



2015/0093(COD)

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DRAFT 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 – C8-107/2015 – 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 Spanish Congress of Deputies and the Netherlands House of Representatives, 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 []¹,
 - having regard to the opinion of the Committee of Regions of [],
 - 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 (A8-0000/2015),
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 OJ C 0, 0.0.0000., p. 0. / Not yet adopted

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)177).

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.