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Committee on Agriculture and Rural Development

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2010/0208(COD)

10.2.2011

# AMENDMENTS

## 14 - 67

**Draft opinion**  
**George Lyon**  
(PE454.352v01)

on the proposal for a regulation 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 GMOs in their territory

Proposal for a regulation  
(COM(2010)0375 – C7-0178/2010 – 2010/0208(COD))

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PE456.914v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_LegOpinion

**Amendment 14**

**José Bové, Martin Häusling, Alyn Smith**

**Proposal for a regulation – amending act**

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*Proposal for rejection*

***The European Parliament rejects the Commission's proposal.***

Or. fr

*Justification*

*This proposal has many legal flaws (Council & EP legal service); it breaks up the single market; MS banning GM would be vulnerable to challenge at the WTO; traceability is impossible; it will not prevent contamination of conventional crops, so violating consumer freedom of choice; zero GM tolerance for seeds must be upheld, as contamination is exponential; the proposal ignores SYGMEA & COEXTRA conclusions that coexistence is near-impossible; it pre-empts the update of all GM legislation in 2012.*

**Amendment 15**

**Ulrike Rodust, Christel Schaldemose**

**Proposal for a regulation – amending act**

**Citation 1**

*Text proposed by the Commission*

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

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article **192** [...] thereof,

Or. en

**Amendment 16**  
**Krisztina Morvai**

**Proposal for a regulation – amending act**  
**Recital 2**

*Text proposed by the Commission*

(2) Under this set of legislation, GMOs for cultivation shall undergo an individual risk assessment before being authorised to be placed on the Union market. The aim of this authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests, *whilst ensuring the effective functioning of the internal market.*

*Amendment*

(2) Under this set of legislation, GMOs for cultivation shall undergo an individual risk assessment before being authorised to be placed on the Union market. The aim of this authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests.

Or. hu

**Amendment 17**  
**Stéphane Le Foll, Marc Tarabella, Daciana Octavia Sârbu, Csaba Sándor Tabajdi**

**Proposal for a regulation – amending act**  
**Recital 2**

*Text proposed by the Commission*

(2) Under this set of legislation, GMOs for cultivation shall undergo an individual risk assessment before being authorised to be placed on the Union market. The aim of this authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests, whilst ensuring the effective functioning of the internal market.

*Amendment*

(2) Under this set of legislation, GMOs for cultivation shall undergo an individual risk assessment before being authorised to be placed on the Union market, *taking into account, in accordance with Annex II of Directive 2001/18/EC, the direct, indirect, immediate and delayed effects, as well as the cumulative long-term effects, on human health and the environment.* The aim of this authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests, whilst ensuring the effective functioning of the internal market.

Or. fr

**Amendment 18**  
**Ulrike Rodust**

**Proposal for a regulation – amending act**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The Commission should make sure that the Council conclusions of December 2008 are complied with and that proper implementation is ensured of the statutory requirements for GMO risk assessment in accordance with Annex II to Directive 2001/18/EC.***

Or. de

**Amendment 19**  
**Krisztina Morvai**

**Proposal for a regulation – amending act**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

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

(4) Once a GMO is authorised for cultivation purposes in accordance with the EU legislative framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of EU legislation on the marketing of seed and plant propagating material, Member States are not authorised to prohibit, restrict, or impede its free circulation within their territory, except under the conditions defined by EU legislation, ***and except where, under such legislation or Article 2(2) of the TFEU, the Member State is entitled to restrict or prohibit the commercial cultivation of the GMO in question.***

Or. hu

**Amendment 20**  
**Krisztina Morvai**

**Proposal for a regulation – amending act**  
**Recital 5**

*Text proposed by the Commission*

(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed by Member States, either at central or at regional and local level. **Contrary to** issues related to the placing on the market and the import of GMOs, which should remain regulated at EU level to preserve the internal market, cultivation has been acknowledged as an issue with a strong local/regional dimension. In accordance with Article 2(2) TFEU Member States should therefore be entitled to have a possibility to adopt rules concerning the effective cultivation of GMOs in their territory after the GMO has been legally authorised to be placed on the EU market.

*Amendment*

(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed by Member States, either at central or at regional and local level. **By comparison with** issues related to the placing on the market and the import of GMOs, which should remain regulated at EU level to preserve the internal market, cultivation has been acknowledged as an issue with a strong local/regional dimension. In accordance with 2. Article 2(2) TFEU Member States should therefore be entitled to have a possibility to adopt rules concerning the effective cultivation of GMOs in their territory **and the marketing of propagating material for this purpose** after the GMO has been legally authorised to be placed on the EU market.

Or. hu

**Amendment 21**  
**Elisabeth Köstinger, Herbert Dorfmann**

**Proposal for a regulation – amending act**  
**Recital 5**

*Text proposed by the Commission*

(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed by Member States, either at central or at regional and local level. Contrary to issues related to the placing on the market and the import of GMOs, which should remain regulated at

*Amendment*

(5) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed by Member States, either at central or at regional and local level. Contrary to issues related to the placing on the market and the import of GMOs, which should remain regulated at

EU level to preserve the internal market, cultivation has been acknowledged as an issue with a strong **local/regional** dimension. In accordance with Article 2(2) TFEU Member States should therefore be entitled to have a possibility to adopt **rules** concerning the effective cultivation of GMOs in their territory after the GMO has been legally authorised to be placed on the EU market.

EU level to preserve the internal market, cultivation has been acknowledged as an issue with a strong **local/regional/territorial** dimension **and as of particular importance for the self-determination of Member States**. In accordance with Article 2(2) TFEU Member States should therefore be entitled to have a possibility to adopt **binding legislative provisions** concerning the effective cultivation of GMOs in their territory after the GMO has been legally authorised to be placed on the EU market.

Or. de

## **Amendment 22**

**Marc Tarabella, Csaba Sándor Tabajdi**

### **Proposal for a regulation – amending act Recital 6**

#### *Text proposed by the Commission*

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more freedom to decide whether or not they wish to cultivate GMO crops on their territory without changing the system of Union authorisations of GMOs and independently of the measures that Member States **are entitled to** take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

#### *Amendment*

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more flexibility to decide whether or not they wish to cultivate GMO crops on their territory without changing the system of Union authorisations of GMOs and in parallel with the measures that Member States **must** take by application of Article 26a of Directive 2001/18/EC, **as amended by this Regulation**, to avoid the unintended presence of GMOs in other products.

Or. fr

## **Amendment 23**

**Lorenzo Fontana**

### **Proposal for a regulation – amending act Recital 6**

*Text proposed by the Commission*

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more freedom to decide whether or not they wish to cultivate GMO crops on their territory without changing the system of Union authorisations of GMOs and independently of the measures that Member States **are entitled** to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

*Amendment*

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more freedom to decide whether or not they wish to cultivate GMO crops on their territory without changing the system of Union authorisations of GMOs and independently of the measures that Member States **have** to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

Or. it

**Amendment 24**  
**Krisztina Morvai**

**Proposal for a regulation – amending act**  
**Recital 6**

*Text proposed by the Commission*

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more freedom to decide whether or not they wish to cultivate GMO crops on their territory without changing the system of Union authorisations of GMOs and independently of the measures that Member States are entitled to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

*Amendment*

(6) In this context, it appears appropriate to grant to Member States, in accordance with the principle of subsidiarity, more freedom to decide whether or not they wish to cultivate GMO crops **or market such propagating material** on their territory without **otherwise** changing the system of Union authorisations of GMOs and independently of the measures that Member States are entitled to take by application of Article 26a. of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

Or. hu



**Amendment 25**  
**Krisztina Morvai**

**Proposal for a regulation – amending act**  
**Recital 7**

*Text proposed by the Commission*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC.

***Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.***

*Amendment*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC.

Or. hu

**Amendment 26**  
**Rareş-Lucian Niculescu**

**Proposal for a regulation – amending act**  
**Recital 7**

*Text proposed by the Commission*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of ***all or particular*** GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, ***at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs***. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

*Amendment*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of GMOs ***on a case-by-case basis*** in all or part of their territory, ***provided the relevant measures are adopted and are made publicly accessible to all operators concerned, including producers, at least one year before the start of the cultivation season, and to*** respectively amend those measures as they deem appropriate. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

Or. ro

**Amendment 27**

**Maria do Céu Patrão Neves**

**Proposal for a regulation – amending act  
Recital 7**

*Text proposed by the Commission*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or

*Amendment*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or

particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, ***at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs***. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

Or. pt

**Amendment 28**  
**Maria do Céu Patrão Neves**

**Proposal for a regulation – amending act**  
**Recital 7**

*Text proposed by the Commission*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of

*Amendment*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or particular GMOs, ***on a case-by-case basis, in all or part of their territory, provided the relevant measures are adopted and are made publicly accessible to all operators concerned, including producers, at least six months before the start of the cultivation season, and to*** respectively

seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

Or. pt

## **Amendment 29**

**Peter Jahr, Britta Reimers**

### **Proposal for a regulation – amending act Recital 7**

#### *Text proposed by the Commission*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of ***all or particular*** GMOs ***in all or part of*** their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance

#### *Amendment*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of GMOs ***on a case-by-case basis throughout*** their territory, ***as long as those measures are adopted and made publicly available to all operators concerned, including growers, at an appropriate period prior to the start of sowing***, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the

with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

Or. de

### **Amendment 30**

**Elisabeth Köstinger, Herbert Dorfmann**

#### **Proposal for a regulation – amending act Recital 7**

##### *Text proposed by the Commission*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of **all or** particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC.

##### *Amendment*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of **individual GMOs**, particular **groups of** GMOs **or all GMOs** in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with

Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

Or. de

### **Amendment 31**

**Stéphane Le Foll, Marc Tarabella, Daciana Octavia Sârbu, Csaba Sándor Tabajdi**

#### **Proposal for a regulation – amending act**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified

###### *Amendment*

(7) Member States should therefore be authorised to adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory, and respectively amend those measures as they deem appropriate, at all stages of the authorisation, re-authorisation or withdrawal from the market of the concerned GMOs. ***This choice on the part of the Member States is intimately linked to their power to manage and enhance their territory, with its immense variety of ecosystems whose natural production systems must be preserved for the long term.*** This should apply as well to genetically modified varieties of seed and plant propagating material which are placed on the market in accordance with relevant legislation on the marketing of seeds and plant propagating material and, in particular, in accordance with Directives 2002/53/EC and 2002/55/EC. Measures should refer to the cultivation of GMOs

varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

only and not to the free circulation and import of genetically modified seeds and plant propagating material, as or in products, and of the products of their harvest. Similarly they should not affect the cultivation of non genetically modified varieties of seed and plant propagating material in which adventitious or technically unavoidable traces of EU authorised GMOs are found.

Or. fr

**Amendment 32**  
**Ulrike Rodust, Christel Schaldemose**

**Proposal for a regulation – amending act**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7a) As cultivation is closely linked to the use of land and to the protection of flora and fauna, matters in respect of which Member States retain important competencies, it appears appropriate to give them a right to restrict or prohibit GM cultivation on their territory on grounds related to environmental or other legitimate factors relating to the deliberate release of GMOs into the environment where those factors have not been addressed as part of the harmonised procedure foreseen in Part C of Directive 2001/18/EC or have not been sufficiently dealt with.*

Or. en

**Amendment 33**  
**Stéphane Le Foll, Marc Tarabella, Daciana Octavia Sârbu, Csaba Sándor Tabajdi**

**Proposal for a regulation – amending act**  
**Recital 8**

*Text proposed by the Commission*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment.

Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the

*Amendment*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. ***Such measures may be justified on the basis of:***

***- environmental grounds different and complementary to those which have been the subject of an evaluation pursuant to Directive 2001/18/EC, and providing scientific data clearly showing the importance of conserving the receiving environments;***

***- grounds supporting the protection and development of agricultural practices which offer the best combination of production with ecosystem sustainability;***

***- grounds relating to the appearance of resistance or invasive plants;***

***- grounds suggesting that there are agricultural practices which present an alternative to GMO cultivation and yield more beneficial results in technical, economic and environmental terms.***

Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the



Union, notably in the context of the World Trade Organisation.

Union, notably in the context of the World Trade Organisation.

Or. fr

**Amendment 34**  
**Georgios Papastamkos**

**Proposal for a regulation – amending act**  
**Recital 8**

*Text proposed by the Commission*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already ***addressed by*** the harmonised ***set of*** EU rules ***which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment.*** Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

*Amendment*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest ***complementary to or other than those which have already been the subject of an assessment pursuant to the harmonised EU rules. The reasons that may be cited by the Member States include complementary environmental effects other than those already covered by the risk assessment provided for in Part C of Directive 2001/18/EC, such as the evaluation of scientific data in relation to the environmental impact at national, regional or local level, or reasons related to risk management. These reasons may include agronomic justifications related to specific geographical features, the diversification of agricultural structures and the specific nature of farming practices, as well as socio-economic considerations such as the feasibility and cost of measures to ensure separation, prevent contamination and carry out checks on seeds, or to protect quality agricultural products (PDO and PGI,***

*organic products), as well as consumer habits.* Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

Or. el

#### *Justification*

*It is impossible to carry out a thorough study at EU level of the effects at national, regional or local level of cultivating all or certain GMOs in certain receiving environments. It should also be stressed that it is precisely by citing environmental reasons that the greatest legal security can be guaranteed for the adoption of national measures to ban cultivation. The Member States should also be able to cite other reasons (e.g. socio-economic factors).*

#### **Amendment 35** **Krisztina Morvai**

#### **Proposal for a regulation – amending act** **Recital 8**

##### *Text proposed by the Commission*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be **revised** by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO

##### *Amendment*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be **reduced** by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO

for cultivation may pose on health and the environment. Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

for cultivation may pose on health and the environment. Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

Or. hu

### **Amendment 36**

**Maria do Céu Patrão Neves**

#### **Proposal for a regulation – amending act Recital 8**

##### *Text proposed by the Commission*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the

##### *Amendment*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular **GMOs, on a case-by-case basis**, in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international

context of the World Trade Organisation.

obligations of the Union, notably in the context of the World Trade Organisation.  
***Account should be taken of the need to re-examine the existing thresholds for labelling GM traces in conventional seeds.***

Or. pt

**Amendment 37**  
**Rareş-Lucian Niculescu**

**Proposal for a regulation – amending act**  
**Recital 8**

*Text proposed by the Commission*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the **EU cannot** be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

*Amendment*

(8) According to the legal framework for the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the EU cannot be revised by a Member State and this situation must not be altered. However Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs in all or part of their territory on the basis of **properly substantiated** grounds relating to the public interest other than those already addressed by the harmonised set of EU rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. Those measures should furthermore be in conformity with the Treaties, in particular as regards the principle of non discrimination between national and non national products and Articles 34 and 36 of the Treaty on the Functioning of the European Union, as well as with the relevant international obligations of the Union, notably in the context of the World Trade Organisation.

Or. ro

**Amendment 38**

**Marc Tarabella, Csaba Sándor Tabajdi**

**Proposal for a regulation – amending act  
Recital 9**

*Text proposed by the Commission*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to ***invoke other grounds than scientific assessment of health and environmental risks*** to ban cultivation of GMOs on their territory. ***In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive.*** Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the

*Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to ***restrict or ban*** cultivation of GMOs on their territory ***for reasons linked to legitimate environmental or other considerations, resulting from the authorisation or placing on the market of GMOs, which were not concerned by the harmonised procedure referred to in part C of Directive 2001/18/EC or which were not sufficiently taken into account.*** Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

other Member States one month prior to their adoption for information purposes.

Or. fr

**Amendment 39**  
**Maria do Céu Patrão Neves**

**Proposal for a regulation – amending act**  
**Recital 9**

*Text proposed by the Commission*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant **freedom** to Member States to invoke other grounds **than** scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory. ***In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear*** the most appropriate information channel for the Commission. ***Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more***

*Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant **flexibility** to Member States to invoke other grounds **apart from** scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory. ***Such other grounds should be properly substantiated, given that the notification procedure under Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> appears to be*** the most appropriate information channel for the Commission. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

*proportionate tool for the Commission to be aware of these measures.* Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

Or. pt

**Amendment 40**  
**Ulrike Rodust, Christel Schaldemose**

**Proposal for a regulation – amending act**  
**Recital 9**

*Text proposed by the Commission*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to *invoke other grounds than scientific assessment of health and environmental risks to ban* cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive.. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission.

*Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to *restrict or prohibit the* cultivation of GMOs on their territory *on grounds related to environmental or other legitimate factors which might arise from the deliberate release or the placing on the market of GMOs where those factors have not been addressed as part of the harmonised procedure foreseen in Part C of Directive 2001/18/EC or have not been sufficiently dealt with.* In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive.. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus

Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

Or. en

**Amendment 41**  
**Elisabeth Köstinger, Herbert Dorfmann**

**Proposal for a regulation – amending act**  
**Recital 9**

*Text proposed by the Commission*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States ***to invoke other grounds than scientific assessment of health and environmental risks*** to ban cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of

*Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonise the conditions of cultivation in Member States but to grant freedom to Member States to ***restrict or ban cultivation of GMOs on their territory because of health and environmental risks or other legitimate factors, such as, for example, on socio-economic grounds***. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations which is to allow the Commission to consider the adoption of binding acts at EU level would not be



Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

Or. de

**Amendment 42**  
**Krisztina Morvai**

**Proposal for a regulation – amending act**  
**Recital 9**

*Text proposed by the Commission*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to invoke **other** grounds than scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying

*Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to invoke **more stringent** grounds than scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June

down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

Or. hu

**Amendment 43**  
**Georgios Papastamkos**

**Proposal for a regulation – amending act**  
**Recital 9**

*Text proposed by the Commission*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to invoke *other* grounds than scientific assessment of

*Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to invoke grounds *complementary to or other* than

health and environmental risks to ban cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

Or. el

#### *Justification*

*It is impossible to carry out a thorough study at EU level of the effects at national, regional or local level of cultivating all or certain GMOs in certain receiving environments. It should also be stressed that it is precisely by citing environmental reasons that the greatest legal security can be guaranteed for the adoption of national measures to ban cultivation. The Member States should also be able to cite other reasons (e.g. socio-economic factors).*

**Amendment 44**  
**Giovanni La Via**

**Proposal for a regulation – amending act**  
**Recital 9**

*Text proposed by the Commission*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to invoke other grounds than scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

*Amendment*

(9) On the basis of the subsidiarity principle, the purpose of this Regulation is not to harmonize the conditions of cultivation in Member States but to grant freedom to Member States to invoke other **justified** grounds than scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory. In addition one of the purposes of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>27</sup> which is to allow the Commission to consider the adoption of binding acts at EU level would not be served by the systematic notification of Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this Regulation cannot have as a subject the placing of the market of GMOs and thus does not modify the conditions of placing on the market of GMOs authorised under the existing legislation, the notification procedure under Directive 98/34/EC does not appear the most appropriate information channel for the Commission. Therefore, by derogation, Directive 98/34/EC should not be applicable. A simpler notification system of the national measures prior to their adoption appears to be a more proportionate tool for the Commission to be aware of these measures. Measures which Member States intend to adopt should thus be communicated together with their reasons to the Commission and to the other Member States one month prior to their adoption for information purposes.

**Amendment 45**  
**Elisabeth Köstinger, Herbert Dorfmann**

**Proposal for a regulation – amending act**  
**Article 1 – point 1**  
Directive 2001/18/EC  
Article 26b – paragraph 1

*Text proposed by the Commission*

Member States may adopt measures restricting or prohibiting the cultivation of **all or** particular GMOs authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of seed and plant propagating material, in all or part of their territory, provided that:

*Amendment*

Member States may adopt measures restricting or prohibiting the cultivation of **individual GMOs**, particular **groups of** GMOs **or all GMOs** authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of seed and plant propagating material, in all or part of their territory, provided that:

**Amendment 46**  
**Janusz Wojciechowski**

**Proposal for a regulation – amending act**  
**Article 1 – point 1** Directive 2001/18/EC  
Article 26 b – paragraph 1

*Text proposed by the Commission*

Member States may adopt measures restricting or prohibiting the cultivation of **all** or particular GMOs authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of seed and plant propagating material, in all

*Amendment*

Member States may adopt measures restricting or prohibiting the cultivation of **a GMO** or **a particular group of** GMOs authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of seed and plant propagating material, in all or part of their

or part of their territory, provided that:

territory, provided that:

Or. en

**Amendment 47**

**Peter Jahr, Britta Reimers**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1

*Text proposed by the Commission*

Member States may adopt measures restricting or prohibiting the cultivation of ***all or particular*** GMOs authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of seed and plant propagating material, in all ***or part of*** their territory, provided that:

*Amendment*

Member States may adopt measures restricting or prohibiting the cultivation of GMOs authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of seed and plant propagating material, on a case-by-case basis, in all their territory, provided that:

Or. de

**Amendment 48**

**Maria do Céu Patrão Neves**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1

*Text proposed by the Commission*

Member States may adopt measures ***restricting*** or prohibiting the cultivation of all or particular GMOs authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of

*Amendment*

Member States may adopt measures ***limiting*** or prohibiting the cultivation of all or particular GMOs authorised in accordance with Part C of this Directive or Regulation (EC) No 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of

seed and plant propagating material, in all or part of their territory, provided that:

seed and plant propagating material, in all or part of their territory, provided that:

Or. pt

**Amendment 49**  
**Lorenzo Fontana**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a

*Text proposed by the Commission*

*Amendment*

*a) those measures are based on grounds other than those related to the assessment of the adverse effect on health and environment which might arise from the deliberate release or the placing on the market of GMOs;*

*Deleted*

*and*

Or. it

**Amendment 50**  
**Janusz Wojciechowski**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a

*Text proposed by the Commission*

*Amendment*

(a) those measures are based on grounds *other than those* related to *the assessment of the adverse effect on health and environment* which might arise from the deliberate release or the placing on the market of GMOs;

(a) those measures are based on grounds related to *environmental or other legitimate factors* which might arise from the deliberate release or the placing on the market of GMOs *where those factors have not been addressed as part of the harmonised procedure foreseen in Part C of Directive 2001/18/EC or have not been*

*sufficiently dealt with. In particular, Member States must be enabled to restrict or prohibit GMO cultivation if existing data do not allow for a proper assessment of their effects on national, regional or local environments. Grounds related to changes of land use, changes in agricultural practices or other legitimate factors may also be invoked.*

Or. en

**Amendment 51**

**Elisabeth Köstinger, Herbert Dorfmann**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a

*Text proposed by the Commission*

(a) those measures are based on ***grounds other than those related to the assessment of the adverse effect on health and environment*** which might arise from the deliberate release or the placing on the market of GMOs;

*Amendment*

(a) those measures are based on ***the protection of health, of the environment, of biodiversity and of organic or conventional farming or on other socio-economic factors*** which might arise from the deliberate release or the placing on the market of GMOs;

Or. de

**Amendment 52**

**Stéphane Le Foll, Marc Tarabella, Daciana Octavia Sârbu, Csaba Sándor Tabajdi**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a

*Text proposed by the Commission*

a) those measures are based on grounds ***other than*** those related to the assessment of the adverse effect on health and

*Amendment*

a) those measures are based on grounds ***complementary to and/or different from*** those related to the assessment of the



environment which might arise from the deliberate release or the placing on the market of GMOs;

adverse effect on health and environment which might arise from the deliberate release or the placing on the market of GMOs; *including:*

*- additional environmental grounds which have not been subject to an evaluation pursuant to Directive 2001/18/EC;*

*- grounds justifying the maintenance and development of agricultural practices which offer the best combination of production with ecosystem sustainability;*

*- grounds relating to the appearance of resistance or invasive plants;*

*- grounds relating to the existence of alternative practices to GMO cultivation and with better technical, economic and environmental performance.*

Or. fr

### **Amendment 53**

**Georgios Papastamkos**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a

*Text proposed by the Commission*

(a) those measures are based on grounds ***other than those*** related to the assessment of the ***adverse*** effect ***on health and environment*** which might arise from the deliberate release or the placing on the market of GMOs;

*Amendment*

(a) those measures are based on:

*- grounds related to the assessment of the **environmental** effect which might arise from the deliberate release or the placing on the market of GMOs, **complementary to the environmental effects studied as part of the assessment of the adverse effects on the environment carried out pursuant to Part C of this Directive; or***

**- other legitimate reasons which may include socio-economic effects, inter alia;**

Or. el

*Justification*

*It is impossible to carry out a thorough study at EU level of the effects at national, regional or local level of cultivating all or certain GMOs in certain receiving environments. It should also be stressed that it is precisely by citing environmental reasons that the greatest legal security can be guaranteed for the adoption of national measures to ban cultivation. The Member States should also be able to cite other reasons (e.g. socio-economic factors).*

**Amendment 54**

**Michel Dantin**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a a (new)

*Text proposed by the Commission*

*Amendment*

***a a) those measures have been the subject of a prior impact assessment showing them to be necessary and proportional;***

Or. fr

*Justification*

*In order to confirm the legal validity of measures to restrict or prohibit the cultivation of GMOs adopted by the Member States, a prior impact assessment should be carried out to demonstrate the necessity and proportionality of the proposed measures. In the event of a dispute before the WTO, such impact assessment would make it easier to defend the measure adopted.*

**Amendment 55**

**Michel Dantin**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a b (new)

*Text proposed by the Commission*

*Amendment*

***a b) those measures have been the subject of a prior public consultation lasting at least 30 days.***

Or. fr

*Justification*

*To enable the competent authorities to take informed decisions, the parties must be able to notify their observations before the adoption of such measures, which could have an impact on various sectors.*

**Amendment 56**

**Rareş-Lucian Niculescu**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point aa (new)

*Text proposed by the Commission*

*Amendment*

***((aa) they are adopted and are made publicly accessible to all operators concerned, including producers, at least one year before the start of the cultivation season;***

Or. ro

**Amendment 57**

**Janusz Wojciechowski**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) those measures are adopted and made publicly available to all operators concerned, including growers, at least three months prior to the start of the growing season provided that the GMOs concerned are authorised in accordance with Part C of Directive 2001/18/EC at least six months prior to the start of the growing season.***

Or. en

**Amendment 58**

**Marit Paulsen, Britta Reimers**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) those measures are adopted and made publicly available to all operators concerned, including growers, at least six months prior to the start of the growing season;***

Or. en

**Amendment 59**

**Richard Ashworth**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) those measures are adopted and made publicly available to all operators***

*concerned, including growers, at least six months prior to the start of the growing season;*

Or. en

**Amendment 60**  
**Astrid Lulling**

**Proposal for a regulation – amending act**  
**Article 1 - point 1**  
Directive 2001/18/EC  
Article 26 b – paragraph 1 - point a a (new)

*Text proposed by the Commission*

*Amendment*

*a a) those measures are adopted and made publicly available to all operators concerned, including growers, at least six months prior to the start of the growing season;*

Or. fr

**Amendment 61**  
**Marit Paulsen, Britta Reimers, Peter Jahr**

**Proposal for a regulation – amending act**  
**Article 1 - point 1**  
Directive 2001/18/EC  
Article 26 b – paragraph 1 - point b

*Text proposed by the Commission*

*Amendment*

(b) that *they* are in conformity with the Treaties.

(b) that *those measures* are in conformity with the Treaties, *in particular with the principle of proportionality and the Union's international obligations.*

Or. en

**Amendment 62**  
**Richard Ashworth**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 - point b

*Text proposed by the Commission*

(b) that **they** are in conformity with the Treaties.

*Amendment*

(b) that **those measures** are in conformity with the Treaties, **in particular with the principle of proportionality, and the Union's international obligations.**

Or. en

**Amendment 63**

**Michel Dantin**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***The Commission shall assess the need for harmonisation of the sampling and analysis methods for non-authorised GMOs present at a low level in seed, and in particular for the setting of a minimum performance limit for detection methods.***

Or. fr

*Justification*

*The lack of harmonisation leads the Member States to apply different rules, which inevitably introduce distortions of competition, since firms are able to adjust their marketing channels. Since traces of non-authorised GMOs in batches of imported seeds are frequently found in spite of the measures taken by operators, the same procedure should be envisaged as is proposed by the Commission for animal feed.*

**Amendment 64**

**Michel Dantin**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

Article 26 b – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***The measures taken pursuant to this article shall be adopted for a maximum of three years, and may where appropriate be renewed following the conclusion of a new impact study showing that they are necessary and proportional.***

Or. fr

*Justification*

*In order to ensure the legal validity of long-term measures, there needs to be a periodic reassessment of the justification for such measures and their proportionality to the aims in view. The renewal of measures taken should therefore be conditional on a new impact assessment.*

**Amendment 65**

**Marit Paulsen, Britta Reimers, Peter Jahr**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

*Text proposed by the Commission*

*Amendment*

***Article 26 b a***

***Seed thresholds***

***The Commission shall assess the need for the establishment of thresholds for labelling GMO traces in conventional seeds which shall be set at the lowest practicable, proportionate and functional levels for all economic operators. It shall report to the European Parliament and to the Council by ...<sup>1</sup>, submitting at the same time, if appropriate, relevant proposals.***

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<sup>1</sup> *OJ, please insert the date twelve months from the entry into force of this Regulation*

Or. en

**Amendment 66**

**Janusz Wojciechowski**

**Proposal for a regulation – amending act**

**Article 1 - point 1**

Directive 2001/18/EC

**Article 26 b a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 26 ba**

**Prevention of GMO traces in conventional seeds**

***The Commission shall assess the need for an effective prevention of GMO traces in conventional (i.e. non GM) seeds by establishing technical rules to this end.***

Or. en

**Amendment 67**

**Michel Dantin**

**Proposal for a regulation**

**Article 1 - point 1**

Directive 2001/18/EC

**Article 26 b a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24b a**

**'GMO-free' labelling**

***The Commission shall propose the harmonised conditions under which operators may make use of terms indicating the absence of GMOs in products.***



*Justification*

*The 13 July 2010 guidelines on the co-existence of crops state that Member States may take measures to avoid the economic implications of the presence of GMO below the Community 0.9% labelling threshold. To avoid distortions of competition, the conditions under which operators may make use of terms indicating the absence of GMOs in products should be harmonised at Community level.*