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 MON 94100 (MON-941ØØ-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

2023/2537(RSP) - 14/03/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 440 votes to 170, with 19 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 oilseed rape MON 94100 (MON-941ØØ-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

On 29 October 2020, Bayer Agriculture BV, based in Belgium, submitted, on behalf of Bayer CropScience LP, 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 MON 94100 (the GM oilseed rape).

On 20 June 2022, the European Food Safety Authority (EFSA) adopted a favourable opinion on this application.

Lack of assessment of the complementary herbicide

The resolution stressed that dicamba is highly volatile, meaning that once applied, it is prone to volatilise and move into the air and then drift with the wind until brought down to earth, exposing people and non-target plants, vines, trees, and shrubs to potential and serious damage, especially when exposure occurs over several years. In the United States, since the introduction of a new system of dicamba tolerant GM soybeans and cotton crops in 2018, tens of thousands of complaints of serious damage from dicamba to crops, trees, and other vegetation have been filed with state regulatory authorities, triggering incrementally stricter limits on when and how dicamba can be sprayed in the subsequent growing season.

An American study found that heavy use of dicamba increased the risk of developing liver and intrahepatic bile duct cancers among applicators.

Union authorisation of the GM oilseed rape would not be consistent with international commitments on pesticide reduction, given the increased human and environmental exposure to dicamba in countries which grow dicamba-tolerant GM crops, along with the potentially serious associated health outcomes.

An 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.

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 30 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 designed to be treated with dicamba, 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.

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 authorise the import of herbicide-tolerant GM crops, due to the increased use of complementary herbicides, and the associated risks to biodiversity, food safety and workers' health;

- 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'.