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TEXTS ADOPTED

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**P8\_TA(2016)0038**

**Products containing, consisting of, or produced from genetically modified soybean FG72**

**European Parliament 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) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D042684 – 2016/2547(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 FG72 (MST-FGØ72-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council,
- 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 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 fact that the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 voted on 18 November 2015 not to deliver an opinion,
- having regard to the opinion delivered by the European Food Safety Authority (EFSA) on 16 July 2015<sup>3</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> EFSA GMO Panel (EFSA Panel on Genetically Modified Organisms), 2015. Scientific Opinion on application (EFSA-GMO-BE-2011-98) for the placing on the market of herbicide tolerant genetically modified soybean FG72 for food and feed uses, import and processing under Regulation (EC) No 1829/2003 from Bayer CropScience AG. EFSA Journal 2015; 13(7):4167, 29 pp. doi:10.2903/j.efsa.2015.4167.

- having regard to its 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 (MON-ØØ6Ø3-6 × ACS-ZMØØ3-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council<sup>1</sup>,
  - 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 24 June 2011, Bayer CropScience AG submitted to the competent authority of Belgium 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 containing, consisting of, or produced from FG72 soybean;
  - B. whereas the genetically modified MST-FGØ72-2 soybean, as described in the application, expresses the 2mEPSPS protein which confers tolerance to glyphosate herbicides and HPPD W336 protein which confers tolerance to isoxaflutole herbicides; whereas the International Agency for Research on Cancer – the specialised cancer agency of the World Health Organisation – classified glyphosate as probably carcinogenic to humans on 20 March 2015<sup>2</sup>;
  - C. whereas the draft Commission implementing decision was voted on in the Standing Committee on 18 November 2015, with no opinion being delivered;
  - D. whereas on 22 April 2015 the Commission deplored in the explanatory memorandum of its legislative proposal amending Regulation (EC) No 1829/2003 the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions had been adopted by the Commission, in accordance with the applicable legislation, without the support of the opinions of Member State committees and that the return of the dossier to the Commission for the final decision, which was very much the exception for the procedure as a whole, had become the norm for decision-making on genetically modified (GM) food and feed authorisations;
  - E. whereas the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 was rejected by Parliament on 28 October 2015<sup>3</sup> on the grounds that, while cultivation necessarily takes place on a Member State’s territory, GMO trade crosses borders, which means that a national ‘sales and use’ ban proposed by the Commission could be impossible to enforce without reintroducing border checks on imports; whereas Parliament rejected the legislative proposal amending Regulation (EC) No 1829/2003 and called on the Commission to withdraw its proposal and to submit a new one;
1. 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 and

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<sup>1</sup> Texts adopted, P8\_TA(2015)0456.

<sup>2</sup> IARC Monographs Volume 112: evaluation of five organophosphate insecticides and herbicides 20 March 2015 <http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf>

<sup>3</sup> Texts adopted, P8\_TA(2015)0379.

Regulation (EC) No 396/2005 of the European Parliament and of the Council<sup>1</sup>, 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>2</sup>, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, environment and consumer interests in relation to genetically modified food and feed, whilst ensuring the effective operation of the internal market;

2. Calls on the Commission to withdraw its draft implementing decision;
3. Calls on the Commission to submit a new legislative proposal on the basis of the Treaty on the Functioning of the European Union, amending Regulation (EC) No 1829/2003 taking into account frequently expressed national concerns which do not only relate to issues associated with the safety of GMOs for health or the environment;
4. 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>1</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>2</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).