of the internal market. That report may be accompanied by any legislative proposals the Commission considers appropriate.

As soon as possible the Commission shall also ***give*** normative status to the strengthened 2010 Authority guidance on the environmental risk assessment of genetically modified plants.

⁺ OJ: please insert the date of the entry into force of this Directive.

Or. fr

Amendment 306
Gilles Pargneaux

Council position
Article 2

Council position

Amendment

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

⁺ OJ: please insert the date of the entry into force of this Directive.

No later than one year after ...⁺, the Commission shall publish a legislative proposal designed to give normative status to the strengthened guidance published by the European Food Safety Authority in 2010 on the environmental risk assessment of genetically modified plants.

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

⁺ OJ: please insert the date of the entry into force of this Directive.

Or. fr

Justification

This amendment seeks to strengthen GMO risk-assessment procedures. The EFSA is updating the guidance and published a revised document in November 2010. As yet, however, the Commission has not put forward a proposal designed to give normative effect to these provisions. This is why the amendment seeks to give the Commission one year to publish a version of the guidance revised in line with Annex II to Directive 2001/18/EC.

Amendment 307

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

Council position

Article 2

Council position

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

⁺ OJ: please insert the date of the entry into force of this Directive.

Amendment

No later than 4 years after...⁺, the Commission shall present a report to the European Parliament and to the Council regarding the use made by Member States of this Directive including the effectiveness of the provisions enabling Member States to restrict or prohibit the cultivation of GMOs in all or part of their territory and the smooth functioning of the internal market. That report may be accompanied by any legislative proposals the Commission considers appropriate. ***During that period*** the Commission shall ***ask the EFSA to revise its assessment method. The guidance published in 2010 must be revised to incorporate the findings of the study into the impact of combined GMOs, or stacked events, on animals. In addition, the studies must cover a longer period and a larger number of animals.***

⁺ OJ: please insert the date of the entry into force of this Directive.

Or. fr

Justification

GMOs with several modified traits (stacked events, or combined GMOs) already account for the vast majority of GMO crops (in the USA, 71% of GMO wheat and two-thirds of GMO cotton), hence the pressing need to assess them and get the EFSA to change its practices.

Amendment 308

Michel Dantin, Angélique Delahaye, Françoise Grossetête

Council position

Article 2

Council position

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

⁺ OJ: please insert the date of the entry into force of this Directive.

Amendment

No later than 4 years after...⁺, the Commission shall present a report to the European Parliament and to the Council regarding the use made by Member States of this Directive including the effectiveness of the provisions enabling Member States to restrict or prohibit the cultivation of GMOs in all or part of their territory and the smooth functioning of the internal market. ***No later than one year after ...⁺, the Commission shall submit to the European Parliament and to the Council a legislative proposal which seeks to bring Annex II to Directive 2001/18/EC into line with the new guidance issued by the European Food Safety Authority on the risk assessment of GMOs.***

⁺ OJ: please insert the date of the entry into force of this Directive.

Or. fr

Amendment 309

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 2 a (new)

Council position

Amendment

Article 2a

No later than ...⁺, the Commission shall present a draft implementing Regulation on environmental risk assessment of GMOs. That implementing Regulation shall ensure, inter alia, that the following is adequately taken into account in the environmental risk assessment:

-long-term direct and indirect environmental effects of genetically

modified crops;

-potential effects on non-target organisms;

-different characteristics of the receiving environments and the geographical areas in which genetically modified crops may be cultivated;

-resistance of pests or weeds to pesticides;

-the potential environmental consequences brought about by changes in the use of herbicides linked to herbicide-tolerant genetically modified crops.

It shall also ensure that the environmental risk assessment adequately reflects upon scientific uncertainties and diverging interpretation of scientific data.

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

Or. en

Justification

It is important to ensure that the “opt-out” option for Member States goes together with an improved harmonised risk assessment. The EFSA guidance document on the environmental risk assessment of GMOs was presented in 2010 already, together with an opinion to address the evaluation of potential impact of GM plants on non-target organisms. The COM committed that an implementing Regulation would be presented, which would then serve as the basis for applicants when submitting applications for GM authorization and for the risk assessors. However, nothing has happened since then.

Amendment 310

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 2 b (new)

Council position

Amendment

Article 2b

No later than ...⁺, the Commission shall present a report to the European Parliament and to the Council regarding the implementation of Article 26a of Directive 2001/18/EC. That report shall include specific recommendations to Member States and may be accompanied by any legislative proposals the Commission considers appropriate.

⁺ OJ: Please insert the date: three years after the date of entry into force of this Directive

Or. en

Amendment 311

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 2 c (new)

Council position

Amendment

Article 2c

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...⁺. They shall immediately inform the Commission thereof.

When Member States adopt those measures they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

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

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

Or. en

Justification

As binding requirements are laid down in this Directive, e.g. as regards coexistence and liability, there is the need for a transposition clause.

Amendment 312

Bart Staes

on behalf of the Verts/ALE Group

Council position

Article 2 d (new)

Regulation (EC) No1829/2003

Article 7 – paragraph 3, Article 19 – paragraph 3, Article 35 – paragraph 3

Council position

Amendment

Article 2d

Regulation (EC) No 1829/2003 is amended as follows:

(1) In Articles 7(3) and 19(3), the reference to Article 35(2) is replaced by a reference to Article 35(3).

(2) In Article 35(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 313

Eleonora Evi, Piernicola Pedicini, Marco Zullo, Marco Affronte

Council position

Article 3

Council position

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union

Amendment

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***Within 6 months of its date of entry into force, Members States shall transpose the content of this Directive by amending their national legislation implementing Directive 2001/18/EC.***

Or. en

Justification

Although it is in the very same interest of MS willing to ban the cultivation to implement this Directive, given the fact that at least one of the legal basis is Art.114, it'd preferable to indicate a date by which MS have to transpose it into national legislation for the sake of better harmonization across EU.

Amendment 314

Julie Girling, Jan Huitema

Council position

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

Present text

Techniques referred to in Article 2(2)(b) which are not considered to result in genetic modification, on condition that they do not involve the use of recombinant nucleic acid molecules or genetically modified organisms made by techniques/methods other than those excluded by Annex I B:

- (1) in vitro fertilisation
- (2) natural processes such as: conjugation, transduction, transformation,
- (3) polyploidy induction.

Amendment

(1a) In Annex I A Part 2, paragraph 1 shall be replaced by the following:

Techniques referred to in Article 2(2)(b) which are not considered to result in genetic modification, on condition that they do not involve the use of recombinant nucleic acid molecules or genetically modified organisms made by techniques/methods other than those excluded by Annex I B:

- (1) in vitro fertilisation
- (2) natural processes such as: conjugation, transduction, transformation,
- (3) polyploidy induction.
- (4) cisgenesis***

Or. en

Justification

In its ‘Scientific opinion addressing the safety assessment of plants developed through cisgenesis and intragenesis’, the EFSA Panel on Genetically Modified Organisms concluded that “similar hazards can be associated with cisgenic and conventionally bred plants, while novel hazards can be associated with intragenic and transgenic plants”. It is therefore not appropriate for cisgenic bred plants to be subject to the present Directive.