



Plenary sitting

A8-0305/2015

19.10.2015

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory
(COM(2015)0177 – C8-0107/2015 – 2015/0093(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Giovanni La Via

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory

(COM(2015)0177 – C8-0107/2015 – 2015/0093(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0177),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0107/2015),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Belgian Chamber of Representatives, the Spanish Parliament, the Netherlands House of Representatives and the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 16 September 2015¹,
 - having regard to the opinion of the Committee of Regions of 13 October 2015²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A8-0305/2015),
1. Rejects the Commission proposal;
 2. Calls on the Commission to withdraw its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

EXPLANATORY STATEMENT

On 22 April 2015, the Commission presented - together with a Communication "Reviewing the decision-making process on genetically modified organisms" - a proposal for a Regulation amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory (COM(2015)0177).

In its proposal, the Commission suggests to mirror, as regards genetically modified food and feed, the recent amendment of Directive 2001/18/EC in respect of GMOs intended for cultivation (Directive (EU) 2015/412 which entered into force in early April 2015). Accordingly, it proposes to allow Member States to restrict or prohibit - under certain conditions - the use of genetically modified food and feed on their territory after these products have been authorised ("opt-out"). As laid out in the Explanatory Memorandum of the proposal, such measures need to be compatible with the internal market (in particular Articles 34 and 36 TFEU) and the EU's international obligations (WTO rules). In particular, national measures must be reasoned and based on compelling grounds which must not conflict with the risk assessment carried out by EFSA (Article 34a(1)(a)). In addition, they have to be proportional and non-discriminatory (Article 34a(1)(b)).

On 8 June 2015, Commissioner Vytenis Andriukaitis was invited to an exchange of views with the Members of the ENVI-Committee. In the debate, Members expressed serious concerns in relation to, inter alia, the lack of an Impact Assessment, the compatibility of measures taken by Member States with the Internal Market and WTO rules as well as the practicability of the proposal. Others voiced their discontent with the fact that Commission President Jean-Claude Juncker had stepped back from his initial commitment to review the existing decision-making process for GMOs (i.e. the authorisation procedure itself).

Your Rapporteur shares most of the concerns expressed in the above-mentioned debate. In particular, he considers that - as its adoption was not preceded by an assessment of all possible impacts and alternative options available - the proposal conflicts with the "Better Regulation" and "Transparency" pledges made by the new Commission. In this context, he has serious concerns about the far-reaching consequences of the proposal for the functioning of the Internal Market for food and feed and for the competitiveness of the Union's agricultural sector. As the EU today remains highly dependent on the supply of proteins from GM sources and considering that the proposal is likely to have negative indirect effect on imports, Your Rapporteur is of the view that the proposal may seriously endanger livestock production and also negatively affect agriculture in the EU.

In addition, Your Rapporteur considers the proposal to be almost impossible to implement as border controls no longer exist within the EU's agricultural sector. The re-introduction of such controls between Member States would reverse the economic achievements of the European Customs Union and the Single Market. Moreover, it is unclear how Member States making use of an "opt out" will, in practice, ensure compliance with such measures on their territory.

Finally, by stating that Member States must provide "compelling reasons" to justify their opt-out while respecting the Internal Market and WTO trade rules, the proposal fails to ensure the

necessary legal certainty and adequate tools for Member States that wish to lawfully restrict or prohibit the use of GM food and feed on their territory. Likewise, the Commission has, to the detriment of legal certainty, not provided any definition of the term "use" in its proposal.

In line with the views expressed by a large majority of ENVI-Members and based, in particular, on the grounds listed above, Your Rapporteur therefore suggests to reject the Commission proposal.

3.9.2015

**OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL
DEVELOPMENT**

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

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory (COM(2015)0177 – C8-0107/2015 – 2015/0093(COD))

Rapporteur: Albert Deß

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to propose rejection of the Commission proposal.

PROCEDURE

Title	The possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory
References	COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)
Committee responsible Date announced in plenary	ENVI 30.4.2015
Opinion by Date announced in plenary	AGRI 30.4.2015
Rapporteur Date appointed	Albert Deß 20.5.2015
Date adopted	3.9.2015
Result of final vote	+: 28 –: 8 0: 6
Members present for the final vote	John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, Daniel Buda, Nicola Caputo, Matt Carthy, Paolo De Castro, Albert Deß, Diane Dodds, Norbert Erdős, Edouard Ferrand, Luke Ming Flanagan, Beata Gosiewska, Martin Häusling, Anja Hazekamp, Jan Huitema, Peter Jahr, Jarosław Kalinowski, Zbigniew Kuźmiuk, Philippe Loiseau, Mairead McGuinness, Giulia Moi, Ulrike Müller, Maria Noichl, Marit Paulsen, Marijana Petir, Bronis Ropè, Czesław Adam Siekierski, Marc Tarabella, Janusz Wojciechowski, Marco Zullo
Substitutes present for the final vote	Bas Belder, Angélique Delahaye, Jean-Paul Denanot, Jørn Dohrmann, Georgios Epitideios, Fredrick Federley, Jens Gieseke, Maria Heubuch, Karin Kadenbach, Norbert Lins, Susanne Melior, Stanislav Polčák, Annie Schreijer-Pierik, Hannu Takkula, Vladimir Urutchev
Substitutes under Rule 200(2) present for the final vote	Heinz K. Becker, Carlos Iturgaiz

PROCEDURE – COMMITTEE RESPONSIBLE

Title	The possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory		
References	COM(2015)0177 – C8-0107/2015 – 2015/0093(COD)		
Date submitted to Parliament	22.4.2015		
Committee responsible Date announced in plenary	ENVI 30.4.2015		
Committees asked for opinions Date announced in plenary	ITRE 30.4.2015	IMCO 30.4.2015	AGRI 30.4.2015
Not delivering opinions Date of decision	ITRE 7.5.2015	IMCO 23.6.2015	
Rapporteurs Date appointed	Giovanni La Via 9.6.2015		
Discussed in committee	15.7.2015		
Date adopted	13.10.2015		
Result of final vote	+: –: 0:	47 3 5	
Members present for the final vote	Marco Affronte, Margrete Auken, Zoltán Balczó, Catherine Bearder, Ivo Belet, Biljana Borzan, Cristian-Silviu Buşoi, Nessa Childers, Birgit Collin-Langen, Mireille D’Ornano, Seb Dance, Angélique Delahaye, Jørn Dohrmann, Ian Duncan, Stefan Eck, Bas Eickhout, Eleonora Evi, José Inácio Faria, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Sylvie Goddyn, Matthias Groote, Françoise Grossetête, Jytte Guteland, György Hölvényi, Jean-François Jalkh, Josu Juaristi Abaunz, Karin Kadenbach, Giovanni La Via, Peter Liese, Valentinas Mazuronis, Susanne Melior, Massimo Paolucci, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Michèle Rivasi, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Dubravka Šuica, Tibor Szanyi, Nils Torvalds, Glenis Willmott, Damiano Zoffoli		
Substitutes present for the final vote	Guillaume Balas, Soledad Cabezón Ruiz, Alojz Peterle, Christel Schaldemose, Bart Staes		
Substitutes under Rule 200(2) present for the final vote	Anthea McIntyre		
Date tabled	19.10.2015		