Resolution 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

2021/3058(RSP) - 09/03/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 474 votes to 205, with 15 abstentions, a resolution **objecting** 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.

On 15 May 2012, Pioneer Overseas Corporation, based in Belgium, submitted, on behalf of Pioneer Hi-Bred International, Inc., based in the United States, an 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 oilseed rape 73496 (the GM oilseed rape). On 5 May 2021, the European Food Safety Authority (EFSA) adopted a favourable opinion on this application.

The GM oilseed rape is tolerant to glyphosate through expression of the glyphosate acetyltransferase protein GAT4621.

Lack of assessment of herbicide residues and metabolites

Members pointed out that 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. GM oilseed rape may therefore be exposed to both higher and repeated doses of glyphosate, which may lead to an increase in the (‘metabolites’) in the harvest.

The resolution stated that the EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no classification was warranted. 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. A number of recent scientific peer-reviewed studies confirm the carcinogenic potential of glyphosate.

According to EFSA, toxicological data allowing a consumer risk assessment to be performed for the metabolites N-acetyl-glyphosate and N-acetyl-AMPA, which are relevant for uses on GM glyphosate-tolerant plant varieties that are imported into the Union, are missing.

Furthermore, the assessment of herbicide residues and their breakdown products found on GM plants is considered outside the remit of the EFSA GMO Panel and is therefore not undertaken as part of the authorisation process for GMOs.

Comments from Member State competent authorities

Parliament also stated that Member States submitted many critical comments to EFSA during the consultation period. Those critical comments include that methodological approaches used in the risk assessment of the GM oilseed rape differ in some cases from those recommended by EFSA guidance meaning that the risk assessment has clear deficits and that no strong conclusions regarding safety can be drawn and that the level of residues from glyphosate treatment and glyphosate metabolites in the GM oilseed rape were not assessed, that the safety of the GM oilseed rape cannot be confirmed without information on concentrations of glyphosate, N-acetyl glyphosate and its metabolites and that there is no evidence of non-toxicity of acetylated glyphosate.

Undemocratic decision-making

Parliament welcomed that 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.

In its ninth term, Parliament has already adopted 23 objections to placing GMOs on the market. There was not a qualified majority of Member States in favour of authorising any of those GMOs. 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.

Parliament highlighted that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour. It insisted that the Commission respect this position and called on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency.

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.

Upholding international obligations

Members recalled the UN's Sustainable Development Goal (SDG) Target 3.9, which aims to significantly reduce the number of deaths and illnesses caused by hazardous chemicals, pollution and contamination of air, water and soil by 2030. They considered that authorising the import of the GM oilseed rape would increase demand for this crop which is treated with glyphosate, thereby increasing the exposure of workers and the environment in third countries. 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.

According to a peer-reviewed study published in 2020, Roundup, one of the world's most widely used glyphosate-based herbicides, can trigger a loss of biodiversity, making ecosystems more vulnerable to pollution and climate change.

In addition, the EU, as a party to the UN Convention on Biological Diversity (UN CBD), has the responsibility to ensure that activities within its jurisdiction or control do not cause damage to the environment of other States.

Recommendations

On the basis of these considerations, Parliament considered that the Commission's draft implementing decision was not consistent with Union law and asked the Commission to withdraw its draft implementing decision.

The Commission is also asked to:

- not to authorise herbicide-tolerant GM crops until the health risks related to residues have been thoroughly investigated on a case-by-case basis;

- take account of the EU's obligations under international agreements, such as the Paris Climate Agreement, the UN Convention on Biological Diversity (CBD) and the UN's SDGs, and ensure that draft implementing acts explain how they uphold with the principle of ‘do no harm’.