

Amendment 164

Martin Häusling

on behalf of the Verts/ALE Group

Report

A8-0417/2018

Renate Sommer

Transparency and sustainability of the EU risk assessment in the food chain
(COM(2018)0179 – C8-0144/2018 – 2018/0088(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation 178/2002 Article 39– paragraph 2– introductory part

Regulation 178/2002 Article 39– paragraph 2– introductory part

Text proposed by the Commission

Amendment

2. The Authority may only accept to provide confidential treatment in relation to the following information, ***the disclosure of which may be deemed, upon*** verifiable justification, ***to*** significantly harm the ***interests concerned***:

2. The Authority may only accept to provide confidential treatment in relation to the following information, ***and provided that the request for confidential treatment demonstrates, with adequate and*** verifiable justification, ***that disclosure would specifically and*** significantly harm the ***commercial interest of the applicant***:

Or. en

6.12.2018

A8-0417/165

Amendment 165

Martin Häusling

on behalf of the Verts/ALE Group

Report

A8-0417/2018

Renate Sommer

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(COM(2018)0179 – C8-0144/2018 – 2018/0088(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation 178/2002– Article 39 – paragraph 2– point 3

Regulation 178/2002– Article 39 – paragraph 2– point 3

Text proposed by the Commission

Amendment

(3) commercial information revealing sourcing, market shares or business strategy of the applicant; and,

(3) commercial information revealing sourcing, ***information on innovative ideas related to future research and development strategies***, market shares or business strategy of the applicant; and,

Or. en

Justification

This amendment is meant as a compromise, to make amendment 85 acceptable for all groups.

6.12.2018

A8-0417/166

Amendment 166

Martin Häusling

on behalf of the Verts/ALE Group

Report

A8-0417/2018

Renate Sommer

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(COM(2018)0179 – C8-0144/2018 – 2018/0088(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation 178/2002– Article 39– paragraph 2a (new)

Regulation 178/2002– Article 39– paragraph 2a (new)

Text proposed by the Commission

Amendment

2 a. The derogations referred to in paragraph 2 shall be construed restrictively.

Or. en

Amendment 167**Martin Häusling**

on behalf of the Verts/ALE Group

Report**A8-0417/2018****Renate Sommer**Transparency and sustainability of the EU risk assessment in the food chain
(COM(2018)0179 – C8-0144/2018 – 2018/0088(COD))**Proposal for a regulation****Article 1 – paragraph 1 – point 7**

Regulation 178/2002 Article 39b– paragraph 1

Regulation 178/2002 Article 39b– paragraph 1

*Text proposed by the Commission**Amendment*

(a) make public, without delay, the non-confidential version, as submitted by the applicant;

(a) make public, without delay, the non-confidential version ***of the application, as submitted by the applicant, once that application has been considered admissible;***

Or. en

Justification

This amendment is to be seen as an alternative concept to the Rapporteur's proposal to publish information only once a draft EFSA opinion is out. In a Regulation aiming at improving transparency, it is not justifiable to let EFSA start do its work without having the full picture, including input by independent scientists. Moreover, EFSA is currently only issuing draft opinions in very rare cases. Requiring it as a general rule would not only put additional burden on the Agency, but would also, in case of diverging outcomes of the draft and final opinions, bring EFSA in a vulnerable position.

Amendment 168**Martin Häusling**

on behalf of the Verts/ALE Group

Report**A8-0417/2018****Renate Sommer**Transparency and sustainability of the EU risk assessment in the food chain
(COM(2018)0179 – C8-0144/2018 – 2018/0088(COD))**Proposal for a regulation****Article 2 – paragraph 1 – point 3**

Directive 2001/18– Article 25– paragraph 2

Directive 2001/18– Article 25– paragraph 2

*Text proposed by the Commission**Amendment*

2. *In addition to Article 39(2) of Regulation (EC) No 178/2002 and pursuant to Article 39(3) thereof, which shall apply mutatis mutandis, confidential treatment may be accepted with respect to the following information, the disclosure of which may be deemed, upon verifiable justification, to significantly harm the interests concerned:*

(a) DNA sequence information, except for sequences used for the purpose of detection, identification and quantification of the transformation event; and,

(b) breeding patterns and strategies.;

Or. en

Justification

The changes reduce the level of transparency compared to the current legislation. No information should be kept confidential that describes emissions into the environment, or is necessary to understand health and environmental impacts. It is therefore inappropriate to keep information about the “DNA sequence” and “breeding patterns” confidential. Both are highly relevant for risk assessment. If the sequences are not disclosed, experts cannot assess the risks independently from industry and authorities. The breeding pattern is further of high relevance for risk assessment of stacked events. DNA sequence falls under “physico-chemical and biological characteristics of the GMO”, which explicitly “shall not be considered

confidential” under the current GMO Regulation. Also, breeding patterns are currently made available to the public. The new provision would thus clearly decrease transparency.

6.12.2018

A8-0417/169

Amendment 169

Martin Häusling

on behalf of the Verts/ALE Group

Report

A8-0417/2018

Renate Sommer

Transparency and sustainability of the EU risk assessment in the food chain
(COM(2018)0179 – C8-0144/2018 – 2018/0088(COD))

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Regulation 1829/2003– Article 30– paragraph 2

Regulation 1829/2003– Article 30– paragraph 2

Text proposed by the Commission

Amendment

2. In addition to Article 39(2) and pursuant to Article 39(3) of Regulation (EC) No 178/2002, the Authority may also accept to provide confidential treatment to the following information, the disclosure of which may be deemed, upon verifiable justification, to significantly harm the interests concerned:

(a) DNA sequence information, except for sequences used for the purpose of detection, identification and quantification of the transformation event; and,

(b) breeding patterns and strategies.

deleted

Or. en

Justification

The changes reduce the level of transparency compared to the current legislation. No information should be kept confidential that describes emissions into the environment, or is necessary to understand health and environmental impacts. It is therefore inappropriate to keep information about the “DNA sequence” and “breeding patterns” confidential. Both are highly relevant for risk assessment. If the sequences are not disclosed, experts cannot assess the risks independently from industry and authorities. The breeding pattern is further of high relevance for risk assessment of stacked events. DNA sequence falls under “physico-chemical and biological characteristics of the GMO”, which explicitly “shall not be considered confidential” under the current GMO Regulation. Also, breeding patterns are currently made available to the public. The new provision would thus clearly decrease transparency.

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A8-0417/170

Amendment 170

Martin Häusling

on behalf of the Verts/ALE Group

Report

A8-0417/2018

Renate Sommer

Transparency and sustainability of the EU risk assessment in the food chain
(COM(2018)0179 – C8-0144/2018 – 2018/0088(COD))

Proposal for a regulation

Article 8 – paragraph 1 – point 4

Regulation 1107/2009– Article 16

Regulation 1107/2009– Article 16

Text proposed by the Commission

Amendment

The Authority shall assess, without delay, any request for confidentiality and make available to the public the information provided by the applicant under Article 15 as well as any other supplementary information submitted by the applicant, except for information in respect of which confidential treatment has been requested and accepted by the Authority pursuant to Article 38, Articles 39 to 39f and Article 40 of Regulation (EC) No 178/2002, which shall apply mutatis mutandis and pursuant to Article 63 of this Regulation.;

The Authority shall assess, without delay, any request for confidentiality and make available to the public the information provided by the applicant under Article 15 as well as any other supplementary information submitted by the applicant, except for information in respect of which confidential treatment has been requested and accepted by the Authority pursuant to Article 38, Articles 39 to 39f and Article 40 of Regulation (EC) No 178/2002, which shall apply mutatis mutandis and pursuant to Article 63 of this Regulation, ***unless there is an overriding public interest in its disclosure.***";

Or. en

Justification

This provision is taken from the current Regulation 1107/2009, Article 16. There is no reason why the new rules should waive it.