



2024/2836(RSP)

8.10.2024

DRAFT MOTION FOR A RESOLUTION

pursuant to Rule 115(2) and (3) of the Rules of Procedure

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 × 1507 × NK603 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D098497/04 – 2024/2836(RSP))

Committee on the Environment, Public Health and Food Safety

Members responsible: Martin Häusling, Biljana Borzan, Anja Hazekamp

B10-0000/2024

European Parliament resolution 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 × 1507 × NK603 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D098497/04 – 2024/2836(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 maize MON 89034 × 1507 × NK603 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D098497/04),
- 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 feed¹, 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 8 July 2024, at which no opinion was delivered, and the vote of the Appeal Committee on 3 September 2024, at which again no opinion was delivered,
- having regard to Article 11 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 powers²,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 13 March 2024, and published on 29 April 2024³,
having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs')⁴,
- having regard to Rule 115(2) and (3) of its Rules of Procedure,
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

A. whereas, on 21 October 2022, Corteva Agriscience Belgium B.V., based in Belgium, on

¹ OJ L 268, 18.10.2003, p. 1.

² OJ L 55, 28.2.2011, p. 13.

³ EFSA Panel on Genetically Modified Organisms scientific opinion on assessment of genetically modified maize MON 89034 × 1507 × NK603 for renewal authorisation under Regulation (EC) No 1829/2003 (dossier GMFF-2022-3670), EFSA Journal 2024;22:e8716, <https://doi.org/10.2903/j.efsa.2024.8716>.

⁴ In its eighth term, Parliament adopted 36 resolutions and, in its ninth term, Parliament adopted 38 resolutions objecting to the authorisation of GMOs.

behalf of Corteva Agriscience LLC, based in the United States, and Bayer Agriculture B.V., based in Belgium, on behalf of Bayer CropScience LP based in the United States, jointly submitted an application to the Commission for the renewal of the authorisation of genetically modified maize MON 89034 × 1507 × NK603 (the ‘GM maize’);

- B. whereas, on 13 March 2024, EFSA adopted a favourable opinion, which was published on 26 April 2024 ;
- C. whereas the ‘GM maize’ contains genes conferring resistance to glyphosate and produces insecticidal proteins (‘Bt toxins’);

Lack of assessment of the complementary herbicide

- D. whereas Commission Implementing Regulation (EU) No 503/2013⁵ 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;
- E. 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 weeds⁶;
- F. 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’;
- G. 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;
- H. whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no

⁵ 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).

⁶ See, for example, Schulz, R., Bub, S., Petschick, L.L., Stehle, S., Wolfram, J. (2021) Applied pesticide toxicity shifts toward plants and invertebrates, even in GM crops. *Science* 372(6537): 81-84. <https://doi.org/10.1126/science.abe1148>, 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>.

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 glyphosate⁷;

- I. 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;

Outstanding questions concerning Bt toxins

- J. 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 properties⁸, meaning that they can increase the allergenicity of other proteins with which they come into contact;
- K. 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)⁹; 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

- L. 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;
- M. 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; 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 overview¹⁰;

⁷ 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/>

⁸ 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>.

⁹ <https://www.sciencedirect.com/science/article/pii/S0278691516300722?via%3Dihub>

¹⁰ 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>

Member State and stakeholder comments

N. whereas Member States submitted many critical comments to EFSA during the three-month consultation period¹¹ including that the list of relevant studies, identified in the literature review of the applicant, did not include studies on the fate of Bt-proteins in the environment or on potential effects of Bt-crop residues on non-target organisms even though such studies exist;

Ensuring a global level playing field and upholding the Union's international obligations

O. whereas the conclusions of the Strategic Dialogue on the Future of EU Agriculture¹² call on the Commission to reassess its approach on market access for agri-food imports and exports, given the challenge of diverging standards of the Union and its trading partners; whereas fairer trade relations, on a global level, coherent with goals for a healthy environment, were one of the main demands of farmers during the demonstrations of 2023 and 2024;

P. 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 health¹³; 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;

Q. 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 2030¹⁴;

R. 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;

Reducing dependency on imported feed

S. whereas one of the lessons from the COVID-19 crisis and the still ongoing war in Ukraine is the need for the Union to end the dependencies on some critical materials; whereas in the mission letter to Commissioner-elect Christophe Hansen, Commission President Ursula von der Leyen asks him to look at ways to reduce imports of critical commodities;

¹¹ <https://efsa.onlinelibrary.wiley.com/action/downloadSupplement?doi=10.2903%2Fj.efsa.2024.8716&file=efs28716-sup-0012-Annex8.pdf>

¹² Strategic Dialogue on the future of EU agriculture -A shared prospect for farming and food in Europe, 2024, https://agriculture.ec.europa.eu/document/download/171329ff-0f50-4fa5-946f-aea11032172e_en?filename=strategic-dialogue-report-2024_en.pdf

¹³ <https://www.ohchr.org/en/documents/thematic-reports/ahrc3448-report-special-rapporteur-right-food>.

¹⁴ <https://indicators.report/targets/3-9/>

Undemocratic decision-making

- T. 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 adopted 38 objections to placing GMOs on the market;
- U. 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;
- V. 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;
- W. whereas the vote on 8 July 2024 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 3 September 2024 of the Appeal Committee again delivered no opinion;
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 in line with the One Health approach;
 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 is incoherent with the Union's international commitments under, inter alia, the UN SDGs and the UN CBD, including

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

¹⁶ 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),

the recently adopted Kunming-Montreal Framework¹⁷;

6. 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 GMOs¹⁸; 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;
7. 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'¹⁹;
8. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

¹⁷ 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).

¹⁸ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

¹⁹ European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 102