Resolution on the draft Commission implementing decision amending Implementing Decision 2013/327/EU as regards the renewal of the authorisation to place on the market feed containing or consisting of genetically modified oilseed rapes Ms8, Rf3 and Ms8 × Rf3

2019/2521(RSP) - 31/01/2019 - Text adopted by Parliament, single reading

The European Parliament adopted by 414 votes to 193, with 36 abstentions, a resolution **objecting** to the draft Commission implementing decision amending Implementing Decision 2013/327/EU as regards the renewal of the authorisation to place on the market feed containing or consisting of the genetically modified oilseed rape Ms8, Rf3 and Ms8 × Rf3, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

On 20 May 2016, Bayer CropScience AG submitted to the Commission an application for renewal of the marketing authorisation for the products covered by Commission Decision 2007/232/EC. That decision authorised the placing on the market of feed containing or consisting of genetically modified oilseed rape Ms8, Rf3 and Ms8 x Rf3.

On 5 October 2017, the European Food Safety Authority (EFSA) adopted a favourable opinion on the renewal application. At the request of the applicant, the Commission then decided to amend Commission Implementing Decision 2013/327/EU to include the range of products covered by Decision 2007/232/EC. Members queried the legitimacy of this approach.

Comments from the Parliament and the Member States

Member States expressed many criticisms during the three-month consultation period following the EFSA opinion which was published on 28 November 2017. In particular, they criticised the fact that the post-market environmental monitoring reports provided by the applicant are deficient in substance and do not contain reliable data supporting the conclusion that the import or use of Ms8, Rf3 and Ms8 x Rf3 genetically modified oilseed rape does not cause any adverse effects on health or on the environment.

Parliament recalled that the genetically modified Ms8, Rf3 and Ms8 x Rf3 oilseed rape has been designed to resist the application of the herbicide glufosinate. However, glufosinate is no longer authorised for use in the Union, as it has been classified as a substance toxic for reproduction and therefore falls under the exclusion criteria laid down in Regulation (EC) No 1107/2009 of the European Parliament and of the Council on the placing of plant protection products on the market.

Decision-making process

The Commission has repeatedly complained about the fact that since the current GMO authorisation procedure entered into force, each authorisation decision has been taken by the Commission without the support of the opinion of the Standing Committee on the Food Chain and Animal Health of the Member

States. Thus, the referral of the dossier back to the Commission for a final decision, which should have been an exception, has become the rule in the decision-making process on authorisations of genetically modified food and feed.

On the basis of these considerations, Parliament considered that the Commission's implementing decision was not compatible with Union law, which requires that bases are set out in order to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests, while ensuring the proper functioning of the internal market.

As a result, Parliament called on the Commission to:

- withdraw its draft implementing decision;

- not to authorise the import of genetically modified plants intended for human or animal consumption which have been made tolerant to a herbicide not authorised in the Union, in this case glufosinate;

- not to authorise herbicide-tolerant genetically modified plants without a full evaluation of the residues of the spraying of complementary herbicides, their metabolites and commercial formulae as used in the countries where these plants are grown;

- take full account of the risk assessment of the use of complementary herbicides and their residues in the risk assessment of herbicide-tolerant genetically modified plants, whether the plant concerned is intended for cultivation in the Union or is imported into the Union as food or feed;

- suspend any implementing decision on applications for authorisation of genetically modified organisms until the authorisation procedure has been revised in order to remedy the shortcomings of the current procedure, which has proved inadequate;

- withdraw proposals for authorisations – whether for cultivation or for food and feed purposes – if the Standing Committee on the Food Chain and Animal Health does not deliver an opinion.

Parliament reiterated its commitment to make progress in its work on the Commission's proposal to amend Regulation (EU) No 182/2011. It called on the Council to give urgent attention to completing its work on this Commission proposal.