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NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Partial summary record of the meeting of the **Committee on the Environment, Public Health and Food Safety (ENVI)** of the European Parliament, held in Brussels on 13 October 2014

At the ENVI meeting chaired by Mr LA VIA (PPE, IT), MEPs pressed on the Commission to submit the long awaited proposals for delegated acts with a view to the implementation of legislation on biocidal products and endocrine disruptors. They had a discussion on the proposals on GMO cultivation showing in general strong support for the rapporteur's position. The discussion on novel food confirmed that the issue of nanomaterials remained the most difficult.

4. Exchange of views with the European Commission on the implementation of Regulation (EU) No 528/2012 on biocidal products in relation to delegated acts

The Chair referred to the obligation by the Commission contained in Article 5(3) of the Regulation to adopt, by 13 December 2013, a delegated act specifying scientific criteria for the determination of endocrine-disrupting properties. Despite the above deadline having expired, the Commission had yet to adopt the delegated act concerned. The Commission was therefore invited to explain the delay in complying with this obligation.

The Commission representative explained the sequence of events leading to the development of scientific criteria. He referred to both the industry making the Commission aware of the impact of those hazard-based criteria on the EU market, and also to a wide-ranging scientific debate involving a considerable number of scientific publications arguing that the Commission's work on the criteria was not science-based and therefore flawed. These events had led the Commission to order an impact assessment before pursuing the development of the criteria. A detailed roadmap outlining the Commission's strategy had been published six months ago.

On behalf of political groups, Mr STAES (Greens, BE) recalled the long history of the issue. Endocrine disruptors increased the prevalence of cancer and caused infertility and action was urgently needed. The Commission had a strategy on the issue since 1999, but still no implementing measures. The Commission had missed all deadlines and was continuing to drag its feet. He referred to a letter from Bayer sent to the Commission in June 2013 and to a number of scientific organizations criticizing the criteria proposed by the Commission, a situation which had led the Commission's Secretary-General Ms Day to put the issue on hold. He called on the Commission to submit the long awaited delegated act shortly.

Mr GROOTE (S&D, DE) also regretted that all the work done since 2008 on the implementation of legislation had been influenced and finally put on hold as a result of strong lobbying by the industry. He made clear that the Parliament could not tolerate that situation any longer.

In the same vein, Mr GERBRANDY (ALDE, NL) said it was well known by everyone that the Commission's proposals were technically ready and that a political decision had been taken to put them on hold. He argued that since the new Commission would be more political, and since neither the Commissioner nor the competent Commission DG were responsible for the situation, the Parliament should have a debate with President Barroso and the incoming President Juncker.

The Commission representative confirmed that the multiplicity of communications from the industry had played a role in the Commission's decision to commission first an impact assessment, which should also assess the impact of the proposed criteria on the industry, as well as possible ways forward.

5. Novel foods

Ms Girling on behalf of the Rapporteur Mr. Nicholson (ECR, UK) presented the draft report. The dossier had a long history started on 14 January 2008 with a Commission proposal for a Regulation of the European Parliament and the Council on Novel Foods.

Discussions at the time had reached a stalemate on a limited number of issues, in particular those linked to cloning of animals. The Conciliation Committee did not reach a final agreement at its last meeting on 28 March 2011 and the proposal had therefore not been adopted. The new Commission proposal was limited to the safety of novel foods and was based on the overall agreement achieved in Conciliation. There were separate proposals on cloning. It would be desirable to have both move forward, but the cloning issue was unlikely to secure consensus. The issue of nanomaterials was the most controversial of the new proposal on novel food.

Ms Ayuso (EPP, ES) congratulated the rapporteur, who had managed to provide responses to all of her concerns on the Commission proposal.

Mr Poc (S&D, CZ) considered that the draft report improved the Commission proposal and was close to the Council position, especially on categories. The definition of nanomaterials remained highly problematic, in particular the 50% threshold, which was not adequate.

Ms Paulsen (ALDE, SV) welcomed a balanced and reasonable proposal. She could support most of the text, except for the language on impact studies, which needed to be further examined and be included in the body of the proposal. She welcomed an excellent report.

Instead, Ms Boylan (GUE, IE) expressed concerns both at the proposal and the report. She stressed the importance of the precautionary principle. She considered that there were serious concerns with regard to food safety and to health related in particular to nanomaterials, which were difficult to detect.

Mr Staes (Greens, BE) also stressed the importance of the precautionary principle, and argued in favour of a 10% threshold., which was the one suggested by EFSA. He suggested reverting to EFSA's proposal on Article 9.2.

Ms Evi (EFDD, IT) suggested that the definition of novel food should be reviewed and should be less restrictive. A life cycle assessment was needed, and the social and environmental impact ought to be measured. She also supported a threshold at 10% for nanomaterials.

Ms Giardini (EPP, IT) asked for the amendments deadline to be postponed, given that a Council Working Group was to discuss the issue the following day, and the Parliament's position should be a fully informed one. The rapporteur argued that this would delay translations and the agenda for approval and was therefore not advisable.

The Commission representative indicated that the Commission had submitted a proposal on cloning end 2013 so that the two proposals could be examined together. But since the one on novel food was less controversial, the Commission wanted the process to move forward quickly. He argued that legal security was good, but that too restrictive a definition would be counter-productive. He said that the industry wanted short deadlines for approval. On nanomaterials, the 10% threshold was desirable and necessary, but not feasible from a scientific point of view. The Commission would therefore suggest that the 10% threshold possibly be in the delegated act, taking into account of scientific progress and possibilities. The threshold was intended for labelling, not for safety reasons. The Commission was working with the rapporteur and shadows to bring the process forward.

The Chair maintained the deadline of 17 October for amendments.

6. Possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory

The Chair recalled that the Commission had made its proposal back in July 2010; that on 5 July 2011, the EP adopted its 1st Reading position, which was supported by a broad majority of MEPs and that a political agreement had been reached in the Council on 12 June 2014.

The Rapporteur Ms. Ries (ADLE, BE) said that the timetable for trilogues was tight. On substance, the management of GMO cultivations EU-wide did not work, more solid rights for Member States were needed, something which had been also clearly stated by President Juncker and by the Commissioner-designate Andriukaitis. She recalled that the EP position had been supported by a broad majority of MEPs (548 votes in favour) in the previous legislature, which gave her a strong and ambitious mandate. She was suggesting 33 amendments to the Council's position, and explained the main ones. She expressed doubts on the efficiency of Phase I as proposed by the Council and suggested instead that Member States always be able to ban the cultivation of GMOs on their territory once authorised, without having made use of "phase I", provided they could justify such ban on grounds of environmental impacts, socio-economic impacts or other legitimate factors. An amendment reflected the need for proper co-existence measures. Amendment 24 was aimed at offering a "real second option" to Member States. On phase II, the rapporteur was aiming at a safer, more coherent and more solid procedure. Other elements included in the amendments were the polluter-payer principle (amendment 29), a number of predictability criteria (amendment 27) and transparency rules (30 and 32), in line with the Aarhus Convention.

Ms Köstinger (EPP, AT) welcomed a number of elements included in the report, but questioned the proposed change of legal base (Art. 192(1) TFEU (Environment) instead of Art. 114 TFEU (Internal Market), and the text on risks evaluation.

Mr Pargneaux (S&D, FR) welcomed a thorough and balanced report which was in line with Parliament's position, and agreed with the amendments offering significant flexibility for Member States to make their choices, in particular amendments 17, 19, 25, 26. He agreed on the proposed change of legal base. He would suggest amendments to further strengthen the Member States' position. He stressed inter alia the need and importance of "GMO-free" labelling, as well as of the precautionary principle.

Ms Girling (ECR, UK) expressed disappointment at the proposed amendments, which were too close to the Parliament's mandate and were suggesting too wide-ranging changes to the Council's position, and therefore left less possibility for them to be accepted. She was opposed to the change of legal base and argued in favour of keeping the single market base, since in her view the text's objective was not primarily about protecting the environment.

Ms Boylan (GUE, IE), welcomed the rapporteur's excellent work and the proposed change of legal base. She considered the single market base to be inappropriate. She had concerns at the authorization procedure. It should not be up to a Member State to justify a sovereign decision not to authorize GMO cultivations on its soil.

Mr Staes (Greens, BE) expressed broad support for the rapporteur's draft, the proposed change of legal base, the proposed provisions on transparency. He was opposed to the two-phase approach and to Phase I.

Ms Evi (EFDD, IT) supported having both legal bases (single market and environment). She had concerns at the possibility given to private firms to reject a position by a Member State, something which was depriving Member States of their sovereign prerogatives. She did not agree with amendment 27.

Mr Balczo (NI, HU) welcomed the rapporteur's work as balanced and argued in favour of the environment legal base.

The individual interventions which followed reflected some divergences among EPP members, with some arguing in favour of GMO cultivations, others referring to strong opposition from their public opinions.

The Commission representative stressed that Juncker's statements and Andriukaitis' mission letter meant that new proposals would be submitted by the Commission in the months to come, with the text currently on table being part of the new "philosophy" on GMOs. He justified the choice for the single market legal base in the Commission's proposal, which was wider than the environment one. He considered the phase I introduced by the Council as an improvement to the initial proposal and an element which was providing more leeway to Member States. Currently, Member States could decide to reject authorization of GMOs, but their decisions lacked legal certainty and could be challenged. He considered that the list of reasons for rejecting GMO cultivation should not be too detailed, as this would make it too restrictive.

The rapporteur stressed that the objective was to give more freedom to Member States to make their choices. On coexistence, she noted that there was a convergence of views emerging in favour of more specific rules and on the definition of buffer zones.

The Chair indicated that the deadline for amendments was 15 October, with a vote on the draft recommendation and negotiating mandate scheduled for 5 November 2014 and a plenary vote in January 2015.

9. Next meetings

- 5-6 November 2014 (Brussels)