DRAFT 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 87419 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D090109/03 – 2023/2759(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 87419 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D090109/03 – 2023/2759(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 87419 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D090109/03),

– 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\(^1\), and in particular Article 7(3) and Article 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 1 June 2023, at which no opinion was delivered, and the vote of the Appeal Committee on 6 July 2023, at which again no opinion was delivered \((tbc)\),


– having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 30 November 2022, and published on 20 January 2023\(^3\),

– having regard to its previous resolutions objecting to the authorisation of genetically modified organisms \(\text{‘GMOs’}\)\(^4\),


\(^4\) 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

- 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 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).


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

– 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 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,
Public Health and Food Safety,

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 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 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
A. whereas on 31 March 2017, Monsanto S.A./N.V, based in Belgium, submitted, on behalf of Monsanto Company, based in the United States, an application to the national competent authority of the Netherlands for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified maize MON 87419 (the ‘GM maize’), 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 the GM maize for uses other than food and feed, with the exception of cultivation;

B. whereas on 30 November 2022, EFSA adopted a favourable opinion in relation to the authorisation of the GM maize, which was published on 20 January 2023;

C. whereas the GM maize was developed to confer tolerance to dicamba- and glufosinate-based herbicides;

**Lack of assessment of the complementary herbicide**

D. 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\(^5\);

E. 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 herbicide; whereas heightened reliance on herbicides on farms planting herbicide tolerant crops accelerates the emergence and spread of herbicide-resistant weeds, thereby triggering the need for even more herbicide use; whereas, as a

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consequence, 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;

F. 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; whereas the approval of glufosinate for use in the Union expired on 31 July 2018;

G. whereas dicamba is highly volatile, meaning that once applied, it is prone to volatilise and move into the air and then drift with the wind until brought down to earth, exposing people and non-target plants, vines, trees, and shrubs to potential and serious damage, especially when exposure occurs over several years;

H. whereas dicamba drift and damage to nearby crops, trees and vines has become an exceedingly divisive issue pitting one group of farmers against other farmers and rural neighbours and triggering extensive litigation over lost crops and replanting costs; whereas a leader in the soybean seed business in the United States has said ‘dicamba has caused more damage to American agriculture than anything I have witnessed in my lifetime’; whereas in the United States, since the introduction of a new system of dicamba tolerant GM soybeans and cotton crops in 2018, tens of thousands of complaints of serious damage from dicamba to crops, trees, and other vegetation have been filed with state regulatory authorities, triggering incrementally stricter limits on when and how dicamba can be sprayed in the subsequent growing season;

I. whereas a clinical research project taking place at hospitals in the 13-state Heartland region of the United States is designed to determine whether rising prenatal exposures to herbicides, including dicamba, are causing or contributing to more frequent and/or more severe adverse birth outcomes or disrupting children’s development;

J. whereas data from this research project shows that about three-times more women are being exposed to dicamba as a result of the widespread planting of dicamba-tolerant soybeans, and that average dicamba levels in urine samples have more than tripled as a result of the planting and spraying of dicamba-tolerant soybeans; whereas given the recent and dramatic increase in human exposures to dicamba, the funders of the study have urged the Environmental Protection Agency to reassess the likelihood and levels of human exposure to dicamba via the inhalation route of exposure, with particular focus on risks of adverse birth and developmental outcomes;

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7 https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/start/screen/active-substances
10 idem
K. whereas a 2020 study published in the peer-reviewed journal International Journal of Epidemiology found that heavy use of dicamba increased the risk of developing liver and intrahepatic bile duct cancers among applicators; whereas the study states that recent approval of GM dicamba-resistant crops is expected to lead to increased agricultural use of dicamba in the years to come\(^\text{11}\);

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 and is therefore not undertaken as part of the authorisation process for GMOs;

_Upholding the Union’s international obligations_

M. 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\(^\text{12}\); 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\(^\text{13}\);

N. whereas the Kunming-Montreal Global Biodiversity Framework (‘Kunming-Montreal Framework’), agreed at the COP15 of the United Nations Convention on Biological Diversity (UN CBD) in December 2022, includes a global target to reduce the risk of pesticides by at least 50 % by 2030\(^\text{14}\);

O. 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 and the UN CBD;

_Undemocratic decision-making_

P. whereas the vote on 1 June 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 6 July 2023 of the Appeal Committee again delivered no opinion (tbc);


\(^{13}\) [https://indicators.report/targets/3-9/](https://indicators.report/targets/3-9/)

Q. 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 32 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;

R. 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;

S. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee15;

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 Council16, 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;

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 Framework17;

15 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.


17 In December 2022, a global framework on biodiversity was agreed at the COP15 of the United...
6. Expects the Commission, as matter of urgency, and in time for conclusion under this legislature, to deliver on its commitment\(^8\) 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\(^9\); 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’\(^{20}\);

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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