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*Plenary sitting*

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**B9-0411/2020**

09.12.2020

## **MOTION FOR A RESOLUTION**

pursuant to Rule 112(2) and (3) of the Rules of Procedure

on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council  
(D069145/02 – 2020/2891(RSP))

**Committee on the Environment, Public Health and Food Safety**

Members responsible: Tilly Metz

Günther Sidl, Anja Hazekamp, Eleonora Evi, Sirpa Pietikäinen

**B9-0411/2020**

**European Parliament resolution on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D069145/02 – 2020/2891(RSP))**

*The European Parliament,*

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D069145/02),
- 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 feed<sup>1</sup>, and in particular Articles 7(3) and 19(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 26 October 2020, at which no opinion was delivered,
- having regard to Articles 11 and 13 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 powers<sup>2</sup>,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 25 September 2019, and published on 11 November 2019<sup>3</sup>,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs')<sup>4</sup>,

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<sup>1</sup> OJ L 268, 18.10.2003, p. 1.

<sup>2</sup> OJ L 55, 28.2.2011, p. 13.

<sup>3</sup> Scientific Opinion of the EFSA Panel on Genetically Modified Organisms on the assessment of genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2016-128), EFSA Journal 2019;17(11):5847, <https://doi.org/10.2903/j.efsa.2019.5847>

<sup>4</sup> In its eighth term, the Parliament adopted 36 resolutions objecting to the authorisation of GMOs. Furthermore, in its ninth term Parliament has adopted the following resolutions:

- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2019)0028).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing

– having regard to Rule 112(2) and (3) of its Rules of Procedure,

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- decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GM005-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2019)0029).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2019)0030).
- European Parliament resolution of 14 November 2019 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 cotton LLCotton25 (ACS-GH001-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2019)0054).
- European Parliament resolution of 14 November 2019 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 soybean MON 89788 (MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2019)0055).
- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2019)0056).
- European Parliament resolution of 14 November 2019 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 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2019)0057).
- European Parliament resolution of 14 May 2020 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 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2020)0069).
- European Parliament resolution of 11 November 2020 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 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2020)0291).
- European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-000H2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2020)0292).
- European Parliament resolution of 11 November 2020 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 87460 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2020)0293).

- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- A. whereas on 17 December 2015, Monsanto Europe N.V. on behalf of Monsanto Company, United States, submitted to the national competent authority of the Netherlands an application for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified ('GM') soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 ('the application'); whereas the application also covered the placing on the market of products containing or consisting of GM soybean MON 87751 × MON 87701 × MON 87708 × MON 89788 ('the stacked GM soybean') for uses other than food and feed, with the exception of cultivation;
- B. whereas the stacked GM soybean is derived from crossing four genetically modified ('GM') soybean events (MON 87751 × MON 87701 × MON 87708 × MON 89788), confers tolerance to glyphosate-, glufosinate- and dicamba-containing herbicides and produces three insecticidal proteins (Cry1A.105, Cry2Ab2 and Cry1Ac) (also known as 'Bt toxins') which are toxic to certain lepidopteran (butterfly and moth) larvae<sup>5</sup>;
- C. whereas previous assessments of the four single events of the stacked GM soybean, which have already been authorised, were used as a basis for the assessment of the four-event stacked GM soybean<sup>6</sup>;
- D. whereas on 25 September 2019 EFSA adopted a favourable opinion, which was published on 11 November 2019<sup>7</sup>;

***Member State comments and additional points***

- E. whereas Member State competent authorities submitted many critical comments to EFSA during the three-month consultation period<sup>8</sup>; whereas those critical comments include concerns that no analysis has been done regarding glyphosate residues or glyphosate metabolites on the stacked GM soybean, that there has been no testing of the possible synergistic or antagonistic effects of the Bt toxins with the herbicide residues, that questions on the safety of the stacked GM soybean and derived food and feed remain unanswered, that the potential long-term reproductive or developmental effects of the food or feed have not been assessed and that, due to missing information, the safety of the stacked GM soybean cannot be fully assessed;
- F. whereas an independent scientific analysis has found that, inter alia, no final conclusion can be drawn regarding the safety of the stacked GM soybean, that the toxicological assessment and the environmental risk assessment are unacceptable and that the risk assessment does not fulfil requirements for assessing risks to the immune system<sup>9</sup>;

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<sup>5</sup> EFSA opinion, p. 11, <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2019.5847>

<sup>6</sup> EFSA opinion, p. 3, <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2019.5847>

<sup>7</sup> Idem.

<sup>8</sup> Member State comments:

<http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2016-00009>

<sup>9</sup> Testbiotech comment on EFSA's assessment of genetically engineered soybean MON87751 x MON87701 x

## *Complementary herbicides*

- G. whereas it has been shown that the cultivation of herbicide-tolerant GM crops results in a higher use of herbicides, due in large part to the emergence of herbicide-tolerant weeds<sup>10</sup>; whereas, as a consequence, it has to be expected that crops of the stacked GM soybean will be exposed to both higher and repeated doses of complementary herbicides (glufosinate, dicamba and glyphosate), which will potentially lead to a higher quantity of residues in the harvest;
- H. whereas glufosinate is classified as toxic to reproduction 1B and thus meets the ‘cut-off criteria’ set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>11</sup>; whereas the approval of glufosinate for use in the Union expired on 31 July 2018<sup>12</sup>;
- I. whereas a peer-reviewed study found that glyphosate accumulates in GM soybeans, with a corresponding negative impact on nutritional composition compared with non-GM soybeans<sup>13</sup>; whereas a pilot project carried out in Argentina found surprisingly high levels of glyphosate residues on GM soybeans<sup>14</sup>;
- J. whereas questions concerning the carcinogenicity of glyphosate remain; whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015, the International Agency for Research on Cancer, the specialised cancer agency of the World Health Organization, classified glyphosate as a probable carcinogen for humans; whereas a number of recent scientific peer-reviewed studies confirm the carcinogenic potential of glyphosate<sup>15</sup>;
- K. whereas a scientific study published in August 2020 found that use of dicamba can

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MON87708 x MON89788 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2016- 128) by Bayer/Monsanto, December 2019,

[https://www.testbiotech.org/sites/default/files/Testbiotech\\_Comment\\_MON87751%20x%20MON87701%20x%20MON87708%20x%20MON89788\\_fin.pdf](https://www.testbiotech.org/sites/default/files/Testbiotech_Comment_MON87751%20x%20MON87701%20x%20MON87708%20x%20MON89788_fin.pdf)

<sup>10</sup> See, for example, Bonny, S., ‘Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact’, *Environmental Management*, January 2016;57(1), pp. 31-48,

<https://www.ncbi.nlm.nih.gov/pubmed/26296738>, Benbrook, C.M., ‘Impacts of genetically engineered crops on pesticide use in the U.S. -- the first sixteen years’, *Environmental Sciences Europe* 24, 24 (2012),

<https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24>, and Schütte, G., Eckerstorfer, M.,

Rastelli, V. et al., ‘Herbicide resistance and biodiversity: agronomic and environmental aspects of genetically modified herbicide-resistant plants’, *Environmental Sciences Europe* 29, 5 (2017),

<https://enveurope.springeropen.com/articles/10.1186/s12302-016-0100-y>

<sup>11</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

<sup>12</sup> <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.detail&language=EN&selectedID=1436>

<sup>13</sup> <https://www.ncbi.nlm.nih.gov/pubmed/24491722>

<sup>14</sup> [https://www.testbiotech.org/sites/default/files/TBT\\_Background\\_Glyphosate\\_Argentina\\_0.pdf](https://www.testbiotech.org/sites/default/files/TBT_Background_Glyphosate_Argentina_0.pdf)

<sup>15</sup> See, for example, <https://www.sciencedirect.com/science/article/pii/S1383574218300887>

<https://academic.oup.com/ije/advance-article/doi/10.1093/ije/dyz017/5382278>

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0219610> and

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6612199/>

increase the risk of developing liver and intrahepatic bile duct cancers<sup>16</sup>;

- L. whereas in GM plants, the way in which complementary herbicides are broken down by the plant, and the composition, and thus toxicity, of the break-down products ('metabolites') may be driven by the genetic modification itself<sup>17</sup>;
- M. whereas, whilst it is stated in the EFSA opinion that 'the assessment of herbicide residues relevant for this application has been investigated by the EFSA Pesticide Unit', this is not sufficient since the combinatorial toxicity of the complementary herbicides and break-down products and their potential interaction with the stacked GM soybean itself have not been taken into account;
- N. whereas the lack of analysis of herbicide residues on the GM crops and potential health risks were raised by a number of Member State competent authorities as a concern in their comments on EFSA's risk assessment;

#### ***Lack of maximum residue levels ('MRLs') and related controls***

- O. whereas, under Regulation (EC) No 396/2005 of the European Parliament and of the Council<sup>18</sup>, which aims to ensure a high level of consumer protection in relation to MRLs, the residues on imported crops of active substances which are not authorised for use in the Union, such as glufosinate, should be carefully controlled and monitored<sup>19</sup>;
- P. whereas under the latest coordinated multiannual control programme of the Union (for the years 2020, 2021 and 2022), Member States are not obliged to measure glufosinate residues on any products, including soybean<sup>20</sup>;

#### ***Bt proteins***

- Q. whereas a number of studies show that side effects have been observed that may affect the immune system following exposure to Bt proteins and that some Bt proteins may have adjuvant properties<sup>21</sup>, meaning that they can increase the allergenicity of other proteins that they come into contact with;
- R. whereas a minority opinion adopted by a member of the EFSA GMO Panel in the process of assessing a stacked GM maize and its sub-combinations found that, while

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<sup>16</sup> <https://academic.oup.com/ije/advance-article-abstract/doi/10.1093/ije/dyaa066/5827818?redirectedFrom=fulltext>

<sup>17</sup> This is indeed the case for glyphosate, as stated in EFSA Review of the existing maximum residue levels for glyphosate according to Article 12 of Regulation (EC) No 396/2005, EFSA Journal 2018;16(5):5263, p. 12, <https://www.efsa.europa.eu/fr/efsajournal/pub/5263>

<sup>18</sup> Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

<sup>19</sup> See recital 8 of Regulation (EC) No 396/2005.

<sup>20</sup> Commission Implementing Regulation (EU) 2019/533 of 28 March 2019 concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 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 88, 29.3.2019, p. 28).

<sup>21</sup> For a review, see Rubio-Infante, N., Moreno-Fierros, L., 'An overview of the safety and biological effects of *Bacillus thuringiensis* Cry toxins in mammals', Journal of Applied Toxicology, May 2016, 36(5): pp. 630-648, <http://onlinelibrary.wiley.com/doi/10.1002/jat.3252/full>

unintended effects on the immune system have never been identified in any application where Bt proteins are expressed, they could ‘not be observed by the toxicological studies [...] currently recommended and performed for the safety assessment of GM plants at EFSA because they do not include the appropriate tests for this purpose’<sup>22</sup>;

- S. whereas it cannot be concluded that consumption of the stacked GM soybean is safe for human and animal health;

### ***Undemocratic decision-making***

- T. whereas the vote on 26 October 2020 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;

- U. whereas the Commission recognises that the fact that GMO authorisation decisions continue to be adopted by the Commission without a qualified majority of Member States in favour, which is very much the exception for product authorisations as a whole but which has become the norm for decision-making on GM food and feed authorisations, is problematic;

- V. whereas, in its eighth term, Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, to date, Parliament has adopted eleven objections in its ninth term; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs;

- W. whereas, under Regulation (EU) No 182/2011, the Commission may decide not to authorise a GMO when there is no qualified majority of Member States in favour in the Appeal Committee<sup>23</sup>; whereas no change of law is required in this respect;

### ***Upholding the Union’s international obligations***

- X. whereas Regulation (EC) No 1829/2003 provides that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union’s obligations under the United Nations (UN) Sustainable Development Goals (‘SDGs’), the Paris Climate Agreement and the UN Convention on Biological Diversity (‘UN CBD’);

- Y. whereas a recent report by the UN’s Special Rapporteur on the right to Food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on

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<sup>22</sup> Application EFSA-GMO-DE-2010-86 (Bt11 × MIR162 × 1507 × GA21 maize and three sub combinations independently of their origin), Minority Opinion, Wal, J.M., Member of the EFSA GMO Panel, EFSA Journal 2018;16(7):5309, p. 34, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2018.5309>

<sup>23</sup> The Commission ‘may’, and not ‘shall’, go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee according to Article 6(3) of Regulation (EU) No 182/2011.

health<sup>24</sup>; whereas SDG Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination<sup>25</sup>;

- Z. whereas EFSA found that the estimated operator exposure to glufosinate, classified as toxic to reproduction, when used for weed control in GM maize exceeded the acceptable operator exposure level even when personal protective equipment was used<sup>26</sup>; whereas the risk of increased operator exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;
- AA. whereas deforestation is a major cause of biodiversity decline; whereas emissions from land-use and land-use change, mostly due to deforestation, are the second biggest cause of climate change after burning fossil fuels<sup>27</sup>; whereas the Paris Climate Agreement and the Strategic Plan for Biodiversity 2011-2020 adopted under the UN CBD and the Aichi Biodiversity Targets promote sustainable forest management, protection and restoration efforts<sup>28</sup>; whereas SDG 15 includes the target of halting deforestation by 2020<sup>29</sup>; whereas forests play a multifunctional role that support the achievement of most SDGs<sup>30</sup>;
- AB. whereas soya production is a key driver of deforestation in the Amazon, Cerrado and Gran Chaco forests in South America; whereas 97 % and 100 % of soya cultivated respectively in Brazil and Argentina is GM soya<sup>31</sup>;
- AC. whereas the vast majority of GM soybeans authorised for cultivation in Brazil and Argentina are also authorised for import into the Union<sup>32</sup>; whereas the stacked GM soybean is already authorised for cultivation in Brazil<sup>33</sup>;
- AD. whereas an analysis by the Commission found that soya has historically been the

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<sup>24</sup> <https://www.ohchr.org/EN/Issues/Environment/ToxicWastes/Pages/Pesticidesrighttofood.aspx>

<sup>25</sup> <https://www.un.org/sustainabledevelopment/health/>

<sup>26</sup> EFSA Conclusion regarding the peer review of the pesticide risk assessment of the active substance glufosinate, EFSA Scientific Report (2005) 27, 1-81, p. 3, <https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2005.27r>

<sup>27</sup> Communication of the Commission of 23 July 2019, ‘Stepping up EU action to Protect and Restore the World’s forests’, [COM\(2019\)0352](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:COM(2019)0352), p. 1.

<sup>28</sup> Idem, p. 2.

<sup>29</sup> See target 15.2: <https://www.un.org/sustainabledevelopment/biodiversity/>

<sup>30</sup> Communication of the Commission of 23 July 2019, ‘Stepping up EU action to Protect and Restore the World’s forests’, [COM\(2019\)0352](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:COM(2019)0352), p. 2.

<sup>31</sup> International Service for the Acquisition of Agri-biotech Applications, ‘Global status of commercialized biotech/GM crops in 2017: Biotech Crop Adoption Surges as Economic Benefits Accumulate in 22 Years’, ISAAA Brief No. 53 (2017), pp. 16 and 21, <http://www.isaaa.org/resources/publications/briefs/53/download/isaaa-brief-53-2017.pdf>

<sup>32</sup> Via a cross check of two databases in October 2020 (the Community register of GM food and feed ([https://webgate.ec.europa.eu/dyna/gm\\_register/index\\_en.cfm](https://webgate.ec.europa.eu/dyna/gm_register/index_en.cfm)) and ISAAA GM approval database (<http://www.isaaa.org/gmapprovaldatabase/>)) it can be calculated how many GM soybean crops authorised for cultivation in Brazil and Argentina are also authorised for import into the Union. For Brazil: Out of 17 GM soybean crops authorised for cultivation, 12 are currently authorised for import into the Union whilst authorisation for import is pending for three of the GM soybeans. For Argentina: out of a total 15 GM soybean crops authorised for cultivation, 10 are currently authorised for import into the Union whilst authorisation for import is pending for three of the GM soybeans.

<sup>33</sup> <https://www.isaaa.org/gmapprovaldatabase/event/default.asp?EventID=438&Event=MON87751%20x%20MO N87701%20x%20MON87708%20x%20MON89788>



Union's number one contributor to global deforestation and related emissions, accounting for nearly half of the deforestation embodied in all Union imports<sup>34</sup>;

- AE. whereas a recent peer-reviewed scientific study found that the Union is the region with the largest carbon footprint in the world associated with soya imports from Brazil, 13.8 % larger than that of China, the largest soya importer, due to a larger share of emissions from embodied deforestation<sup>35</sup>; whereas another recent study found that approximately a fifth of the soya exported to the Union from Brazil's Amazon and Cerrado regions, mostly for animal feed, may be 'contaminated with illegal deforestation'<sup>36</sup>;
- AF. whereas forest fires in the Amazon are driven by high levels of deforestation; whereas in a 2019 Communication, the Commission expressed its ambition to protect and restore the world's forests<sup>37</sup>; whereas the global protection of biodiversity, including forests, is a key objective of the Commission's recently published EU Biodiversity Strategy<sup>38</sup>;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
  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 Council<sup>39</sup>, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;

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<sup>34</sup> Technical Report - 2013 - 063 of the Commission, 'The impact of EU consumption on deforestation: Comprehensive analysis of the impact of EU consumption on deforestation', study funded by the European Commission, DG ENV, and undertaken by VITO, IIASA, HIVA and IUCN NL, [http://ec.europa.eu/environment/forests/pdf/1\\_%20Report%20analysis%20of%20impact.pdf](http://ec.europa.eu/environment/forests/pdf/1_%20Report%20analysis%20of%20impact.pdf), pp. 23-24: Between 1990 and 2008, the Union imported crop and livestock products embodying 90 000 km<sup>2</sup> of deforestation. Crop products accounted for 74 000 km<sup>2</sup> (82 %) of this, with oil crops having the largest share (52 000 km<sup>2</sup>). Soybeans and soya cake accounted for 82 % of this (42 600 km<sup>2</sup>), equivalent to 47 % of the Union's total import of embodied deforestation.

<sup>35</sup> Escobar, N., Tizado, E. J., zu Ermgassen, E. K., Löfgren, P., Börner, J., Godar, J., 'Spatially-explicit footprints of agricultural commodities: Mapping carbon emissions embodied in Brazil's soy exports', Global Environmental Change, Volume 62, May 2020, 102067, <https://www.sciencedirect.com/science/article/pii/S0959378019308623>

<sup>36</sup> Rajão, R., Soares-Filho, B., Nunes, F., Börner, J., Machado, L., Assis, D., Oliveira, A., Pinto, L., Ribeiro, V., Rausch, L., Gibbs, H., Figueira, D., 'The rotten apples of Brazil's agribusiness', Science 17 July 2020, Volume. 369, Issue 6501, pp. 246-248, <https://science.sciencemag.org/content/369/6501/246>

<sup>37</sup> EU Communication on Stepping up EU Action to Protect and Restore the World's Forests <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0352&from=EN>

<sup>38</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives' May 2020 [https://eur-lex.europa.eu/resource.html?uri=cellar:a3c806a6-9ab3-11ea-9d2d-01aa75ed71a1.0001.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:a3c806a6-9ab3-11ea-9d2d-01aa75ed71a1.0001.02/DOC_1&format=PDF)

<sup>39</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

3. Calls on the Commission to withdraw its draft implementing decision;
4. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs<sup>40</sup>; expresses its strong disappointment, however, that, on 28 September 2020, the Commission authorised another GM soybean for import<sup>41</sup> despite objections by Parliament and a majority of Member States;
5. Calls on the Commission to move forward with the utmost urgency concerning the development of sustainability criteria, with full involvement of Parliament; calls on the Commission to provide information on how this process will be undertaken and in what timeframe;
6. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs;
7. Reiterates its call on the Commission to stop authorising GMOs, whether for cultivation or for food and feed uses, when no opinion is delivered by Member States in the Appeal Committee, in accordance with Article 6(3) of Regulation (EU) No 182/2011;
8. Reiterates its call on the Commission not to authorise herbicide-tolerant GM crops until the health risks associated with the residues have been comprehensively investigated on a case-by-case basis, which requires a full assessment of the residues from spraying such GM crops with complementary herbicides, an assessment of the herbicide break-down products and any combinatorial effects, including with the GM plant itself;
9. Reiterates its call on the Commission not to authorise the import for food or feed uses of any GM plant which has been made tolerant to a herbicide-active substance that is not authorised for use in the Union;
10. Reiterates its call to EFSA to further develop and systematically use methods that permit the identification of unintended effects of stacked GM events, such as in relation to the adjuvant properties of Bt toxins;
11. Reiterates its consternation that the Union's high dependence on imports of animal feed in the form of soybeans causes deforestation in third countries<sup>42</sup>;
12. Welcomes the announcement of a legislative proposal from the Commission on 'Measures to avoid or minimise the placing of products associated with deforestation or forest degradation on the EU market' due by June 2021; in the meantime, given the urgency of tackling deforestation in the Amazon, Cerrado and Gran Chaco forests and the fact that the Union demand for GM soybeans contributes to deforestation in that region, reiterates its call on the Commission to immediately suspend the import of GM soybeans cultivated in Brazil and Argentina, using Article 53 of Regulation (EC) No 178/2002 if necessary, until effective legally binding mechanisms have been put in

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<sup>40</sup> <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

<sup>41</sup> MON 87708 × MON 89788 × A5547-127.

[https://webgate.ec.europa.eu/dyna/gm\\_register/gm\\_register\\_auth.cfm?pr\\_id=100](https://webgate.ec.europa.eu/dyna/gm_register/gm_register_auth.cfm?pr_id=100)

<sup>42</sup> Idem.

place to prevent the placing on the Union market of products associated with deforestation and related human rights violations;

13. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.