Resolution on the draft Commission implementing decision renewing the authorisation for placing on the market of products containing, consisting of or produced from genetically modified cotton 281-24-236 × 3006-210-23 pursuant to Regulation (EC) No 1829 /2003 of the European Parliament and of the Council

2023/2605(RSP) - 11/05/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 394 votes to 169, with 17 abstentions, a resolution **objecting** to the draft Commission implementing decision renewing the authorisation for placing on the market of products containing, consisting of or produced from genetically modified cotton 281-24-236 × 3006-210-23 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

Commission Decision 2011/891/EU authorised the placing on the market of food and feed containing, consisting of or produced from genetically modified cotton 281-24-236 × 3006-210-23 (the ‘GM cotton’). The scope of that authorisation also covered the placing on the market of products other than food and feed containing or consisting of the GM cotton, for the same uses as any other cotton, with the exception of cultivation.

On 16 November 2020, Dow AgroSciences Distribution S.A.S., based in France, submitted on behalf of Dow AgroSciences LLC, based in the United States, an application to the Commission for the renewal of that authorisation. On 28 September 2022, EFSA, adopted a favourable opinion in relation to the application.

The GM cotton confers tolerance to glufosinate based herbicides and produces insecticidal proteins (‘Bt toxins’).

Main observations

Lack of assessment of the complementary herbicide

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. 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. As a consequence, it has to be expected that the GM cotton will be exposed to both higher and repeated doses of glufosinate and that therefore a higher quantity of residues and breakdown products (‘metabolites’) may be present in the harvested crop.

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. The approval of

glufosinate for use in the Union expired on 31 July 2018. The 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.

Bt toxins

A number of studies show that side effects have been observed that may affect the immune system following exposure to Bt toxins and that some Bt toxins may have adjuvant properties, meaning that they can increase the allergenicity of other proteins with which they come into contact.

A scientific study found that the toxicity of Bt toxins may also be increased through interaction with residues from spraying with herbicides, and that further studies are needed on the combinatorial effects of 'stacked' events (GM crops which have been modified to be herbicide tolerant and to produce insecticides in the form of Bt toxins).

Bt crops: effects on non-target organisms

Unlike the use of insecticides, where exposure is at the time of spraying and for a limited time afterwards, the use of Bt GM crops leads to continuous exposure of the target and non-target organisms to Bt toxins. The assumption that Bt toxins exhibit a single target-specific mode-of-action can no longer be considered correct and effects on non-target organisms cannot be excluded.

Upholding the Union's international obligations

Whilst the use of glufosinate has not been permitted in the Union since the end of July 2018, figures show that since 2020 it has been exported from the Union to Brazil, Mexico and Australia, which have an approval for cultivation of the GM cotton. The EU, as a party to the UN Convention on Biological Diversity (UN CBD), has the responsibility of ensuring that activities within its jurisdiction or control do not cause damage to the environment of other States.

Undemocratic decision-making

The vote on 21 February 2023 of the Standing Committee on Plants, Animals, Food and Feed delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States.

The Commission recognised 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 the light of these considerations, Parliament considered that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is 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.

Accordingly, Parliament called on the Commission to:

- withdraw its draft implementing decision;

- not to authorise the import of 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;

The Commission is expected, as matter of urgency, and in time for conclusion under this legislature, to deliver on its commitment to come forward with a proposal to ensure that hazardous chemicals banned in the Union are not produced for export.