Resolution 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

2022/2713(RSP) - 23/06/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 402 votes to 173, with 18 abstentions, a resolution **objecting** to the draft Commission implementing decision 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.

On 12 December 2019, Pioneer Overseas Corporation, based in Belgium, submitted an application for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified maize NK603 × T25 × DAS-40278-9 (the 'GM maize'). On 29 October 2021, the European Food Safety Authority (EFSA) adopted a favourable opinion on this application.

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 maize 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.

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 the interaction among the herbicides, their residues and metabolites used on the GM maize cannot be excluded and this chemical cocktail has never been tested from a toxicological angle before and might affect human and animal health and the

environment and whereas there is a vector-derived beta-lactamase (‘bla’) gene in the GM maize, an antibiotic resistance gene which inactivates critically important penicillins.

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 27 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 maize 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’.