



EUROPEAN PARLIAMENT

2009 - 2014

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

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**2010/0208(COD)**

17.3.2011

# **AMENDMENTS**

## **10 - 114**

**Draft report**  
**Corinne Lepage**  
(PE456.911v01-00)

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 – amending act  
(COM(2010)0375 – C7-0178/2010 – 2010/0208(COD))

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**Amendment 10**  
**Christofer Fjellner**

**Proposal for a regulation - amending act**

*Proposal for rejection*

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

Or. en

*Justification*

*This proposal should be rejected because it does not provide legal certainty, its compatibility with internal market and WTO rules is in doubt and it is unlikely to achieve its political objectives.*

*The likely grounds to allow Member States to opt out of GMO cultivation will either overlap with EFSA's field of competence (e.g. environment) or they will be purely politically motivated (e. g. public order). In the first case, they would undermine EFSA's credibility and make the EU approval system even less workable than it already is. In the second case, they would neither be objective nor quantifiable and therefore would not stand up to legal scrutiny. As regards the compatibility with single market principles, selling GMO seeds in those countries which have banned a GMO product will be practically impossible. This could set a dangerous precedent for other products. Compatibility with WTO rules has been questioned by both the EP and the Council legal analyses.*

*This proposal is unlikely to deliver politically, because it will not help to overcome the political deadlock in the GMO approval system. Even if opt-out countries could rely on legally valid grounds, they would probably still not agree to authorise GMO products because this could create a competitive disadvantage for their farmers compared to those ones in other Member States allowing GMOs. Furthermore, not allowing GMO cultivation at home and approving them at EU level at the same time would not be seen as a consistent political line. Member States which are interested in GMO cultivation would continue to be blocked by those which want to ban GMOs.*

**Amendment 11**  
**Sandrine Bélier**

**Proposal for a regulation - amending act**

*Proposal for rejection*

***The European Parliament rejects the***

***Commission proposal.***

Or. en

*Justification*

*As outlined by both EP and Council legal service, the Commission proposal has many legal flaws. It conflicts with EU rules on the internal market and only pretends to give Member States the right to ban GMOs on their territory. Anyway the 'renationalisation' of competences in this field is not desirable. It would undermine EU cohesiveness, and would lead to a distortion of competition between conventional/ organic farmers from EU Member States with and without a ban on cultivation. Moreover, on international level, it would undermine the credibility of the EU acting as a single and strong actor.*

**Amendment 12**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

**Proposal for a regulation - amending act**

*Proposal for rejection*

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

Or. en

*Justification*

*This proposal has many shortcomings (see legal opinions of the EP and the Council legal services); it is not the adequate response to the 2008 Council conclusions which need to be fully implemented and it doesn't prevent contamination of conventional or organic crops.*

**Amendment 13**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

**Proposal for a regulation - amending act  
Recital 1**

*Text proposed by the Commission*

(1) Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed<sup>16</sup> establish a comprehensive legal framework for the authorisation of genetically modified organisms (GMOs), which is fully applicable to GMOs to be used for cultivation purposes throughout the EU as seeds or other plant-propagating material (hereinafter ‘GMOs for cultivation’).

*Amendment*

(1) Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed establish, ***in accordance with the precautionary principle***, a comprehensive legal framework for the authorisation of genetically modified organisms (GMOs), which is fully applicable to GMOs to be used for cultivation purposes throughout the EU as seeds or other plant-propagating material (hereinafter ‘GMOs for cultivation’).

Or. en

*Justification*

*Under the Treaty, action by the EU relating to the environment should be based on the principle that preventive action should be taken. When an activity raises threats of harm to human health and the environment, precautionary measures should be taken.*

**Amendment 14**  
**Kathleen Van Brempt**

**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

*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***

environment and consumer interests, whilst ensuring the effective functioning of the internal market.

***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. en

**Amendment 15**  
**Justas Vincas Paleckis**

**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 assessment ***of direct and indirect short-term and long-term risk to human health and the environment*** 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.

Or. en

**Amendment 16**  
**Rovana Plumb**

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

*Text proposed by the Commission*

(2) Under this set of legislation, GMOs for

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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.

cultivation shall undergo an individual assessment **of direct and indirect short-term and long-term risks** 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.

Or. ro

#### **Amendment 17**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

#### **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 **and to address citizens' ethical and societal considerations.**

Or. en

##### *Justification*

*Respect for ethical principles recognised in a Member State is particularly important. As there is a change of the legal basis to Article 192 of the Treaty, the mention of the effective functioning of the internal market is redundant.*

## Amendment 18

Catherine Soullie, Françoise Grossetête, Anne Delvaux, Pilar Ayuso, Theodoros Skylakakis, Horst Schnellhardt, Elisabetta Gardini, Sergio Berlato

### 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. ***In accordance with the conclusions of the Environment Council of 4 December 2008, this risk assessment should be enhanced, particularly by taking better account of regional and local circumstances in the context of the assessment by the European Food Safety Authority.*** 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. ***The same high level of protection of health and the environment should be sought and maintained throughout the territory of the Union.***

Or. fr

#### *Justification*

*The conclusions of the Environment Council of 4 December 2008 called for the implementation of the existing legislative framework to be improved, particularly by taking better account of regional and local circumstances. It is important to bear in mind that risks to particular ecosystems must be taken into account in the context of the harmonised assessment at Community level in order to protect consumers and the environment throughout EU territory.*

## Amendment 19



**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

*Text proposed by the Commission*

*Amendment*

***(2a) In line with the conclusions of the Environmental Council of 4 December 2008, the Commission should, as a priority, ensure the proper implementation of the provisions of Directive 2001/18/EC, particularly the requirements of Annex II on the environmental risk assessment. Until the risk assessment provisions are properly implemented, no new GMO variety should be authorised.***

Or. en

*Justification*

*The aim of Directive 2001/18 is to protect human health and the environment when carrying out the deliberate release into the environment or the placing on the market of GMOs (Article 1). It is generally accepted that the environmental risk assessment with regard to GMOs must be improved, e.g. concerning long-term effects and non-target organisms (see e.g. Environmental Council conclusions from December 2008). When giving Member States the right to restrict cultivation of GMOs on their territories, it is only consequential to first ensure that risk assessment provisions are properly implemented.*

**Amendment 20  
Dan Jørgensen**

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

*Text proposed by the Commission*

*Amendment*

***(2a) The Commission should ensure, as a priority, the implementation of the***

*Environment Council Conclusions adopted on 4 December 2008, namely a proper implementation of the legal requirements laid down in Annex II of Directive 2001/18/EC for the risk assessment of GMOs. In particular, the Commission should ensure that the long-term environmental effects of GM crops as well as their potential effects on non-target organisms are rigorously assessed; that the characteristics of the receiving environments and the geographical areas in which GM plants may be cultivated are duly taken into account; that the potential environmental consequences brought by changes in the use of herbicides linked to herbicide-tolerant GM crops are assessed; that Member States' scientific concerns are duly taken into account; that independent research on the potential risks of GMOs is conducted; that the necessary resources are secured for such research; and that independent researchers are given access to all relevant material, while respecting intellectual property rights.*

Or. en

#### *Justification*

*This Regulation does not exempt the Commission from its responsibility to ensure a proper implementation of EU law concerning the harmonised authorisation procedure under Part C of Directive 2001/18/EC.*

#### **Amendment 21** **Julie Girling**

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

*Text proposed by the Commission*

*Amendment*

***(2a) Attention should be drawn to point 10 of the conclusions of the Environment Council meeting of 4 December 2008***

*which invites EFSA and Member States to pursue the formation of an extensive network of scientific organisations representing all disciplines including those related to ecological issues with the assessment of risks associated with cultivation or use of GM plants in food and feedingstuffs in accordance with Article 36 of Regulation 178/2002/EC of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>1</sup>, and thus to ensure effective coordination and cooperation between scientists, and underlines the importance of the full application of Article 30 of Regulation 178/2002/EC, which calls for EFSA to exercise vigilance in order to identify at an early stage any potential divergence between scientific opinions, and to cooperate with Member States and national bodies with a view to resolving or clarifying the contentious scientific issues.*

<sup>1</sup> OJ L 31, 1.2.2002, p. 1.

Or. en

#### **Amendment 22**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

### *Justification*

*Under the Treaty, action by the EU relating to the environment should be based on the principle that preventive action should be taken. When an activity raises threats of harm to human health and the environment, precautionary measures should be taken.*

#### **Amendment 23**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

#### **Proposal for a regulation - amending act Recital 4**

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

(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.

##### *Amendment*

(4) ***Even if*** 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 ***should have the possibility*** to prohibit, restrict, or impede its free circulation within their territory, except under the conditions defined by EU legislation.

Or. en

### *Justification*

*The issue of GMOs cultivation is extremely sensitive and for this reason it should be possible for member states to derogate from EU acquis if and when they consider it necessary.*

#### **Amendment 24**

**Cristina Gutiérrez-Cortines**

#### **Proposal for a regulation - amending act Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) The research conducted to date shows that plants have exogenous genome integration defence systems that prevent horizontal gene transfer, and that these include exogenous sequence silencing and degradation.***

Or. es

#### **Amendment 25**

**Catherine Soullie, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Julie Girling, Elisabetta Gardini, Sergio Berlato**

#### **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. Issues related to the placing on the market and the import of GMOs should remain regulated at Union level to preserve the internal market. Cultivation ***might require more flexibility in certain instances as it is*** an issue with a strong local/regional dimension. ***However, the common authorisation procedure should not be adversely affected by such flexibility.*** In accordance with Article 2(2) ***of the Treaty on the Functioning of the European Union***, 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 Union market, ***provided that those rules do not adversely affect the free movement and marketing of GMO products and seeds.***

*Justification*

*It must be ensured that the flexibility granted to Member States under the new Article 26b does not disrupt the functioning of the Single Market and the common GMO authorisation procedure.*

**Amendment 26**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

**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. 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. ***Moreover, the harmonised environmental and health risks assessment might not address all possible impacts of GMO cultivation in different regions and ecosystems.*** 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.

### *Justification*

*Without putting into question EFSA's role as a risk assessor, environmental and health risks may differ in different regions. Member States are better equipped to investigate and judge on impacts on different ecosystems.*

#### **Amendment 27**

**Anja Weisgerber, Sirpa Pietikäinen, Angelika Niebler**

#### **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. 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/territorial dimension and as an issue 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. en

#### **Amendment 28**

**Julie Girling**

#### **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. **That system of authorisations should remain the only basis for scientific assessment of health and environmental risks, and work 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. en

**Amendment 29**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

**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 are **required** to take by application of Article 26a of Directive 2001/18/EC **within and across borders** to avoid the unintended presence of GMOs in other products.

Or. en



### *Justification*

*Anti-contamination measures must be mandatory for Member States in order to protect GM-free farmers and producers from GM contamination.*

#### **Amendment 30**

**Daciana Octavia Sârbu**

#### **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 are **required** to take by application of Article 26a of Directive 2001/18/EC **within and across borders** to avoid the unintended presence of GMOs in other products.

Or. en

#### **Amendment 31**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

#### **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

##### *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

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without changing the system of Union authorisations of GMOs and independently of the measures that Member States are **required** to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products.

Or. en

### *Justification*

*Connected to AM 7 by the Rapporteur. The possible cultivation of GMOs should not result in additional costs for farmers working in conventional or organic farming. It should thus be compulsory for Member States to take measures to avoid the presence of GMOs in other products, measures which are at the moment optional under the current wording of Article 26a.*

## **Amendment 32** **Horst Schnellhardt**

### **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 are entitled to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products. ***This freedom of action for Member States must not result in distortion of competition between farmers in different Member States of the Union and between the various methods of cultivation (organic, conventional, with***

*GMOs and others).*

Or. de

#### **Amendment 33**

**Catherine Soullie, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Elisabetta Gardini, Sergio Berlato**

#### **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 are entitled to take by application of Article 26a of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products. ***This freedom granted to Member States should not result in any distortion of competition between farmers in the various Member States.***

Or. fr

#### **Amendment 34**

**Catherine Soullie, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Elisabetta Gardini, Sergio Berlato**

#### **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

##### *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, 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.

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, ***provided that those measures are adopted and made publicly available to all operators concerned, including growers, at least twelve months before the beginning of the growing season. These measures should not imperil the objective of harmonising the legislation of Member States as provided for in Directive 2001/18/EC and Regulation (EC) No 1829/2003. The possibility of adopting these measures*** 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. fr

### *Justification*

*National restrictive measures should be crop-specific, as GMOs can bring different threats and benefits to different regions. Moreover, a national decision to impose a ban must not disrupt the economic balance of farms. Farmers may have signed contracts for the delivery of goods with processing undertakings before bans are imposed, and non-performance of such contracts may seriously affect a farm's finances.*

**Amendment 35**  
**Julie Girling**

**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 ***on a case-by-case basis*** in all or part of their territory, ***as long as 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,*** and respectively amend those measures as they deem appropriate. ***Those measures should be based on grounds other than those already addressed by the harmonised set of Union rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose to health and the environment.*** 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. en

## Amendment 36

Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group

### 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. ***Cultivation is in fact closely linked to land use and the conservation of fauna and flora, areas in which the Member States retain significant powers. National territories are characterised by an ample diversity of ecosystems. Any impacts on these ecosystems, in particular by possible changes of agricultural practices, may also have health implications. The possibility of adopting these measures*** 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.

Or. en

## *Justification*

*Based on AM 4 by the Rapporteur. The Commission justifies the use of subsidiarity and recommendations on the issue of coexistence on the grounds of the diversity of agricultural practices among and within the Member States. National territories are characterised by an ample diversity of eco-systems. Changes in agricultural practices due to the cultivation of GMOs may also have health impacts.*

### **Amendment 37**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

#### **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. ***The grounds given by the Member States may include consideration of environmental or health impacts complementary to those already covered by the risk assessment provided for in Part C of Directive 2001/18/EC, and may thus, at least partially, include the consideration of scientific data relating to the central, local or regional environmental impact on receiving environments or relate to the persistence of scientific uncertainty regarding environmental or health impacts examined during the risk assessment process, or the absence or lack of sufficient data on potential negative impacts. Those grounds may also depend on factors that are not directly connected***

*with the risk assessment, but are linked to risk management or other national policies. The grounds given by the Member States may also include, inter alia, the risk of resistance development in weeds or in the target organisms, the invasive potential of the plant, the prevention of negative environmental or health impacts of unsustainable farming practices or to the protection and maintenance of agricultural practices that preserve the sustainability of ecosystems. They may also, inter alia, include socio-economic considerations such as the practicality and cost of the measures laid down in Article 26a of Directive 2001/18/EC for avoiding the unintended presence of GMOs in other products, fragmentation of the territory, changes in agricultural practices linked to intellectual property regimes, or social policy objectives such as the conservation of diversity or distinctive agricultural practices.* 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.

Or. en

#### *Justification*

*Based on AM 5 of the Rapporteur. Beyond the reasons listed by the Rapporteur, scientific uncertainty must be a valid ground for prohibiting or restricting GM cultivation, e.g. when scientific controversy over risks persists or data examined under the EU procedure do not allow for proper assessment of the environmental or health effects in Member States or regions thereof. Besides, it has been demonstrated that GM cultivation is often linked to intensive farming models and massive use of pesticides, which might result in negative environmental or health effects and endanger sustainable farming practices, such as organic farming. A reference to the World Trade Organisation is not appropriate in this context, as it is not for WTO bodies to judge on EU law.*



## Amendment 38

Sirpa Pietikäinen, Anja Weisgerber, Angelika Niebler

### 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 differing from,*** those already ***assessed*** by the harmonised set of ***Union*** rules. ***The grounds given by the Member States may include consideration of environmental impacts complementary to those already covered by the risk assessment provided for in Part C of Directive 2001/18/EC, or other legitimate factors, such as: the absence or lack of adequate data on the potential negative impacts of GMOs on the ecosystems or public health in a Member State; the invasiveness or persistence of GM crops; grounds relating to changes in agricultural practices linked to the cultivation of GMOs resulting in negative environmental or health impacts; grounds justifying the maintenance and development of agricultural practices which offer the best combination of production with ecosystem sustainability, or the existence of alternative practices to GMO cultivation and with better technical, economic or environmental performance.*** 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. en

### *Justification*

*To have legally solid justifications, the Member States must have the right to justify the prohibition or restriction of cultivation of GMOs on grounds of environmental or health impacts potentially arising from the deliberate release or placing on the market of GMOs.*

### **Amendment 39** **Dan Jørgensen**

#### **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

##### *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. *Those measures may be based on grounds relating to environmental or health impacts which might arise from the deliberate release or the placing on the market of GMOs, and which are complementary to those examined during the risk assessment process conducted under Part C of Directive 2001/18/EC or which have not been addressed or have not been adequately dealt with as part of that assessment. National measures could be based inter alia on the following grounds: the absence or lack of sufficient data on the potential negative impacts of GMOs*

Trade Organisation.

*on the environment or public health in a Member State, or persisting scientific uncertainty on possible environmental or health impacts examined during the risk assessment under Part C of Directive 2011/18/EC; the prevention of negative impacts on the environment or health caused by farming practices linked to the cultivation of GMOs; the protection of ecologically sustainable farming practices enhancing the fertility of soils and biodiversity. The national measures may also be based on other legitimate factors which might arise from the deliberate release or the placing on the market of GMOs.* 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. en

### *Justification*

*Member States shall be allowed to adopt national measures on grounds related to environmental, health or other legitimate factors related to the deliberate release of GMOs into the environment in order to give the national measures legal solidity.*

### **Amendment 40**

**Catherine Soullie, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Julie Girling, Elisabetta Gardini, Sergio Berlato**

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

*Text proposed by the Commission*

(8) According to the legal framework for

*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. 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.

the authorisation of GMOs, the level of protection of human/animal health and of the environment chosen in the **Union** cannot be revised by a Member State and this situation **should** not be altered. However, Member States may adopt measures restricting or prohibiting the cultivation of GMOs **on a case-by-case basis** in all or part of their territory on the basis of **scientifically substantiated** grounds relating to the public interest **different from** those already **assessed in accordance with** the harmonised Union rules which already provide for procedures to take into account the risks that a GMO for cultivation may pose on health and the environment. **A prior impact assessment should be performed to demonstrate the necessity and proportionality of these measures. These grounds must depend on factors associated with the management of risks or with other national policies.** 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. **These measures should also respect the principle of proportionality and the freedom of choice of farmers and consumers. In order to attain the latter objective, the period for which the measures adopted by Member States are to remain in force should be limited to three years, and they should be renewable only on condition that a new impact assessment is performed showing that they are necessary and proportionate. The Commission should assess the need for the establishment of thresholds for labelling GMO traces in conventional seeds at the lowest practicable, proportionate and functional levels for all**

*economic operators.*

Or. fr

*Justification*

*A decision to impose a national ban must be based on different types of assessment from those performed by the EFSA. Any different approach would simply represent an abandonment of the Single Market, allowing different national interpretations of the same assessment validated at EU level; fresh complaints to the WTO would be likely. Moreover, the need to establish tolerance thresholds seems unavoidable in order to protect the economic interests of all and thus respect the principle of freedom of choice.*

**Amendment 41**  
**Kriton Arsenis**

**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 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.

**Amendment 42**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

**Proposal for a regulation - amending act**

**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8a) Cultivation is closely linked to the use of land and the protection of flora and fauna, for which Member States retain important competencies; taking into account that national territories are characterised by an ample diversity of ecosystems and that any impacts on ecosystems may also have health implications, Member States should be given the right to restrict or ban GM cultivation on their territory on grounds related to environmental or health impacts or other legitimate factors which are complementary to those examined during the risk assessment process conducted under Part C of Directive 2001/18/EC or which have not been addressed or have not been sufficiently dealt with as part of that assessment.*

Or. en

*Justification*

*Member States must be given the possibility of basing possible national GMO prohibitions on health or environmental concerns*

**Amendment 43**

**Renate Sommer, Christofer Fjellner**

**Proposal for a regulation - amending act**

**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) Restrictions on or prohibitions of cultivation of particular GMOs by Member States shall not in any way prevent or restrict the use of authorised GMOs by other Member States.***

Or. en

**Amendment 44**  
**Cristina Gutiérrez-Cortines**

**Proposal for a regulation - amending act**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) Never in the history of European agriculture has an agricultural species invaded or caused damage to the environment or its ecosystems, with the exception of damage caused by the use of the land for agricultural purposes.***

Or. es

**Amendment 45**  
**Cristina Gutiérrez-Cortines**

**Proposal for a regulation - amending act**  
**Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***(8b) New genetic risk assessment testing techniques have ruled out the possibility of horizontal gene transfer from plants or animals to humans, thereby providing scientific proof that agricultural species are not susceptible to genetic invasion and offering a guarantee of food security. The scientific explanation for these findings***

*lies in the fact that all known digestive systems are designed specifically to denature bipolymers (fats, proteins, nucleic acids and carbohydrates) into monomers (fatty acids, amino acids, nucleotides and sugars, respectively), for use by the organism.*

Or. es

#### Amendment 46

Sirpa Pietikäinen, Anja Weisgerber, Angelika Niebler

#### 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 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 relating to environmental or health impacts which might arise from the deliberate release or the placing on the market of GMOs or other legitimate factors.*** 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



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.

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 47**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

#### **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 Member States' measures under that Directive. Moreover, since measures which Member States can adopt under this

##### *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 relating to environmental or health impacts or other legitimate factors which might arise from the deliberate release of GMOs, and which are complementary to those examined during the risk assessment process conducted under Part C of this Directive or which have not been addressed or have not been sufficiently dealt with as part of that assessment.*** 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

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.

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. en

### *Justification*

*Member States must be given the possibility of basing possible national GMO prohibitions on health or environmental concerns*

**Amendment 48**  
**Kathleen Van Brempt**

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

(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 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.

(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 ***restrict or prohibit the*** cultivation of GMOs on their territory ***on grounds relating 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 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. en

**Amendment 49**  
**Justas Vincas Paleckis**

**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 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

*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 ***based on environmental impact or other legitimate factors, which have not been addressed as part of the harmonised procedure provided for in Part C of Directive 2001/18/EC***. 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

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.

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 50**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

#### **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 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

##### *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 differing from, the** scientific assessment of health and environmental risks to ban cultivation of GMOs on their territory **or which have not been addressed properly in the risk assessment**. 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

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.

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. en

### *Justification*

*Based on AM 6 of the Rapporteur.*

## **Amendment 51** **Rovana Plumb**

### **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

#### *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 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

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.

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. ro

## Amendment 52

Julie Girling

### 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

#### *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

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 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.

other grounds than scientific assessment of health and environmental risks to **restrict or prohibit the** cultivation of GMOs on their territory **in order to ease the decision-making process surrounding the issue of GMOs in the Union**. 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. en

**Amendment 53**  
**Justas Vincas Paleckis**

**Proposal for a regulation - amending act**  
**Recital 9 a (new)**



*Text proposed by the Commission*

*Amendment*

***(9a) Health concerns expressed by Member States should be fully and without delay addressed by EFSA and the Commission in the framework of existing legislation.***

Or. en

**Amendment 54**  
**Justas Vincas Paleckis**

**Proposal for a regulation - amending act**  
**Recital 9 b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 55**  
**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**  
**Article 1 – point -1 (new)**  
Directive 2001/18/EC  
Article 22

*Text proposed by the Commission*

*Amendment*

***Directive 2001/18/EC shall be amended as follows:***

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

**‘Article 22**

**Free circulation**

**Without prejudice to Article 23 or Article 26b, Member States may not prohibit, restrict or impede the placing on the market of GMOs, as or in products, which comply with the requirements of this Directive.’**

Or. en

*Justification*

*Article 22 should not preclude the possibility for Member States to adopt rules concerning the restriction or prohibition of the cultivation of GMOs on their territory in accordance with the new article 26b.*

**Amendment 56**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

**Proposal for a regulation – amending act**

**Article 1 – point -1 a (new)**

Directive 2001/18/EC

Article 25 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***Directive 2001/18/EC shall be amended as follows:***

***(-1a) In Article 25, the following paragraph shall be inserted:***

***‘4a. Without undue prejudice to the protection of intellectual property rights, the access to material necessary for independent research on potential risks of GMOs, such as seed material, shall not be restricted or impeded.’***

Or. en

### *Justification*

*The Environment Council, in December 2008 concluded that ‘independent researchers should be given access to all relevant material, while respecting intellectual property rights’. Currently, it is often impossible for independent researchers to conduct research on a GM-variety, as the access to the GM-material is restricted and farmers are obliged not to pass on GM-material for research purposes. In order for Member States to be able to investigate the compatibility of a certain GM-variety with a specific receiving environment, access to the GM material must not be restricted.*

#### **Amendment 57**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

##### **Article 1 – point -1 b (new)**

Directive 2001/18/EC

Article 26 a – paragraph 1

*Text proposed by the Commission*

*Amendment*

***Directive 2001/18/EC shall be amended as follows:***

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

***‘1. Member States shall take all appropriate measures to avoid the unintended presence of GMOs in other products on their territory and on the territory of other Member States.’***

Or. en

### *Justification*

*Based on AM 7 by the rapporteur. The possible cultivation of GMOs should not result in additional costs for farmers working in conventional or organic farming. It should thus be compulsory for Member States to take measures to avoid the presence of GMOs in other products, measures which are at the moment optional under the current wording of Article 26a. Such measures must also ensure that contaminations in neighbouring Member States are avoided, particularly in borderland regions.*

**Amendment 58**  
**Sirpa Pietikäinen**

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

*Text proposed by the Commission*

*Amendment*

***Directive 2001/18/EC shall be amended as follows:***

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

***‘1. Member States shall take appropriate measures to avoid the unintended presence of GMOs in other products, within their borders and on the territory of other Member States.’***

Or. en

*Justification*

*Anti-contamination measures must be mandatory for Member States in order to avoid contamination, especially on the borders of two different Member States.*

**Amendment 59**  
**Daciana Octavia Sârbu**

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

*Text proposed by the Commission*

*Amendment*

***Directive 2001/18/EC shall be amended as follows:***

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

***‘1. Member States shall take appropriate measures to avoid the unintended presence of GMOs in other products within and across national***

*borders.’*

Or. en

## **Amendment 60**

**Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira**

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

#### **Article 1 – point -1 (new)**

Directive 2001/18/EC

Article 26 a – paragraph 1

*Text proposed by the Commission*

*Amendment*

*Directive 2001/18/EC shall be amended as follows:*

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

**‘1. Member States shall take appropriate measures to avoid the unintended presence of GMOs in other products *within and across national borders.*’**

Or. en

### *Justification*

*Anti-contamination measures must be mandatory for Member States in order to avoid economic costs for GM-free farmers and food producers due to GM contamination occurring within and across national borders. Currently, anti-contamination measures under Art. 26a of Directive 2001/18/EC are only voluntary which leads to a situation in which Member States can leave their farmers and producers unprotected from GM contamination.*

## **Amendment 61**

**Dagmar Roth-Behrendt**

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

#### **Article 1 – point -1 (new)**

Directive 2001/18/EC

Article 26 a – paragraph 1

*Text proposed by the Commission*

*Amendment*

***Directive 2001/18/EC shall be amended as follows:***

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

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

Or. en

*Justification*

*In order to avoid contamination of conventional crops with GMO it is essential to oblige Member States to take the necessary measures. In order to ensure coexistence of GM and conventional crops EU minimum buffer zones are needed. Therefore, the Commission is requested to put forward a proposal to avoid the unintended contamination on Member States territory or on the territory of neighbouring Member States.*

## **Amendment 62**

**Dagmar Roth-Behrendt**

**Proposal for a regulation – amending act**

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

Directive 2001/18/EC

Article 26 a - paragraph 2

*Text proposed by the Commission*

*Amendment*

***Directive 2001/18/EC shall be amended as follows:***

***(-1a) Article 26a(2) shall be replaced by the following:***

***‘2. The Commission shall put forward a proposal to lay down minimum buffer zones between GM and conventional (non-GM) fields to avoid unintended contamination with GMO on the territory of the Member States or their***

*neighbouring Member States.’*

Or. en

*Justification*

*In order to avoid contamination of conventional crops with GMO it is essential to oblige Member States to take the necessary measures. In order to ensure coexistence of GM and conventional crops EU minimum buffer zones are needed. Therefore, the Commission is requested to put forward a proposal to avoid the unintended contamination on Member States territory or on the territory of neighbouring Member States.*

**Amendment 63**

**Holger Krahmer, Catherine Soullie, Britta Reimers, Elisabetta Gardini, Sergio Berlato**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 – introductory part

*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 ***on a case-by-case basis*** restricting or prohibiting the cultivation of ***individual*** 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:

Or. en

**Amendment 64**

**Catherine Soullie, Julie Girling, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Holger Krahmer, Elisabetta Gardini, Sergio Berlato**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 – introductory part

*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 or part of their territory, provided that:

Or. fr

*Justification*

*National restrictive measures should be crop-specific, as different GMO crops can bring different threats and benefits to different regions, and because crops do not all pollinate the same way.*

**Amendment 65**

**Julie Girling, Catherine Soullie, Elisabetta Gardini, Sergio Berlato, Christofer Fjellner**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 – introductory part

*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 or part of their territory, provided that:



**Amendment 66**  
**Renate Sommer**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 – introductory part

*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 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 ***parts*** of their territory, provided that:

Or. en

**Amendment 67**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 – point a – introductory part

*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

Or. en

*Justification*

*Based on Amendment 8 by the Rapporteur. It is not appropriate to exclude environmental and health grounds as justification for restrictions of cultivation.*

**Amendment 68**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

*(i) grounds relating to environmental or health impacts which might arise from the deliberate release or the placing on the market of GMOs, and which are complementary to the environmental or health impacts examined during the risk assessment process conducted under Part C of this Directive or have not been sufficiently dealt with as part of this assessment; or*

Or. en

*Justification*

*Based on Amendment 8 by the Rapporteur. The harmonised risk assessment might not address all possible impacts of GMO cultivation in different regions and ecosystems. Member States may be better equipped to judge on environmental and health risks relating to their territory.*

**Amendment 69**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC  
Article 26 b paragraph 1 – point a – point ii (new)

*Text proposed by the Commission*

*Amendment*

***(ii) the persistence of scientific uncertainty regarding environmental and health impacts examined during the risk assessment process conducted under Part C of this Directive; or***

Or. en

*Justification*

*Based on Amendment 8 by the Rapporteur. When scientific uncertainty over risks persists, Member States must be allowed to restrict or prohibit GMO cultivation on their territory.*

#### **Amendment 70**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

##### **Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(iii) the absence or lack of data on the potential negative impacts of the release of GMOs on the territory, biodiversity or population of the Member State; or***

Or. en

*Justification*

*Based on Amendment 8 by the Rapporteur.*

## **Amendment 71**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

#### **Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(iv) grounds relating to the prevention of the development of pesticide resistance amongst weeds and pests; or***

Or. en

#### *Justification*

*Based on Amendment 5 by the Rapporteur. It is scientifically acknowledged that the cultivation of herbicide-tolerant GM crops promotes weed resistances. Evidence from the US shows that weeds which have become resistant to certain pesticides infest millions of hectares of farmland. It is therefore appropriate to allow Member States the restriction or prohibition of the cultivation of GMOs for such reasons.*

## **Amendment 72**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

#### **Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(v) grounds relating to the invasiveness or persistence of a GM-variety, or to the possibility of interbreeding with domestic cultivated or wild plants; or***

Or. en

### *Justification*

*Based on amendment 5 by the Rapporteur. There must be the possibility for Member States to restrict or prohibit the cultivation of plants which are highly problematic in terms of invasiveness, persistence, or possible interbreeding with domestic plants (such as rapeseed).*

#### **Amendment 73**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

##### **Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(vi) grounds relating to the prevention of negative environmental and health impacts of unsustainable farming practices; or***

Or. en

### *Justification*

*Evidence has shown that GMO cultivation is linked to certain highly intensive farming practices, which may lead to the increase of pesticide use, biodiversity loss, and soil degradation. It is therefore appropriate to add grounds relating to unsustainable farming practices to the list.*

#### **Amendment 74**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

##### **Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(vii) grounds relating to the protection and maintenance of agricultural practices that preserve the sustainability of ecosystems, the maintenance of certain habitats and ecosystems, or certain types of natural and landscape features; or***

Or. en

*Justification*

*Based on amendment 8 by the Rapporteur, and including proposals by the Commission services.*

**Amendment 75**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(viii) other grounds that may include, inter alia, changes in agricultural practices, land use, town and country planning, socio-economic impacts, or other legitimate factors;***

Or. en

*Justification*

*Based on amendment 8 by the Rapporteur.*

**Amendment 76**  
**Justas Vincas Paleckis**

**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

***(i) grounds 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 environmental impacts examined during the assessment of the negative impacts on the environment conducted under Part C of this Directive;***

***(ii) the absence or lack of adequate data or the existence of highly contradictory data on the potential negative impacts of the release of GMOs on the environment of a Member State, including on biodiversity; or***

***(iii) other grounds that may include, inter alia, changes in agricultural practices, land use, town and country planning, socio-economic impacts, or other legitimate factors;***

Or. en

**Amendment 77**  
**Oreste Rossi**

**Proposal for a regulation - amending act**  
**Article 1 – point 1**

*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:

***(i) grounds 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 environmental impacts examined during the assessment of the adverse effect on the environment conducted under Part C of this Directive;***  
***or***

***(ii) the absence or lack of data on the potential negative impacts of the release of GMOs on the territory or biodiversity of the Member State; or***

***(iii) other grounds that may include, inter alia, changes in agricultural practices, land use, town and country planning, the need to ensure the purity of seed, socioeconomic impacts or other legitimate factors;***

Or. fr

*Justification*

*Insertion in Amendment 8 by the Rapporteur. It is vital to safeguard seed against any GMO contamination, yet Member States could legitimately refer to the need to ensure the purity of seed for some of the measures they may adopt, at least in certain areas.*

**Amendment 78**  
**Kriton Arsenis**  
**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

***(i) grounds 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 environmental impacts examined during the assessment of the negative impacts on the environment conducted under Part C of this Directive; or***

***(ii) the absence or lack of data on the potential negative impacts of the release of GMOs on the territory or biodiversity of the Member State; or***

***(iii) other grounds relating to environmental impacts complementary to the aforementioned assessment that may include, inter alia, changes in agricultural practices, land use, town and country planning, socio-economic impacts, or other relevant factors;***

Or. en

**Amendment 79**  
**Dan Jørgensen**  
**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***

*Amendment*

(a) those measures are based on grounds related to ***environmental or health impacts***

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

which might arise from the deliberate release or the placing on the market of GMOs, *and which are complementary to those examined during the risk assessment process conducted under Part C of this Directive or which have not been addressed or have not been sufficiently dealt with as part of this assessment. National measures could be based inter alia on the following grounds:*

*(i) the absence or lack of sufficient data on the potential negative impacts of GMOs on the environment or public health in a Member State, or persisting scientific uncertainty on possible environmental or health impacts examined during the risk assessment under Part C of this Directive;*

*(ii) the prevention of negative impacts on the environment or health caused by farming practices linked to the cultivation of GMOs;*

*(iii) the protection of ecologically sustainable farming practices enhancing the fertility of soils and biodiversity.*

*The national measures may also be based on other legitimate factors which might arise from the deliberate release or the placing on the market of GMOs;*

Or. en

#### *Justification*

*Member States shall be allowed to adopt national measures on grounds related to environmental, health or other legitimate factors related to the deliberate release of GMOs into the environment in order to give the national measures legal solidity.*

#### **Amendment 80**

**Sirpa Pietikäinen, Angelika Niebler, Anja Weisgerber**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

*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 ***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 environmental impacts examined during the assessment of the negative impacts on the environment conducted under Part C of this Directive, or include other legitimate factors, such as:***

***(i) the absence or lack of adequate data on the potential negative impacts of GMOs on the ecosystems or public health in a Member State;***

***(ii) the invasiveness and persistence of GM crops;***

***(iii) grounds relating to changes in agricultural practices linked to the cultivation of GMOs resulting in negative environmental or health impacts;***

***(iv) grounds justifying the maintenance and development of agricultural practices which offer the best combination of production with ecosystem sustainability, or the existence of alternative practices to GMO cultivation and with better technical, economic or environmental performance;***

Or. en

*Justification*

*To have legally solid justifications, the Member States must have the right to justify the prohibition or restriction of cultivation of GMOs on grounds of environmental or health impacts potentially arising from the deliberate release or placing on the market of GMOs. Particularly scientific uncertainties as well as the invasiveness and persistence of GM crops that dominate natural habitats, threaten biodiversity and cannot be recalled from the environment must be allowed as grounds for national measures.*

## Amendment 81

Kartika Tamara Liotard, Sabine Wils, Bairbre de Brún, Marisa Matias, Kyriacos Triantaphyllides, João Ferreira

### 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 ***environmental or health impacts*** which might arise from the deliberate release of GMOs, ***or on other legitimate factors. National measures may be based, inter alia, on the following grounds:***

***- the prevention of the development of pesticide resistance amongst weeds and pests due to the deliberate release of GMOs;***

***- the protection of farmers against increased dependence from companies holding patents on GM seeds and corresponding herbicides;***

***- the prevention of changes in agricultural practices, caused by the deliberate release of GMOs, resulting in negative impacts on the environment, health or existing farming practices that are ecologically more sustainable;***

Or. en

#### *Justification*

*Member States must be given the possibility of basing possible national GMO prohibitions on health or environmental concerns*

**Amendment 82**  
**Kathleen Van Brempt**  
**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 ***complementary to and/or different from*** 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, ***including:***

***(i) additional environmental grounds which have not been subject to an evaluation pursuant to this Directive;***

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

***(iii) grounds relating to the appearance of resistance or invasive plants;***

***(iv) grounds relating to the existence of alternative practices to GMO cultivation and with better technical, economic and environmental performance;***

Or. en

**Amendment 83**  
**Catherine Soullie, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Theodoros Skylakakis, Elisabetta Gardini, Sergio Berlato**

**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

*Amendment*

(a) those measures are ***scientifically*** based

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;

on grounds other than those related to the *scientific* assessment *conducted under Part C of Directive 2001/18/EC* of the adverse effect on health and environment which might arise from the deliberate release or the placing on the market of GMOs.

*These measures shall be justified on the following grounds relating to national and/or regional policy:*

*(i) protecting crop diversity;*

*(ii) the impossibility of establishing coexistence measures on account of specific geographical conditions (for example very small islands, mountain regions and/or areas of high nature value, or where the national territory is small);*

*(iii) the absence of data on the potential negative impacts of the release of GMOs on the territory or biodiversity of a region;*

Or. fr

#### Amendment 84

Dagmar Roth-Behrendt

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, *raised by Member States*, related to *environmental or health impacts* which might arise from the deliberate release or the placing on the market of GMOs, *or other legitimate factors*;

Or. en

### *Justification*

*Member States shall be given a legally solid right to restrict or prohibit the cultivation of GMOs on their territory. Therefore, they shall be allowed to adopt national measures on grounds related to environmental, health or other legitimate aspects related to the deliberate release of GMOs, additionally to or independently from the risk assessment process laid down in Part C of this Directive. This risk assessment can never be exhaustive as required by Annex II of Directive 2001/18/EC.*

#### **Amendment 85**

**Holger Krahmer, Catherine Soullie, Britta Reimers, Elisabetta Gardini, Sergio Berlato**

#### **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 ***legitimate and necessary*** grounds ***in the public interest that are duly justified, proportionate, non-discriminatory and unrelated*** 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;

Or. en

#### **Amendment 86**

**Holger Krahmer, Catherine Soullie, Britta Reimers, Elisabetta Gardini, Sergio Berlato, Christofer Fjellner**

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

##### **Article 1 – point 1**

Directive 2001/18/EC

Article 26 b paragraph 1 – point a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(aa) those measures ensure that the freedom of choice of farmers and consumers is duly respected; and***

Or. en

**Amendment 87**

**Catherine Soullie, Julie Girling, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Holger Krahmer, Elisabetta Gardini, Sergio Berlato**

**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 ensure that the freedom of choice of farmers and consumers is duly respected;***

Or. fr

*Justification*

*The fundamental principle of freedom of choice for farmers and consumers should be respected, as this will ensure that measures are proportionate, that all stakeholders' interests are taken into consideration, and that a debate takes place in regions on the cultivation of GMOs.*

**Amendment 88**

**Catherine Soullie, Julie Girling, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Holger Krahmer, Elisabetta Gardini, Sergio Berlato**

**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*

***(ab) those measures do not entail any distortion of competition between farmers in different Member States;***

Or. fr



**Amendment 89**  
**Renate Sommer**

**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 ensure that farmers who want to cultivate GMOs are not discriminated against;***

Or. en

**Amendment 90**  
**Christofer Fjellner**

**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) in cases where those measures concern crops which are already authorised at Union level, Member States ensure that no undue disadvantages arise to farmers who cultivated such crops legally. Member states shall especially ensure that such farmers have sufficient time to adapt and that they are not made liable retroactively and for at least two years after the adoption of those measures, for any aspect arising from the legal change.***

Or. en

**Amendment 91**  
**Renate Sommer**

**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*

*(ab) in cases where those measures concern crops which are already authorised at Union level, Member States ensure that farmers who cultivated GMOs have sufficient time to adapt and that they cannot be made liable retroactively;*

Or. en

**Amendment 92**  
**Justas Vincas Paleckis**

**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) in cases where those measures concern crops which are already authorised at Union level, Member States ensure that farmers who cultivated such crops legally have sufficient time to finish cultivation season;*

Or. en

**Amendment 93**  
**Holger Krahmer, Catherine Soullie, Britta Reimers, Elisabetta Gardini, Sergio Berlato**

**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*

***(ab) those measures pursue an objective that cannot be achieved through the implementation of measures relating to coexistence of genetically modified crops with conventional and organic crops; and***

Or. en

#### **Amendment 94**

**Catherine Soullie, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Holger Krahmer, Elisabetta Gardini, Sergio Berlato**

#### **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 twelve months prior to the start of the growing season;***

Or. fr

#### *Justification*

*This amendment aims at increasing legal certainty for farmers by making sure that the broad regulatory environment will not change too close to the start of the growing season. This should enable farmers to order their seeds and prepare their fields without risking economic loss following an unforeseen ban of, or restriction on, the crops they intended to grow.*

**Amendment 95**  
**Renate Sommer**

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

*Text proposed by the Commission*

*Amendment*

***(ac) those measures are made publicly available at least 12 months prior to the start of the growing season;***

Or. en

**Amendment 96**  
**Holger Krahmer, 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; and***

Or. en

**Amendment 97**  
**Julie Girling**

**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 98**

**Justas Vincas Paleckis**

**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*

***(ab) those measures are adopted and made publicly available to all operators concerned prior to the start of the growing season;***

Or. en

**Amendment 99**

**Catherine Soullie, Julie Girling, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Holger Krahmer, Elisabetta Gardini, Sergio Berlato**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

### *Justification*

*In order to reinforce 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 an impact assessment would make it easier to defend the measure adopted.*

#### **Amendment 100**

**Julie Girling, Catherine Soullie, Elisabetta Gardini, Sergio Berlato**

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

##### **Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(aa) those measures are preceded by a full impact assessment carried out by the Commission, assessing their potential effects;***

Or. en

#### **Amendment 101**

**Julie Girling**

#### **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*

***(ab) those measures respect local agricultural conditions and developments;***

Or. en

**Amendment 102**

**Julie Girling**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

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

*Text proposed by the Commission*

*Amendment*

***(ac) those measures respect local  
agricultural and cultural traditions;***

Or. en

**Amendment 103**

**Christofer Fjellner**

**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*

***(ab) those measures do not in any way  
prevent or restrict the use of authorised  
GMOs by other Member States who do  
not wish to restrict or prohibit their  
cultivation;***

Or. en

**Amendment 104**

**Catherine Soullie, Julie Girling, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt,  
Holger Krahmer, Elisabetta Gardini, Sergio Berlato**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 1 – point ad (new)

*Text proposed by the Commission*

*Amendment*

*(ad) those measures are adopted for a maximum of three years, and may where appropriate be renewed following the conclusion of a new impact assessment showing that they are necessary and proportionate;*

Or. fr

#### **Amendment 105**

**Holger Krahmer, Catherine Soullie, Britta Reimers, Elisabetta Gardini, Sergio Berlato**

**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 *Union's international obligations and the Treaties, in particular the proportionality principle.*

Or. en

#### **Amendment 106**

**Julie Girling, Catherine Soullie**

**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*



**Amendment 107**

**Catherine Soullie, Julie Girling, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Holger Krahmer, Elisabetta Gardini, Sergio Berlato, Christofer Fjellner**

**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 they are in conformity with the Treaties *and the Union's international obligations.*

**Amendment 108**

**Holger Krahmer, Catherine Soullie, Britta Reimers, Elisabetta Gardini, Sergio Berlato, Christofer Fjellner**

**Proposal for a regulation - amending act**

**Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 2

*Text proposed by the Commission*

*By way of derogation to* Directive 98/34/EC, Member States that intend to adopt reasoned measures under this Article shall communicate them to the other Member States and to the Commission, ***one month*** prior to their adoption for information purposes’.

*Amendment*

***In accordance with*** Directive 98/34/EC, Member States that intend to adopt reasoned measures under this Article shall communicate them to the other Member States and to the Commission, ***three months*** prior to their adoption for information purposes.

## Amendment 109

Catherine Soullie, Françoise Grossetête, Pilar Ayuso, Horst Schnellhardt, Holger Krahmer, Julie Girling, Elisabetta Gardini, Sergio Berlato

### Proposal for a regulation - amending act

#### Article 1 – point 1

Directive 2001/18/EC

Article 26 b – paragraph 2

#### *Text proposed by the Commission*

**By way of derogation** to Directive 98/34/EC, Member States that intend to adopt reasoned measures under this Article shall communicate them to the other Member States and to the Commission, **one month** prior to their adoption for information purposes'.

#### *Amendment*

**Pursuant** to Directive 98/34/EC, Member States that intend to adopt reasoned measures under this Article shall communicate them to the other Member States and to the Commission, **three months** prior to their adoption for information purposes'.

Or. fr

#### *Justification*

*In order to improve the coordination of measures taken between Member States, particularly in the case of coexistence measures, it is important to allow sufficient time to inform the other Member States, particularly those bordering on a State which has taken a national decision to ban the growing of a GMO.*

## Amendment 110

Renate Sommer

### Proposal for a regulation - amending act

#### Article 1 – point 1

Directive 2001/18/EC

Article 26 b – paragraph 2

#### *Text proposed by the Commission*

**By way of derogation to** Directive 98/34/EC, Member States that intend to adopt reasoned measures under this Article shall communicate them to the other Member States and to the Commission, **one month** prior to their adoption for

#### *Amendment*

**In accordance with** Directive 98/34/EC, Member States that intend to adopt reasoned measures under this Article shall communicate them to the other Member States and to the Commission, **two months** prior to their adoption for information

information purposes’.

purposes.

Or. en

#### **Amendment 111**

**Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

##### **Article 1 – point 1**

Directive 2001/18/EC

Article 26 b – paragraph 2

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

By way of derogation to Directive 98/34/EC, Member States that intend to adopt *reasoned* measures under this Article shall communicate them to the other Member States and to the Commission, one month prior to their adoption for information purposes’.

##### *Amendment*

By way of derogation to Directive 98/34/EC, Member States that intend to adopt measures under this Article shall communicate them to the other Member States and to the Commission, one month prior to their adoption for information purposes.

Or. en

##### *Justification*

*The word ‘reasoned’ is not necessary. It is subjective and may unnecessarily restrict possibilities for Member States.*

#### **Amendment 112**

**Renate Sommer**

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

##### **Article 1 – point 1 a (new)**

Directive 2001/18/EC

Article 26 b a (new)

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

##### *Amendment*

***(1a) The following Article shall be inserted:***

***‘Article 26 ba***

***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 113  
Christofer Fjellner**

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

*Text proposed by the Commission*

*Amendment*

***(1a) The following Article shall be inserted:***

***'Article 26 ba***

***Seed thresholds***

***The Commission shall assess the need for the establishment of thresholds for labelling GMO traces in conventional seeds at the lowest practicable, proportionate and functional levels for all economic operators. It shall submit a report to the European Parliament and to the Council by 31 December 2012, accompanied, if appropriate, by relevant legislative proposals.'***

Or. en

**Amendment 114  
Bart Staes, Margrete Auken, Carl Schlyter, Michèle Rivasi on behalf of the Verts/ALE Group**

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

*Text proposed by the Commission*

*Amendment*

***(1a) The following Article shall be inserted:***

***‘Article 26 ba***

***Liability requirements***

***Member States shall establish a general mandatory system of financial liability and financial guarantees, for example through insurance, which applies to all business operators and which ensures that the polluter pays for unintended effects or damages that might occur due to the deliberate release or the placing on the market of GMOs.’***

Or. en

*Justification*

*If different cultivation rules apply in different Member States, it is even more important that each Member State has a strict system in place in order to ensure that the polluter pays for unintended effects or damages. So far, conventional or organic farmers are often not adequately protected from possible contaminations with GMOs.*