European Parliament
2019-2024

Committee on the Environment, Public Health and Food Safety

2023/2605(RSP)

27.4.2023

DRAFT MOTION FOR A RESOLUTION

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

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 (D087929/02 – 2023/2605(RSP))

Committee on the Environment, Public Health and Food Safety

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

B9-0000/2023

European Parliament resolution 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 (D087929/02 – 2023/2605(RSP))

The European Parliament,

– having regard to 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 281-24-236 × 3006-210-23 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D087929/02),

– 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[1], and in particular Article 11(3) and Article 23(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 21 February 2023, at which no opinion was delivered, and to the vote of the Appeal Committee on 23 March 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[2],

– having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 26 May 2010, and published on 15 June 2010[3],

– having regard to the opinion adopted by EFSA on 28 September 2022, and published on 10 November 2022[4],

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1 OJ L 268, 18.10.2003, p. 1.

2 OJ L 55, 28.2.2011, p. 13.

3 Scientific opinion of the EFSA Panel on Genetically Modified Organisms on application (EFSA-GMO-NL-2005-16) for the placing on the market of insect resistant genetically modified cotton (*Gossypium hirsutum L.*) 281-24-236 × 3006-210-23 for food and feed uses, import and processing under Regulation (EC) No 1829/2003 from Dow AgroSciences, EFSA Journal 2010, 8(6):1644, https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/j.efsa.2010.16447

4 Scientific opinion of the EFSA Panel on Genetically Modified Organisms on the assessment of genetically modified cotton 281-24-236 x 3006-210-23 for renewal authorisation under Regulation (EC) No 1829/2003 (application EFSA-GMO-RX-019), EFSA Journal 2022, 20(11):7587, https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2022.7587

– having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs')[5],

[5] 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 produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) 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-GHØØ1-3) 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-ØØØH2-5), 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, 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-IR6Ø4-5) 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-88Ø17-3) 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-89Ø34-3) 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-ØØØ98-3), 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-BTØ11-1) 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-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 342, 6.9.2022, p. 29e).
– 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

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

– having regard to the motion for a resolution by the Committee on the Environment, Public Health and Food Safety,

A. whereas, Commission Decision 2011/891/EU[6] authorised the placing on the market of food and feed containing, consisting of or produced from genetically modified cotton 281-24-236 × 3006-210-23 (the 'GM cotton'); whereas the scope of that authorisation also covered the placing on the market of products other than food and feed containing or consisting of the GM cotton, for the same uses as any other cotton, with the exception of cultivation;

B. whereas, on 16 November 2020, Dow AgroSciences Distribution S.A.S., based in France, submitted on behalf of Dow AgroSciences LLC, based in the United States, an application to the Commission for the renewal of that authorisation, in accordance with Articles 11(2) and 23(2) of Regulation (EC) No 1829/2003;

C. whereas, on 28 September 2022, EFSA;adopted a favourable opinion, which was published on 10 November 2022; whereas, on 26 May 2010, EFSA had previously adopted a favourable opinion in relation to the initial authorisation of the GM cotton which was published on 15 June 2010;

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-Ø73496-4) 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 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 (Texts adopted, P9_TA(2022)0433).

– 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).

[6] Commission Decision 2011/891/EU of 22 December 2011 authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236x3006-210-23 (DAS-24236-5x DAS-21Ø23-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 344, 28.12.2011, p. 51).

D. whereas the GM cotton confers tolerance to glufosinate based herbicides and produces insecticidal proteins ('Bt toxins');

Lack of assessment of the complementary herbicide

E. whereas Commission Implementing Regulation (EU) No 503/2013[7] 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[8]; whereas, as a consequence, it has to be expected that the GM cotton will be exposed to both higher and repeated doses of glufosinate and that therefore a higher quantity of residues and breakdown products ('metabolites') may be present in the harvested crop;

G. 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[9]; whereas the approval of glufosinate for use in the Union expired on 31 July 2018[10];

H. 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;

Outstanding questions concerning Bt toxins

I. 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

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7 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).

8 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

9 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).

10 https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/start/screen/active-substances

adjuvant properties[11], meaning that they can increase the allergenicity of other proteins with which they come into contact;

J. 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)[12]; 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

K. 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 target and non-target organisms to Bt toxins;

L. 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[13]; 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[14];

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[15]; 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[16]; whereas authorising the import of the GM cotton would increase demand for this crop, which is designed to be treated with glufosinate based herbicides, 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;

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11 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. 630648, https://onlinelibrary.wiley.com/doi/full/10.1002/jat.3252.

12 https://www.sciencedirect.com/science/article/pii/S0278691516300722?via%3Dihub

13 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

14 Hilbeck, A., Defarge, N., Lebrecht, T., Bøhn, 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

15 https://www.ohchr.org/en/documents/thematic-reports/ahrc3448-report-special-rapporteur-right-food

16 https://indicators.report/targets/3-9/

N. whereas, whilst the use of glufosinate has not been permitted in the Union since the end of July 2018, figures show that since 2020 it has been exported from the Union to Brazil, Mexico and Australia[17], which have an approval for cultivation of the GM cotton[18];

O. 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 do not cause damage to the environment of other States[19];

P. 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

Q. whereas the vote on 21 February 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 10 Member States, representing 29,79% of the Union population, voted in favour of authorisation, 13 Member States, representing 20,54% of the Union population, voted against and 4 Member States, representing 49,67%, abstained, whereas the vote on 23 March 2023 of the Appeal Committee again delivered no opinion;

R. 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;

S. 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 31 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;

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[17] Information found by searching for 'glufosinate' here: https://echa.europa.eu/information-on-chemicals/pic/export-notifications?p_p_id=exportnotifications_WAR_echapicportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_exportnotifications_WAR_echapicportlet_summaryDetails=summaryTab&_exportnotifications_WAR_echapicportlet_viewTab=searchTab

[18] https://www.isaaa.org/gmapprovaldatabase/event/default.asp?EventID=51

[19] Convention on Biological Diversity, Article 3: https://www.cbd.int/convention/articles/?a=cbd-03

T. 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;

U. 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 Committee[20];

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[21], 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;

4. Calls on the Commission not to authorise the import of 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 Framework[22];

6. Expects the Commission, as matter of urgency, and in time for conclusion under this legislature, to deliver on its commitment[23] 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[24]; expresses its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union,

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[20] 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 Regulation (EU) No 182/2011 (Article 6(3)).

[21] 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).

[22] 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)

[23] 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

[24] https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf

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'[25];

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

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