

Amendment 172

Marina Mesure, Manon Aubry, Leila Chaibi
on behalf of The Left Group

Report

A9-0014/2024

Jessica Polfjärd

Plants obtained by certain new genomic techniques and their food and feed
(COM(2023)0411 – C9-0238/2023 – 2023/0226(COD))

Proposal for a regulation**Recital 7***Text proposed by the Commission**Amendment*

(7) The Commission's study on new genomic techniques⁴⁵ concluded that the Union GMO legislation is not fit for the purpose of regulating the deliberate release of plants obtained by certain NGTs and the placing on the market of related products including food and feed. In particular, the study concluded that the authorisation procedure and risk assessment requirements for GMOs under the Union GMO legislation are not adapted to the variety of potential organisms and products that can be obtained with some NGTs, namely targeted mutagenesis and cisgenesis (including intragenesis), ***and these requirements can be disproportionate or inadequate. The study showed that this is particularly the case for plants obtained by these techniques, given the amount of scientific evidence that is already available, in particular on their safety. Furthermore, the Union GMO legislation is difficult to implement and enforce for plants obtained by targeted mutagenesis and cisgenesis and related products. In certain cases, genetic modifications introduced by these techniques are indistinguishable with analytical methods from natural mutations or from genetic modifications introduced by conventional breeding techniques, whereas the distinction is generally possible for genetic***

(7) The Commission's study on new genomic techniques⁴⁵ concluded that the Union GMO legislation is not fit for the purpose of regulating the deliberate release of plants obtained by certain NGTs and the placing on the market of related products including food and feed. In particular, the study concluded that the authorisation procedure and risk assessment requirements for GMOs under the Union GMO legislation are not adapted to the variety of potential organisms and products that can be obtained with some NGTs, namely targeted mutagenesis and cisgenesis (including intragenesis). The Union GMO legislation is difficult to implement and enforce for plants obtained by targeted mutagenesis and cisgenesis and related products.

***modifications introduced by transgenesis.
The Union GMO legislation is also not
conducive to developing innovative and
beneficial products that could contribute
to sustainability, food security and
resilience of the agri-food chain.***

⁴⁵ Study on the status of new genomic techniques under Union law and in light of the Court of Justice ruling in Case C-528/16, SWD(2021) 92 final.

⁴⁵ Study on the status of new genomic techniques under Union law and in light of the Court of Justice ruling in Case C-528/16, SWD(2021) 92 final.

Or. fr

31.1.2024

A9-0014/173

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Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) It is therefore necessary to ***adopt a specific legal framework for GMOs obtained by targeted mutagenesis and cisgenesis and related products when deliberately released*** into the environment ***or placed on the market.***

(8) It is therefore necessary to ***revise Union legislation on GMOs in order to ensure a more effective ban on the deliberate placing on the market or release*** into the environment ***of GMOs obtained by targeted mutagenesis and cisgenesis.***

Or. fr

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A9-0014/174

Amendment 174

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Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) *Based on the current scientific and technical knowledge in particular on safety aspects, this Regulation should be limited to GMOs that are plants, i.e. organisms in the taxonomic groups Archaeplastida or Phaeophyceae, excluding microorganisms, fungi and animals for which the available knowledge is more limited. For the same reason, this Regulation should only cover plants obtained by certain NGTs: targeted mutagenesis and cisgenesis (including intragenesis) (hereinafter ‘NGT plants’), but not by other new genomic techniques. Such NGT plants do not carry genetic material from non-crossable species. GMOs produced by other new genomic techniques that introduce into an organism genetic material from non-crossable species (transgenesis) should remain subject only to the Union GMO legislation, given that the resulting plants might bear specific risks associated to the transgene. Moreover, there is no indication that current requirements in the Union GMO legislation for GMOs obtained by transgenesis need adaptation at the present time.* *deleted*

Or. fr

31.1.2024

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Amendment 175

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Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) *The legal framework for NGT plants should share the objectives of the Union GMO legislation to ensure a high level of protection of human and animal health and of the environment and the good functioning of the internal market for the concerned plants and products, while addressing the specificity of NGT plants. This legal framework should enable the development and placing on the market of plants, food and feed containing, consisting of or produced from NGT plants and other products containing or consisting of NGT plants ('NGT products') so as to contribute to the innovation and sustainability objectives of the European Green Deal and the Farm to Fork, Biodiversity and Climate Adaptation strategies and to enhance the competitiveness of the Union agri-food sector at Union and world level.*

(10) *This new legal framework aimed at banning NGT plants seeks to ensure a high level of protection of human and animal health and of the environment and the good functioning of the internal market for the concerned plants and products.*

Or. fr

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Amendment 176

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Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) This Regulation constitutes lex specialis with regard to the Union GMO legislation. It introduces specific provisions for NGT plants and NGT products. However, where there are no specific rules in this Regulation, NGT plants and products (including food and feed) obtained from them should remain subject to the requirements of the Union GMO legislation and the rules on GMOs in sectoral legislation, such as Regulation (EU) 2017/625 on official controls or the legislation on certain products like plant and forest reproductive material.

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Or. fr

31.1.2024

A9-0014/177

Amendment 177

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Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) The potential risks of NGT plants vary, ranging from risk profiles similar to conventionally-bred plants to various types and degrees of hazards and risks that might be similar to those of plants obtained by transgenesis. This Regulation should therefore lay down special rules to adjust the risk assessment and risk management requirements according to the potential risks or lack thereof posed by NGT plants and NGT products.

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Or. fr

31.1.2024

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Amendment 178

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Proposal for a regulation

Recital 13

Text proposed by the Commission

Amendment

(13) This Regulation should distinguish between two categories of NGT plants. *deleted*

Or. fr

31.1.2024

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Amendment 179

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Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) NGT plants that could also occur naturally or be produced by conventional breeding techniques and their progeny obtained by conventional breeding techniques ('category 1 NGT plants') should be treated as plants that have occurred naturally or have been produced by conventional breeding techniques, given that they are equivalent and that their risks are comparable, thereby derogating in full from the Union GMO legislation and GMO related requirements in sectoral legislation. In order to ensure legal certainty, this Regulation should set out the criteria to ascertain if a NGT plant is equivalent to naturally occurring or conventionally bred plants and lay down a procedure for competent authorities to verify and take a decision on the fulfillment of those criteria, prior to the release or placing on the market of NGT plants or NGT products. Those criteria should be objective and based on science. They should cover the type and extent of genetic modifications that can be observed in nature or in organisms obtained with conventional breeding techniques and should include thresholds for both size and number of genetic modifications to the genome of NGT plants. Since scientific and technical knowledge evolves rapidly in this area, the Commission *deleted*

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should be empowered in accordance with Article 290 of the Treaty on the Functioning of the European Union to update these criteria in light of scientific and technical progress as regards the type and extent of genetic modifications that can occur in nature or through conventional breeding.

Or. fr

31.1.2024

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Amendment 180

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Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) All NGT plants that are not category 1 ('category 2 NGT plants') should remain subject to the requirements of the Union GMO legislation because they feature more complex sets of modifications to the genome. *deleted*

Or. fr

31.1.2024

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Amendment 181

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Proposal for a regulation

Recital 16

Text proposed by the Commission

Amendment

(16) Category 1 NGT plants and products should not be subject to the rules and requirements of the Union GMO legislation and to provisions in other Union legislation that apply to GMOs. For legal certainty for operators and transparency, a declaration of the category 1 NGT plant status should be obtained prior to deliberate release, including the placing on the market.

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Or. fr