European Parliament
2024-2029

Committee on the Environment, Public Health and Food Safety

2024/2839(RSP)

8.10.2024

DRAFT MOTION FOR A RESOLUTION

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

on Commission Implementing Decision (EU) 2024/1822 authorising the placing on the market of products containing, consisting of or produced from genetically modified maize DP915635 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (2024/2839(RSP))

Committee on the Environment, Public Health and Food Safety

Members responsible: Martin Häusling, Biljana Borzan, Anja Hazekamp

B10-01012/2024

European Parliament resolution on Commission Implementing Decision (EU) 2024/1822 authorising the placing on the market of products containing, consisting of or produced from genetically modified maize DP915635 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council
(2024/2839(RSP))

The European Parliament,

– having regard to Commission Implementing Decision (EU) 2024/1822 authorising the placing on the market of products containing, consisting of or produced from genetically modified maize DP915635 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council[1],

– 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[2], 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 26 April 2024, at which no opinion was delivered, and the vote of the Appeal Committee on 29 May 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 powers[3],

– having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 30 November 2023, and published on 17 January 2024[4],

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

– 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 20 December 2020, Pioneer Overseas Corporation, Inc. based in Belgium, submitted, on behalf of Pioneer Hi-Bred International, based in the United States, an

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1 OJ L, 2024/1822, 4.7.2024.
2 OJ L 268, 18.10.2003, p. 1.
3 OJ L 55, 28.2.2011, p. 13. [3]
4 EFSA Panel on Genetically Modified Organisms scientific opinion on assessment of genetically modified maize DP915635 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2020-172), EFSA Journal 2024;22:8490, https://doi.org/10.2903/j.efsa.2024.8490.
5 In its eighth term, Parliament adopted 36 resolutions and, in its ninth term, Parliament adopted 38 resolutions objecting to the authorisation of GMOs.

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 DP915635 (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 genetically modified maize DP915635 for uses other than food and feed, with the exception of cultivation;

B. whereas, on 30 November 2023, EFSA adopted a favourable opinion, which was published on 17 January 2024;.

C. whereas the GM maize contains genes conferring resistance to glufosinate and produces the insecticidal IPD079Ea toxin derived from the Ophioglossum pendulum fern; whereas the genetic modification involved a multistep process using CRISPR/Cas to introduce a 'landing pad' at the target site, where the gene constructs for the production of the new traits are subsequently inserted;

Lack of assessment of the complementary herbicide

D. whereas Commission Implementing Regulation (EU) No 503/2013[6] 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 weeds[7];

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 accelerates 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';

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6 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).

7 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.

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 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[8]; whereas the approval of glufosinate for use in the Union expired on 31 July 2018;

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 assessment of the toxin IPD079Ea

J. whereas the Ophioglossum pendulum toxin (IPD079Ea) is not a part of European flora and has never previously been introduced into the food or feed chain; whereas the mode of action of IPD079Ea has only been poorly described; whereas Member States underline that the introduction of this protein into agriculture and the food chain would require a lot more data on the mode of action and specificity of the toxins;

Member State competent authority and stakeholder comments

K. whereas Member States submitted many critical comments to EFSA during the three-month consultation period, including that an opinion on the safety of the GM maize cannot be given in view of the data gaps in the file relating to the requirements of Implementing Regulation (EU) No 503/2013, that the monitoring plan requires further elaboration, and that the effects of glufosinate on the gut microbiome of consumers and on the soil-microflora have not been considered by EFSA, even though they are clearly affected;

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

L. whereas the conclusions of the Strategic Dialogue on the Future of EU Agriculture[9] 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, at 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;

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[10]; whereas the UN Sustainable Development Goal (UN

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8 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).

9 https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green deal/agriculture-and-green-deal/strategic-dialogue-future-eu-agriculture_en

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

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[11];

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[12];

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;

Reducing dependency on imported feed

P. 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;

Undemocratic decision-making

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 adopted 38 objections to placing GMOs on the market;

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 Committee[13];

T. whereas the vote on 26 April 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 29 May 2024 of the Appeal Committee again delivered no opinion;

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

12 see: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7834.

13 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.

U. whereas on 2 July 2024, the Commission authorised the placing on the market of the GM maize;

1. Considers that Implementing Decision (EU) 2024/1822 exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;

2. Considers that Implementing Decision (EU) 2024/1822 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[14], 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 repeal Implementing Decision (EU) 2024/1822;

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 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[15];

6. Expects the Commission, as matter of urgency, to deliver on its commitment[16] 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[17]; 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

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14 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).

15 on 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).

16 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.

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

explanatory memorandum explaining how they uphold the principle of 'do no harm'[18];

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

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