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TEXTS ADOPTED

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**P8\_TA(2016)0387**

**Placing on the market of genetically modified maize 1507 seeds**

**European Parliament resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 (DAS-Ø15Ø7-1) seeds (D046172/00 – 2016/2920(RSP))**

*The European Parliament,*

- having regard to the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 (DAS-Ø15Ø7-1) seeds (D046172/00),
- having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC<sup>1</sup>, and in particular Article 18(1) thereof,
- having regard to the European Food Safety Authority (EFSA) scientific opinion last updated on 24 February 2012 updating the evaluation of the environmental risk assessment and risk management recommendations on insect-resistant genetically modified maize 1507 for cultivation<sup>2</sup>,
- having regard to the EFSA scientific opinion of 18 October 2012 supplementing the conclusions of the environmental risk assessment and risk management recommendations on the genetically modified insect-resistant maize 1507 for cultivation<sup>3</sup>,

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<sup>1</sup> OJ L 106, 17.4.2001, p. 1.

<sup>2</sup> EFSA Panel on Genetically Modified Organisms (GMOs); Scientific Opinion updating the evaluation of the environmental risk assessment and risk management recommendations on insect-resistant genetically modified maize 1507 for cultivation. EFSA Journal 2011; 9(11):2429 [73 pp.], doi:10.2903/j.efsa.2011.2429.

<sup>3</sup> EFSA Panel on Genetically Modified Organisms (GMO); Scientific Opinion supplementing the conclusions of the environmental risk assessment and risk management recommendations on the genetically modified insect-resistant maize 1507 for cultivation. EFSA Journal 2012; 10(11):2934 [36 pp.], doi:10.2903/j.efsa.2012.2934.

- having regard to the EFSA scientific opinion of 6 December 2012 updating the risk assessment conclusions and risk management recommendations on the genetically modified insect-resistant maize MON 810<sup>1</sup>,
  - having regard to the EFSA scientific opinion of 6 December 2012 supplementing the conclusions of the environmental risk assessment and risk management recommendations for the cultivation of the genetically modified insect-resistant maize Bt11 and MON 810<sup>2</sup>,
  - having regard to the EFSA scientific opinion of 28 May 2015 updating risk management recommendations to limit exposure of non-target Lepidoptera of conservation concern in protected habitats to Bt-maize pollen<sup>3</sup>,
  - 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>4</sup>,
  - having regard to its resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests<sup>5</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 a notification (Reference C/ES/01/01) concerning the placing on the market of genetically modified maize 1507 was submitted in 2001 by Pioneer Overseas Corporation and Dow AgroSciences Europe Ltd to the competent authority of Spain pursuant to Council Directive 90/220/EEC<sup>6</sup>; whereas an updated notification was submitted in 2003 pursuant to Directive 2001/18/EC;

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<sup>1</sup> EFSA Panel on Genetically Modified Organisms (GMO); Scientific Opinion updating the risk assessment conclusions and risk management recommendations on the genetically modified insect-resistant maize MON 810. EFSA Journal 2012; 10(12):3017 [98 pp.], doi:10.2903/j.efsa.2012.3017.

<sup>2</sup> EFSA Panel on Genetically Modified Organisms (GMO); Scientific Opinion supplementing the conclusions of the environmental risk assessment and risk management recommendations for the cultivation of the genetically modified insect-resistant maize Bt11 and MON 810. EFSA Journal 2012; 10(12):3016 [32 pp.], doi:10.2903/j.efsa.2012.3016.

<sup>3</sup> EFSA Panel on Genetically Modified Organisms (GMO); Scientific Opinion updating risk management recommendations to limit exposure of non-target Lepidoptera of conservation concern in protected habitats to Bt-maize pollen. EFSA Journal 2015; 13(7):4127 [31 pp.], doi:10.2903/j.efsa.2015.4127.

<sup>4</sup> OJ L 55, 28.2.2011, p. 13.

<sup>5</sup> Texts adopted, P7\_TA(2014)0036.

<sup>6</sup> Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms (OJ L 117, 8.5.1990, p. 15).

- B. whereas the genetically modified event maize 1507 expresses the Cry1F protein, which is a Bt protein (derived from *Bacillus thuringiensis* subsp. *Kurstaki*) conferring resistance to the European corn borer (*Ostrinia nubilalis*) and certain other lepidopteran pests such as the pink borer (*Sesamia* spp.), fall armyworm (*Spodoptera frugiperda*), black cutworm (*Agrotis ipsilon*) and south-western corn borer (*Diatraea grandiosella*), and the Pat protein, which confers tolerance to the herbicide glufosinate-ammonium;
- C. whereas glufosinate is classified as toxic to reproduction and thus falls under the exclusion criteria set out in Regulation (EC) No 1107/2009; whereas, for substances that have already been approved, the exclusion criteria apply when the approval needs to be renewed; whereas the approval of glufosinate expires in 2017; whereas the use of glufosinate should therefore in principle end in 2017;
- D. whereas, pursuant to Article 26c(2) of Directive 2001/18/EC, the cultivation of genetically modified maize 1507 is prohibited in the following territories: Wallonia (Belgium); Bulgaria; Denmark; Germany (except for research purposes); Greece; France; Croatia; Italy; Cyprus; Latvia; Lithuania; Luxembourg; Hungary; Malta; the Netherlands; Austria; Poland; Slovenia; Northern Ireland (United Kingdom); Scotland (United Kingdom); and Wales (United Kingdom);
- E. whereas, according to EFSA, evidence indicates that approximately 95-99 % of pollen released is deposited within some 50 metres of the pollen source, though vertical wind movements or gusts during pollen shedding can lift pollen up high into the atmosphere and distribute it over significant distances of up to several kilometres;
- F. whereas the possible evolution of resistance to the Cry1F protein in lepidopteran target pests is identified by the EFSA GMO Panel as a concern associated with the cultivation of maize 1507, as resistance evolution may lead to altered pest control practices that may cause adverse environmental effects;
- G. whereas teosintes, the ancestor of cultivated maize, has been present in Spain since 2009; whereas teosinte populations might become recipients for transgenic DNA stemming from genetically engineered maize MON 810, which is cultivated in Spain in some of the regions where teosinte is spreading widely; whereas gene flow may cross to teosinte, causing it to produce Bt toxin, and confer higher fitness to the hybrids of maize and teosinte in comparison with the native teosinte plants; whereas this is a scenario that carries major risks for farmers and the environment;
- H. whereas the Spanish competent authorities informed the Commission about the presence of teosinte in Spanish maize fields, including the very limited presence in GM maize fields; whereas the information available also indicates that teosinte was also identified in France;
- I. whereas on 13 July 2016 the Commission asked EFSA to assess by the end of September 2016 whether, on the basis of existing scientific literature or any other relevant information, new evidence emerges which would change the conclusions and recommendations of the EFSA scientific opinions on cultivation of genetically modified maize MON 810, Bt11, 1507 and GA21;
- J. whereas in point 24 of its draft implementing decision the Commission claims that EFSA considered two levels of 'acceptable' local mortality (0,5 % and 1 %); whereas, however,

in its scientific opinion of 28 May 2015 updating risk management recommendations to limit exposure of non-target lepidoptera of conservation concern in protected habitats to Bt-maize pollen, EFSA actually clearly emphasises that ‘any specific protection level used here for illustration by the EFSA GMO Panel is intended as an example only’ and that ‘any threshold applied must, by necessity, be arbitrary and should be subject to amendment according to the protection goals in operation within the EU’;

- K. whereas in its the draft implementing decision the Commission chose the level of local mortality of below 0,5 % and, in the annex thereto, provides for arbitrary isolation distances of at least 20 metres between a maize 1507 field and a protected habitat, as defined in Article 2(3) of Directive 2004/35/EC, despite the fact that EFSA clearly states as confirmed that imposing an isolation distance of 30 metres around a protected habitat from the nearest crop of maize 1507 would be expected to reduce local mortality, even that of highly sensitive non-target lepidopteran larvae, to a level of or below 0,5 %, which is further than the distance proposed by the Commission;
- L. whereas, in its scientific opinion of 28 May 2015 updating risk management recommendations to limit exposure of non-target lepidoptera of conservation concern in protected habitats, EFSA stated that ‘currently, there are insufficient data available to allow Bt-related larval mortality to be put into the context of overall mortality’;
- 1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Directive 2001/18/EC;
- 2. Considers the risk assessment on the cultivation conducted by EFSA to be incomplete and the risk management recommendations proposed by the Commission to be inadequate;
- 3. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the objective of Directive 2001/18/EC of the European Parliament and of the Council, which is, in accordance with the precautionary principle, to approximate the laws, regulations and administrative provisions of the Member States and to protect human health and the environment when carrying out the deliberate release into the environment of genetically modified organisms for any other purposes than placing them on the market within the Community, or placing on the market genetically modified organisms as or in products within the Community;
- 4. Calls on the Commission to withdraw its draft implementing decision;
- 5. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.