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## **\*\*\*III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the deliberate release into the environment of genetically modified organisms and repealing Directive 90/220/EEC (C5-0685/2000 – 1998/0072(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: David Robert Bowe

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

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## PROCEDURAL PAGE

At the sitting of 11 February 1999 Parliament adopted its position at first reading on the proposal for a Council directive on the deliberate release into the environment of genetically modified organisms and repealing Directive 90/220/EEC (COM(1998) 85 - 1998/0072 (COD)).

At the sitting of 20 January 2000 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (11216/1/1999 - C5-0012/2000).

At the sitting of 12 April 2000 Parliament adopted amendments to the common position.

By letter of 15 September 2000 the Council stated that it was unable to approve all Parliament's amendments.

By letter of 18 October 2000 the Council informed Parliament that it was necessary to extend the deadline for the convening of the Conciliation Committee, as laid down in Article 251(7) of the EC Treaty.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 8 November 2000.

At the meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

A final agreement was reached by exchange of letters of 8 and 14 December 2000.

On 20 December 2000 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,<sup>1</sup> and forwarded it to Parliament and the Council in all the official languages.

On 26 January 2001 Parliament's delegation to the Conciliation Committee adopted the draft legislative resolution by 13 votes, with 2 abstentions.

The following took part in the vote: Ingo Friedrich, Vice-President and chairman of the delegation; Renzo Imbeni, Vice-President; James L.C. Provan, Vice-President; Caroline F. Jackson, chairman of the Committee on the Environment, Public Health and Consumer Policy; David Robert Bowe, rapporteur; Hans Blokland, Hiltrud Breyer, Carmen Fraga Estévez, Françoise Grossetête, Peter Liese, Jules Maaten, Dagmar Roth-Behrendt (for Anneli Hulthén) Guido Sacconi, Jonas Sjöstedt and Catherine Stihler (for Torben Lund).

The report was tabled on 29 January 2001.

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<sup>1</sup> OJ C 148, 28.5.1999, p. 1.

## DRAFT LEGISLATIVE RESOLUTION

### **European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the deliberate release into the environment of genetically modified organisms and repealing Directive 90/220/EEC (C5-0685/2000 – 1998/0072(COD))**

#### **(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee and the relevant Commission statements (C5-0685/2000),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(1998) 85<sup>2</sup>),
  - having regard to the amended Commission proposal (COM(1999) 139<sup>3</sup>),
  - having regard to its position at second reading on the Council common position<sup>4</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2000) 293 - C5-0249/2000<sup>5</sup>),
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 83 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A5-0032/2001),
1. Approves the joint text and draws attention to the Commission statements thereon;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 150, 28.5.1999, p. 380.

<sup>2</sup> OJ C 139, 4.5.1998, p. 1.

<sup>3</sup> OJ C 139, 19.5.1999, p. 7.

<sup>4</sup> OJ C not yet published.

<sup>5</sup> OJ C not yet published.

## EXPLANATORY STATEMENT

### Background

1. On 23 February 1998, the Commission submitted a proposal for a directive amending directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms (GMOs).
2. The objective of the proposal is to extend and clarify the scope of the existing directive 90/220/EEC on the deliberate release of GMOs and to include all direct and indirect ecological aspects. It introduces mandatory monitoring after the placing on the market of GMO-products and a mandatory time limitation of maximum ten years for first-time consent. In addition, it seeks to increase the transparency and efficiency of the decision-making process, promotes a harmonisation of the risk assessment and introduces clear labelling requirements for all GMOs which are placed on the market.
3. On 11 February 1999, the European Parliament adopted its first reading, with 78 amendments. The Council adopted its common position on 9 December 1999.
4. On 12 April 2000, the European Parliament adopted a total of 29 amendments at second reading. On 15 September 2000 the Council formally notified Parliament that it could not accept these amendments. This made it necessary to convene a conciliation committee.

### Conciliation

5. The delegation held its constituent meeting on 17 May in Strasbourg and informal contacts with the Council and the Commission began already soon after the second reading during the Portuguese Presidency.
6. Before the formal opening of the Conciliation committee two trialogues were held with the French Presidency and the Commission (19 September 2000 and 19 October 2000) in order to prepare the forthcoming conciliation negotiations and a provisional agreement on 13 amendments could be reached.
7. On 8 November 2000, the conciliation procedure was formally opened by Mr. FRIEDRICH (for Parliament) and Mrs VOYNET (President of the Environment Council). At this meeting the provisional agreement on 13 amendments reached at trialogue level was confirmed and considerable progress on a number of other amendments could be made. The agreement reached covered in particular the following issues:
  - a timetable for the gradual elimination of antibiotic resistance makers in GMOs, namely end of 2004 for commercial releases (part C) and end 2008 for research purposes (part B)
  - a Commission undertaking to bring forward a legislative proposal on environmental liability before the end of 2001, covering also damage resulting from GMOs
  - consideration of potential cumulative long-term effects associated with the interaction with other GMOs and the environment in the context of the risk assessment carried out

prior to authorisation

At the first conciliation meeting, an agreement on a total of 22 amendments was reached leaving 7 amendments covering sensitive areas such as an exemption for pharmaceutical products, the introduction of public registers for GMOs and provisions relating to exports of GMOs.

8. At the next triilogue meeting of 29 November 2000, the negotiations concentrated on the remaining seven amendments and the following compromise package was discussed:

- Pharmaceuticals

At its second reading, Parliament had wanted to exclude GM pharmaceutical products for human use from the scope of the new directive. The compromise reached provides for an exemptions for pharmaceuticals for human use for research purposes (part B of the directive) provided that the sectoral Community legislation that governs their authorisation fulfils certain criteria (e.g. an equivalent risk assessment).

- Cartagena Protocol

The Cartagena Protocol on Biosafety has an important bearing on the new directive in particular regarding the export of GMOs to third countries. Thus, Parliament wanted not only to mention the protocol, but to call on the Commission to bring forward a legislative proposal for implementing it in due course. Under the compromise reached, the Commission is invited to bring forward a legislative proposal by July 2001. As the key issue in this connection is the export of GMOs to third countries, the text agreed also contains provisions that the importing country should be notified of any imports and provided with accurate information about them and that its consent should be obtained.

- Public registers

At second reading, the Parliament had asked for public registers of GMOs released for both research and commercial purposes. This point remained difficult to resolve within both Parliament and Council as experience in different Member States showed the potential for conflict arising from the existence of such registers. It was finally agreed that GMOs released in the trial period (part B of the directive) should be registered and details made available to the public. As regards the release of GMOs for commercial purposes (part C of the directive), their locations will have to be notified to the competent authorities and made known to the public in a manner deemed appropriate by the authorities.

- Renewal of authorisation

The first-time consent for a release of GMOs is limited to a maximum of ten years. At second reading, the Parliament had also asked to introduce a limitation when the authorisation is renewed. It was agreed that the renewal of an initial authorisation will also be limited in time: as a general rule, the renewed consent will be valid for an additional ten-year period. This period may be limited or extended for specific reasons.

- Labelling and traceability of GMOs

The European Parliament insisted on clear labelling and traceability rules for GMOs and

derived products as they are essential for the consumer. They can only take their decision whether to buy products containing GMOs if these products are properly labelled. In a written declaration, the Commission committed itself to bring forward appropriate legislative proposals on labelling and traceability in the course of 2001 which will supplement the existing labelling regime in accordance with the White Paper on Food Safety.

9. This package was accepted with minor modification by the EP delegation on 5 December. COREPER confirmed the package at its meeting of 6 December. The conciliation procedure was concluded in writing by letter of 14 December 2000.

## **Conclusions**

10. Parliament's delegation accepts the agreement reached and thanks the French Presidency of the Council and the Commission for their constructive cooperation. The agreement reached can be considered as satisfactory and the delegation therefore recommends that Parliament adopts the joint text attached.