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*Plenary sitting*

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**B9-0387/2023**

25.9.2023

## **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 maize MON 89034 × 1507 × MIR162 × NK603 × DAS-40278-9 and nine sub-combinations, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D090638/03 – 2023/2809(RSP))

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

Members responsible: Martin Häusling, Anja Hazekamp, Sirpa Pietikäinen, Günther Sidl

**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 maize MON 89034 × 1507 × MIR162 × NK603 × DAS-40278-9 and nine sub-combinations, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D090638/03 – 2023/2809(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 maize MON 89034 × 1507 × MIR162 × NK603 × DAS-40278-9 and nine sub-combinations, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D090638/03),
- 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 Article 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on Plants, Animals, Food and Feed referred to in Article 35 of Regulation (EC) No 1829/2003, on 3 July 2023, at which no opinion was delivered, and the vote of the Appeal Committee on 8 September 2023, at which again 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 4 July 2022, and published on 12 August 2022<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 maize MON 89034 × 1507 × MIR162 × NK603 × DAS-40278-9 and sub-combinations, for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2018-151'. EFSA Journal 2022;20(8):7451 <https://doi.org/10.2903/j.efsa.2022.7451>.

<sup>4</sup> In its eighth term, 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 (OJ C 202, 28.5.2021, p. 11).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or

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

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- 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 (OJ C 202, 28.5.2021, p. 15).
- 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 (OJ C 202, 28.5.2021, p. 20).
  - 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 (OJ C 208, 1.6.2021, p. 2).
  - 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 (OJ C 208, 1.6.2021, p. 7).
  - 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 (OJ C 208, 1.6.2021, p. 12).
  - 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 (OJ C 208, 1.6.2021, p. 18).
  - 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 (OJ C 323, 11.8.2021, p. 7).
  - 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 (OJ C 415, 13.10.2021, p. 2).
  - 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 (OJ C 415, 13.10.2021, p. 8).
  - 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 (OJ C 415, 13.10.2021, p. 15).
  - European Parliament resolution of 17 December 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 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 36).
  - European Parliament resolution of 17 December 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 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445,

– having regard to the motion for a resolution of the Committee on the Environment,

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- 29.10.2021, p. 43).
- European Parliament resolution of 17 December 2020 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 MIR604 (SYN-IR604-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 49).
  - European Parliament resolution of 17 December 2020 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 MON 88017 (MON-88017-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 56).
  - European Parliament resolution of 17 December 2020 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 MON 89034 (MON-89034-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 63).
  - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T304-40 × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 474, 24.11.2021, p. 66).
  - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIR098 (SYN-00098-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 474, 24.11.2021, p. 74).
  - European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 45).
  - European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 × DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 52).
  - European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 × MIR162 × MON810 × NK603 and genetically modified maize combining two or three of the single events 1507, MIR162, MON810 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 59).
  - European Parliament resolution of 7 July 2021 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 Bt 11 (SYN-BT011-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 66).
  - European Parliament resolution of 15 February 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean GMB151 (BCS-GM151-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 342, 6.9.2022, p. 22).
  - European Parliament resolution of 15 February 2022 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 GHB614 (BCS-GH002-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 342, 6.9.2022, p. 29).
  - European Parliament resolution of 9 March 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB811 (BCS-GH811-4), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 347, 9.9.2022, p. 48).
  - European Parliament resolution of 9 March 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape 73496 (DP-073496-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 347, 9.9.2022, p. 55).
  - European Parliament resolution of 6 April 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87769 × MON 89788 pursuant to Regulation (EC) No 1829/2003 of the

Public Health and Food Safety,

- A. whereas on 31 May 2018, Dow AgroSciences Europe, based in the United Kingdom, submitted, on behalf of Dow AgroSciences LLC, based in the United States, an application to the competent authority of the Netherlands ('the application') for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MIR162 × NK603 × DAS-40278-9 (the 'GM stacked maize'), in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas the application also concerned the placing on the market of products containing or consisting of genetically modified maize MON 89034 × 1507 × MIR162 × NK603 × DAS-40278-9 for uses other than food and feed, with the exception of cultivation;
- B. whereas the application concerned the placing on the market of products containing, consisting of or produced from twenty-five sub-combinations of the stacked GM maize; whereas sixteen of those sub-combinations have been authorised already;
- C. whereas on 4 July 2022, EFSA adopted a favourable opinion in relation to the authorisation of the stacked GM maize, which was published on 12 August 2022;
- D. whereas the stacked GM maize contains genes conferring resistance to four herbicides (glufosinate ammonium-based herbicides, glyphosate-containing herbicides,

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European Parliament and of the Council (OJ C 434, 15.11.2022, p. 42).

- European Parliament resolution of 23 June 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize DP4114 × MON 810 × MIR604 × NK603 and genetically modified maize combining two or three of the single events DP4114, MON 810, MIR604 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 32, 27.1.2023, p. 6).
- European Parliament resolution of 23 June 2022 on Commission Implementing Decision (EU) 2022/797 of 19 May 2022 authorising the placing on the market of products containing, consisting of or produced from genetically modified maize NK603 × T25 × DAS-40278-9 and its sub-combination T25 × DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 32, 27.1.2023, p. 14).
- European Parliament resolution of 13 December 2022 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 A5547-127 (ACS-GMØØ6-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 177, 17.5.2023, p. 2).
- European Parliament resolution of 14 March 2023 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape MON 94100 (MON-941ØØ-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2023)0063).
- European Parliament resolution of 11 May 2023 on the draft Commission implementing decision renewing the authorisation for placing on the market of products containing, consisting of or produced from genetically modified cotton 281-24-236 × 3006-210-23 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2023)0202).
- European Parliament resolution of 12 September 2023 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87419 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2023)0307).
- European Parliament resolution of 12 September 2023 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize GA21 × T25 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9\_TA(2023)0308).

aryloxyphenoxypropionate herbicides (AOPP) and 2,4-D) and produces six insecticidal proteins ('Bt toxins')<sup>5</sup>;

***Lack of assessment of the complementary herbicide, including cumulative effects***

- E. whereas Commission Implementing Regulation (EU) No 503/2013<sup>6</sup> requires an assessment of whether the expected agricultural practices influence the outcome of the studied endpoints; whereas, according to that Implementing Regulation, this is especially relevant for herbicide-tolerant plants;
- F. whereas the vast majority of GM crops have been genetically modified so that they are tolerant to one or more 'complementary' herbicides which can be used throughout the cultivation of the GM crop, without the crop dying, as would be the case for a non-herbicide tolerant crop; whereas a number of studies show that herbicide-tolerant GM crops result in a higher use of complementary herbicides, in large part because of the emergence of herbicide-tolerant weeds<sup>7</sup>;
- G. whereas herbicide-tolerant GM crops lock farmers into a weed management system that is largely or wholly dependent on herbicides, and does so by charging a premium for GM seeds that can be justified only if farmers purchasing such seed also spray the complementary herbicides; whereas heightened reliance on complementary herbicides on farms planting the GM crops accelerate the emergence and spread of weeds resistant to those herbicides, thereby triggering the need for even more herbicide use, a vicious circle known as 'the herbicide treadmill';
- H. whereas the adverse impacts stemming from excessive reliance on herbicides will worsen on soil health, water quality, and above and below ground biodiversity, as well as leading to increased human and animal exposure, potentially also via increased herbicide residues on food and feed;
- I. whereas glufosinate is classified as toxic to reproduction 1B and therefore meets the 'cut-off criteria' set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>8</sup> whereas the approval of glufosinate for use in the Union expired on 31 July 2018;
- J. whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no

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<sup>5</sup> EFSA opinion, page 13.

<sup>6</sup> Commission Implementing Regulation (EU) No 503/2013 of 3 April 2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006 (OJ L 157, 8.6.2013, p. 1).

<sup>7</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> and Benbrook, C.M., 'Impacts of genetically engineered crops on pesticide use in the U.S. - the first sixteen years', *Environmental Sciences Europe*, 28 September 2012, Vol. 24(1), <https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24>

<sup>8</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).

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>9</sup>;

- K. whereas a peer-reviewed scientific article by an expert involved in developing GM plants questions the safety of GM crops tolerant to 2,4-D due to its degradation into cytotoxic breakdown products<sup>10</sup>;
- L. whereas assessment of herbicide residues and metabolites found on GM plants is considered outside the remit of the EFSA Panel on Genetically Modified Organisms (EFSA GMO Panel) and is therefore not undertaken as part of the authorisation process for GMOs; whereas this is problematic since the way in which complementary herbicides are broken down by the GM plant concerned, and the composition and thus toxicity of the metabolites, can be impacted by the genetic modification itself<sup>11</sup>;

### ***Outstanding questions concerning Bt toxins***

- M. whereas a number of studies show that side effects have been observed that may affect the immune system following exposure to Bt toxins and that some Bt toxins may have adjuvant properties<sup>12</sup>, meaning that they can increase the allergenicity of other proteins with which they come into contact;
- N. whereas a scientific study found that the toxicity of Bt toxins may also be increased through interaction with residues from spraying with herbicides, and that further studies are needed on the combinatorial effects of ‘stacked’ events (GM crops which have been modified to be herbicide tolerant and to produce insecticides in the form of Bt toxins)<sup>13</sup>; whereas assessment of the potential interaction of herbicide residues and their metabolites with Bt toxins is, however, considered to be outside the remit of the EFSA GMO Panel and is, therefore, not undertaken as part of the risk assessment;

### ***Bt crops: effects on non-target organisms***

- O. whereas, unlike the use of insecticides, where exposure is at the time of spraying and for a limited time afterwards, the use of Bt GM crops leads to continuous exposure of the

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<sup>9</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/>

<sup>10</sup> Lurquin, P.F., ‘Production of a toxic metabolite in 2, 4-D-resistant GM crop plants’, 3 Biotech 2016(6), 82, <https://doi.org/10.1007/s13205-016-0387-9>

<sup>11</sup> According to EFSA’s ‘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>, this is indeed the case for glyphosate

<sup>12</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, <https://onlinelibrary.wiley.com/doi/full/10.1002/jat.3252>.

<sup>13</sup> <https://www.sciencedirect.com/science/article/pii/S0278691516300722?via%3Dihub>

target and non-target organisms to Bt toxins;

- P. whereas the assumption that Bt toxins exhibit a single target-specific mode-of-action can no longer be considered correct and effects on non-target organisms cannot be excluded<sup>14</sup>; whereas an increasing number of non-target organisms are reported to be affected in many ways; whereas 39 peer-reviewed publications that report significant adverse effects of Bt toxins on many ‘out-of-range’ species are mentioned in a recent overview<sup>15</sup>;

### ***Member State competent authority and stakeholder comments***

- Q. whereas Member States submitted many critical comments to EFSA during the three-month consultation period<sup>16</sup>;
- R. whereas detailed analysis by an independent research organisation found, inter alia, that the data provided by the applicant and accepted by EFSA are insufficient to conclude on the impact of environmental factors, herbicide applications and genetic backgrounds on gene expression, plant metabolism, plant composition, or on agronomic and phenotypic characteristics; whereas the same assessment found that EFSA cannot be said to fulfil the requirements for assessment of potential synergistic or antagonistic effects resulting from the combination of the transformation events in regard to toxicology<sup>17</sup>;

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

- S. whereas a Union import authorisation for the stacked GM maize would increase demand for this crop, thereby increasing the exposure of workers and the environment in third countries; whereas the risk of increased worker and environmental exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used, including glufosinate;
- T. whereas a 2017 report by the United Nations (UN) Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health<sup>18</sup>; whereas the UN Sustainable Development Goal (‘UN 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>19</sup>;
- U. whereas the Union, as a party to the UN Convention on Biological Diversity (‘UN CBD’), has the responsibility of ensuring that activities within its jurisdiction or control

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<sup>14</sup> See, for example, Hilbeck, A., Otto, M., ‘Specificity and combinatorial effects of *Bacillus thuringiensis* Cry toxins in the context of GMO environmental risk assessment’, *Frontiers in Environmental Science* 2015, 3:71, <https://doi.org/10.3389/fenvs.2015.00071>

<sup>15</sup> Hilbeck, A., Defarge, N., Lebrecht, T., Böhn, T., ‘Insecticidal Bt crops. EFSA’s risk assessment approach for GM Bt plants fails by design’, *RAGES* 2020, p. 4, [https://www.testbiotech.org/sites/default/files/RAGES\\_report-Insecticidal%20Bt%20plants.pdf](https://www.testbiotech.org/sites/default/files/RAGES_report-Insecticidal%20Bt%20plants.pdf)

<sup>16</sup> Member State comments, accessible via the EFSA OpenEFSA portal: <https://open.efsa.europa.eu/>

<sup>17</sup> [https://www.testbiotech.org/sites/default/files/Testbiotech\\_Comment\\_MON%2089034%20x%201507%20x%20MIR162%20x%20NK603%20x%20DAS40278-9\\_fin.pdf](https://www.testbiotech.org/sites/default/files/Testbiotech_Comment_MON%2089034%20x%201507%20x%20MIR162%20x%20NK603%20x%20DAS40278-9_fin.pdf)

<sup>18</sup> <https://www.ohchr.org/en/documents/thematic-reports/ahrc3448-report-special-rapporteur-right-food>

<sup>19</sup> <https://indicators.report/targets/3-9/>



do not cause damage to the environment of other States<sup>20</sup>;

- V. whereas Regulation (EC) No 1829/2003 states 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 UN SDGs, the Paris Climate Agreement and the UN CBD;

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

- W. whereas the vote on 3 July 2023 of the Standing Committee on Plants, Animals, Food and Feed 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; whereas the vote on 8 September 2023 of the Appeal Committee again delivered no opinion;
- X. 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 has become the norm for decision-making on GM food and feed authorisations, is problematic;
- Y. 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, in its ninth term, Parliament has already adopted 34 objections to placing GMOs on the market; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas the reasons for Member States not supporting authorisations include lack of respect for the precautionary principle in the authorisation process and scientific concerns relating to the risk assessment;
- Z. 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 imports of GMO crops for food and feed;
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>21</sup>, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare,

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<sup>20</sup> Convention on Biological Diversity, Article 3: <https://www.cbd.int/convention/articles/?a=cbd-03>

<sup>21</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).

and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;

3. Calls on the Commission to withdraw its draft implementing decision and to submit a new draft to the committee;
4. Calls on the Commission not to authorise herbicide-tolerant GM crops, due to the associated increased use of complementary herbicides and therefore the increased risks to biodiversity, food safety and workers' health;
5. Highlights, in this regard, that authorising the import for food or feed uses of any GM plant which has been made tolerant to herbicides that are banned in the Union, such as glufosinate, is incoherent with the Union's international commitments under, inter alia, the UN SDGs and the UN CBD, including the recently adopted Kunming-Montreal Global Biodiversity Framework<sup>22</sup>;
6. Expects the Commission, as matter of urgency, and in time for conclusion under this legislature, to deliver on its commitment<sup>23</sup> to come forward with a proposal to ensure that hazardous chemicals banned in the Union are not produced for export;
7. 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>24</sup>; expresses its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union, despite ongoing objections by Parliament and a majority of Member States voting against;
8. 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; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm'<sup>25</sup>;
9. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

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<sup>22</sup> In December 2022, a global framework on biodiversity was agreed at the COP15 of the United Nations Convention on Biological Diversity which includes a global target for reducing the risk of pesticides by at least 50 % by 2030 (see: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7834](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7834)).

<sup>23</sup> As outlined in the annex to the communication of the Commission of 14 October 2020 entitled 'Chemicals Strategy for Sustainability Towards a Toxic-Free Environment', [COM\(2020\)0667](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A667%3AFIN#document2), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A667%3AFIN#document2>.

<sup>24</sup> <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>.

<sup>25</sup> European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 102.