



Plenary sitting

B8-0220/2018

25.4.2018

MOTION FOR A RESOLUTION

pursuant to Rule 106(2) and (3) of the Rules of Procedure

on the draft Commission implementing decision renewing the authorisation for the placing on the market of food and feed produced from genetically modified sugar beet H7-1 (KM-ØØØH71-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed
(D055630–01 – 2018/2651(RSP))

Committee on the Environment, Public Health and Food Safety

Member responsible: Bart Staes

Guillaume Balas, Lynn Boylan, Eleonora Evi, Sirpa Pietikäinen, Valentinas Mazuronis

European Parliament resolution on the draft Commission implementing decision renewing the authorisation for the placing on the market of food and feed produced from genetically modified sugar beet H7-1 (KM-ØØØH71-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D055630-01 – 2018/2651(RSP))

The European Parliament,

- having regard to the draft Commission implementing decision renewing the authorisation for the placing on the market of food and feed produced from genetically modified sugar beet H7-1 (KM-ØØØH71-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (D055630-01),
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed¹, and in particular Articles 11(3) and 23(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 19 March 2018, at which no opinion was delivered,
- having regard to Article 11 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers²,
- having regard to the opinion adopted by the European Food Safety Authority on 26 October 2017, and published on 16 November 2017³,
- having regard to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (COM(2017)0085, COD(2017)0035),
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms⁴,

¹ OJ L 268, 18.10.2003, p. 1.

² OJ L 55, 28.2.2011, p. 13.

³ <http://www.efsa.europa.eu/en/efsajournal/pub/5065>

⁴ - Resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (OJ C 482, 23.12.2016, p. 110).

- Resolution of 16 December 2015 on Commission implementing decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically

modified maize NK603 × T25 (OJ C 399, 24.11.2017, p. 71).

- Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (OJ C 35, 31.1.2018, p. 19).
- Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (OJ C 35, 31.1.2018, p. 17).
- Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) (OJ C 35, 31.1.2018, p. 15).
- Resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combining two or three of those events (Texts adopted, P8_TA(2016)0271).
- Resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4) (Texts adopted, P8_TA(2016)0272).
- Resolution of 6 October 2016 on the draft Commission implementing decision renewing the authorisation for the placing on the market for cultivation of genetically modified maize MON 810 seeds (Texts adopted, P8_TA(2016)0388).
- Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of genetically modified maize MON 810 products (Texts adopted, P8_TA(2016)0389).
- Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize Bt11 seeds (Texts adopted, P8_TA(2016)0386).
- Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 seeds (Texts adopted, P8_TA(2016)0387).
- Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236 × 3006-210-23 × MON 88913 (Texts adopted, P8_TA(2016)0390).
- Resolution of 5 April 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × 59122 × MIR604 × 1507 × GA21, and genetically modified maize combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0123).
- Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0215).
- Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØØ5-8) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2017)0214).
- Resolution of 13 September 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0341).
- Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0377).
- Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0378).
- Resolution of 24 October 2017 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the

- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
 - having regard to Rule 106(2) and (3) of its Rules of Procedure,
- A. whereas on 12 November 2004, KWS SAAT AG and Monsanto Europe S.A. submitted to the competent authorities of the United Kingdom an application, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003, for the placing on the market of foods, food ingredients and feed produced from sugar beet H7-1 ('genetically modified (GM) sugar beet H7-1');
 - B. whereas Commission Decision 2007/692/EC¹ authorised the placing on the market of foods, food ingredients and feed produced from genetically modified sugar beet H7-1; whereas prior to that Commission Decision, on 5 December 2006, the European Food Safety Authority (EFSA) adopted a favourable opinion, in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003, which was published on 14 December 2006² ('EFSA 2006');
 - C. whereas on 20 October 2016, KWS SAAT SE and Monsanto Europe S.A./N.V. jointly submitted an application for the renewal of the authorisation provided in accordance with Commission Decision 2007/692/EC;
 - D. whereas on 26 October 2017, EFSA adopted a favourable opinion, in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003, which was published on 16 November 2017³ ('EFSA 2017');
 - E. whereas the scope of the renewal application is for food and feed produced from or food

Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0396).

- Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 (DP-305423-1 × MON-04032-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2017)0397).

- Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified oilseed rapes MON 88302 × Ms8 × Rf3 (MON-88302-9 × ACSBN005-8 × ACS-BN003-6), MON 88302 × Ms8 (MON-88302-9 × ACSBN005-8) and MON 88302 × Rf3 (MON-88302-9 × ACS-BN003-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, [P8_TA\(2017\)0398](#)).

- Resolution of 1 March 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0051).

- Resolution of 1 March 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 × MON 89034 × NK603 (MON-87427-7 × MON-89034-3 × MON-00603-6) and genetically modified maize combining two of the events MON 87427, MON 89034 and NK603, and repealing Decision 2010/420/EU (Texts adopted P8_TA(2018)0052).

¹ Commission Decision 2007/692/EC, of 24 October 2007, authorising the placing on the market of food and feed produced from genetically modified sugar beet H7-1 (KM-0000H71-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 283, 27.10.2007, p. 69).

² <http://www.efsa.europa.eu/en/efsajournal/pub/431>

³ <http://www.efsa.europa.eu/en/efsajournal/pub/5065>

containing ingredients produced from GM sugar beet H7-1 for import and processing¹; whereas examples of those products include sugar, syrup, dried pulp and molasses, all of which are derived from the root of sugar beet; whereas pulp and molasses are used in, among other things, animal feed²;

- F. whereas Regulation (EC) No 1829/2003 states that genetically modified food or feed must not have adverse effects on human health, animal health or the environment and that the Commission shall take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision;
- G. whereas many critical comments were submitted by Member States during the three-month consultation period for both EFSA 2006³ and EFSA 2017⁴; whereas Member States criticise, inter alia, the fact that no tests with portions of roots which are often mixed with molasses and fed as pellets have been carried out, that the three-week feed performance study with sheep cannot be regarded as representative because it is not clear whether toxicologically-relevant parameters were assessed, that no scientific evidence to back up the claim that 'human exposure to the protein will be negligible' has been provided, that, with regard to allergenicity, no experimental tests with the genetically modified organism (GMO) itself have been conducted, that studies carried out with an isolated protein are not convincing proof of harmlessness, and that the compositional analysis lacks the data on phosphorus and magnesium recommended by the Organisation for Economic Cooperation and Development;
- H. whereas GM sugar beet H7-1 expresses the CP4 EPSPS protein which confers tolerance to glyphosate; whereas, in consequence, it has to be expected that GM sugar beet H7-1 plants will be exposed to higher and also repeated dosages of glyphosate which will not only lead to a higher burden of residues in the harvest but may also influence the composition of the plants and their agronomic characteristics;
- I. whereas, while glyphosate is typically sprayed onto plant foliage, it can accumulate in the roots due to translocation through the plant or absorption via the soil; whereas absorption of glyphosate through roots has been shown in several crop species, including beets; whereas this exposure pathway is significant because roots are the main intercept of glyphosate in field run-off⁵;
- J. whereas information on residues levels of herbicides and their metabolites, as well as on their distribution within the whole plant, is essential for a thorough risk assessment of herbicide-tolerant GM plants; whereas according to the EFSA GMO panel glyphosate residue levels do not fall within its remit; whereas glyphosate residues on GM sugar beet H7-1 and any possible change in its composition and agronomic characteristics as a result of exposure to glyphosate were not assessed by EFSA;

¹ EFSA 2017, p. 3: <http://www.efsa.europa.eu/en/efsajournal/pub/5065>

² EFSA 2006, p. 1 and p. 7: <http://www.efsa.europa.eu/en/efsajournal/pub/431>

³ Annex G – Member States' comments:

<http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2004-164>

⁴ Annex E - Member States' comments:

<http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2017-00026>

⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5606642/>

- K. whereas, in general, according to the pesticide panel of EFSA, conclusions on the safety of residues from spraying GM crops with glyphosate formations cannot be drawn¹; whereas additives and their mixtures used in commercial formulations for spraying glyphosate can show a higher toxicity than the active ingredient alone²; whereas the Union has already removed an additive known as POE tallowamine from the market due to concerns over its toxicity; whereas problematic additives and mixtures may, however, still be permitted in the countries where GM sugar beet H7-1 is cultivated (the US, Canada and Japan);
- L. whereas questions concerning the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate is unlikely to be carcinogenic and the European Chemicals Agency (ECHA) concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the World Health Organisation's International Agency for Research on Cancer classified glyphosate as a probable carcinogen for humans; whereas Parliament has established a special committee on the Union's authorisation procedure for pesticides, which will help establish whether the relevant international scientific standards were adhered to by EFSA and ECHA and whether there was any undue industry influence over the Union agencies' conclusions on glyphosate's carcinogenicity;
- M. whereas Member States are not currently required by the Commission to assess glyphosate residues on sugar beet in order to ensure compliance with maximum residue levels as part of the coordinated multiannual control programme for 2018, 2019 and 2020, in accordance with Commission Implementing Regulation (EU) 2017/660³; whereas, likewise, glyphosate residues on sugar beet will not be assessed by Member States to ensure compliance with maximum residue levels under Commission Implementing Regulation (EU) 2018/555⁴; whereas it is therefore not known whether glyphosate residues on imported GM sugar beet H7-1 comply with Union maximum residue limits;
- N. whereas EFSA has concluded that all but one of the representational uses of glyphosate for conventional crops (i.e. non-GM crops) posed a 'risk to wild non-target terrestrial vertebrates', while it also identified a high long-term risk to mammals for some of the main uses on conventional crops⁵; whereas ECHA classified glyphosate as being toxic to aquatic life with long-lasting effects; whereas the negative impacts of the use of glyphosate on biodiversity and the environment are widely documented; whereas, for example, a 2017 US study finds a negative correlation between glyphosate use and the abundance of adult monarch butterflies, particularly in areas of concentrated

¹ EFSA conclusion of the peer review of the pesticide risk assessment of the active substance glyphosate. EFSA Journal 2015, 13 (11): 4302: <http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4302/epdf>

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3955666>

³ Commission Implementing Regulation (EU) 2017/660 concerning a coordinated multiannual control programme of the Union for 2018, 2019 and 2020 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 94, 7.4.2017, p. 12).

⁴ Commission Implementing Regulation (EU) 2018/555 of 9 April 2018 concerning a coordinated multiannual control programme of the Union for 2019, 2020 and 2021 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 92, 10.4.2018, p. 6).

⁵ <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2015.4302>

agriculture¹;

- O. whereas a reauthorisation of GM sugar beet H7-1 for placing on the market will continue to create demand for its cultivation in third countries; whereas, as mentioned above, higher and repeated doses of herbicide are used on herbicide-tolerant GM plants (in comparison to non-GM plants), since they have been intentionally designed for that purpose;
- P. whereas the Union is party to the UN Convention on Biological Diversity, under which parties must ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of their jurisdiction²; whereas the decision on whether or not to renew the authorisation of GM sugar beet H7-1 is within the Union's jurisdiction;
- Q. whereas the development of GM crops tolerant to several selective herbicides is mainly due to the rapid evolution of weed resistance to glyphosate in countries that have relied heavily on GM crops; whereas in 2015 at least 29 glyphosate-resistant weed species were in existence globally³;
- R. whereas on 19 March 2018 the Standing Committee on the Food Chain and Animal Health, as referred to in Article 35 of Regulation (EC) No 1829/2003, voted not to deliver an opinion;
- S. whereas on several occasions the Commission has deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission without the support of the Standing Committee on the Food Chain and Animal Health and that the return of the dossier to the Commission for a final decision, which is very much the exception for the procedure in general, has become the norm for decision-making on GM food and feed authorisations; whereas that practice has also been deplored by President Juncker as not being democratic⁴;
- T. whereas Parliament rejected the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 on 28 October 2015 at first reading, and called on the Commission to withdraw it and submit a new one;
- U. whereas recital 14 of Regulation (EU) No 182/2011 states that the Commission should, as far as possible, act in such a way as to avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of an implementing act, especially where that act concerns sensitive issues such as consumer health, food safety and the environment;
- 1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;

¹ <https://onlinelibrary.wiley.com/doi/abs/10.1111/ecog.02719>

² UN Convention on Biological Diversity, Article 3:

<https://www.cbd.int/convention/articles/default.shtml?a=cbd-03>

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5606642/>

⁴ For example, in the opening statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or in the State of the Union Address 2016 (Strasbourg, 14 September 2016).

2. Considers that the draft Commission implementing decision is not consistent with Union law in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council¹, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, the environment and consumer interests in relation to genetically modified food and feed, while ensuring the effective functioning of the internal market;
3. Calls on the Commission to withdraw its draft implementing decision;
4. Calls on the Commission to suspend any implementing decision regarding applications for authorisation of GMOs until the authorisation procedure has been revised in such a way so as to address the shortcomings of the current procedure, which has proven inadequate;
5. Calls, in particular, on the Commission to uphold its commitments under the UN Convention on Biological Diversity by suspending all imports of GM plants which are tolerant to glyphosate;
6. Calls on the Commission not to authorise any herbicide-tolerant GM plants without full assessment of the residues from spraying with complementary herbicides and their commercial formulations as applied in the countries of cultivation;
7. Calls on the Commission to fully integrate the risk assessment of the application of complementary herbicides and their residues into that of herbicide-tolerant GM plants, regardless of whether the GM plant concerned is to be cultivated in the Union or for import for food and feed;
8. Reiterates its commitment to advance work on the Commission proposal amending Regulation (EU) No 182/2011 in order to ensure that, inter alia, if no opinion is delivered by the Standing Committee on the Food Chain and Animal Health with respect to approvals of GMOs, whether for cultivation or for food and feed, the Commission withdraws the proposal; calls on the Council to move forward with its work on the same Commission proposal as a matter of urgency;
9. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

¹ OJ L 31, 1.2.2002, p. 1.