**F****ollow up to the European Parliament non-legislative resolution** **on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-ØØØH2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council**

1. **Resolution tabled pursuant to Rule 112(2) and (3) of the European Parliament's Rules of Procedure**
2. **Reference numbers:** 2020/2838 (RSP) / B9-0349/2020 / P9\_TA-PROV(2020)0292
3. **Date of adoption of the resolution:** 11 November 2020
4. **Competent Parliamentary Committee:** Committee on Environment, Public Health and Food Safety (ENVI)
5. **Brief analysis/assessment of the resolution and requests made in it:**

The resolution calls for the withdrawal of the draft Commission implementing decision **(paragraph 3)** on the grounds that the draft measure exceeds the implementing powers provided for in Regulation (EC) No 1829/2003 **(paragraph 1)** and is not compatible with the aim of that Regulation and the general principles of Regulation (EC) No 178/2002, i.e. protection of human life and health, animal health and welfare, the environment and consumer interests **(paragraph 2)**. The resolution calls on the Commission not to authorise the import for food and feed uses of any genetically-modified (GM) plant, which has been made tolerant to a herbicide which is not authorised for use in the Union **(paragraph 8),** and also not to authorise genetically modified organisms (GMOs) if no opinion is delivered by Member States in the Appeal Committee **(paragraph 7)**.

The resolution recalls that the GM soybean is tolerant to glufosinate ammonium and glyphosate-based herbicides **(recital C)** and calls to fully integrate the risk assessment of the application of complementary herbicides and their residues into the risk assessment of herbicide-tolerant GM plants, regardless of where the GM plant is cultivated **(paragraph 8)**.

The resolution welcomes that the European Green Deal has been put forward as an integral part of the Commission’s strategy to implement the United Nation’s 2030 Agenda for Sustainable Development and recalls that the sustainable development goals can only be achieved if supply chains become sustainable **(paragraph 11**).

The resolution reiterates the European Parliament’s alarm at the fact that the Union’s high dependence on imports of animal feed in the form of soybeans causes deforestation in third countries **(paragraph 12)**.The resolution mentions that soya production is a key driver of large-scale deforestation in South America **(recital V)**. The resolution urges the Commission to take into account the Union’s obligations to the sustainable development goals and obligations under the Paris Climate Agreement and the UN Convention on Biological Diversity (CBD) (**paragraph 6)**.

Finally, the resolution reiterates its call for the implementation of a European vegetable protein production and supply strategy, which would enable the Union to become less dependent on GM soybean imports and to create shorter food chains and regional markets **(paragraph 14)**.

The resolution mentions that potentially higher quantities of residues from spraying with glufosinate and HPPD[[1]](#footnote-1)-inhibiting herbicides to be expected and will lead to a higher quantities of residues in the harvest of GM soybeans **(recital D)**. The resolution mentions that questions concerning the carcinogenicity of glyphosate remain **(recital F)** and recalls that the use of glufosinate is no longer permitted in the Union **(recital E)**.

The resolution recalls the voting results on the draft implementing decision in the Standing Committee **(recital N)**. Furthermore, the resolution recalls that the return of the draft authorising decisions to the Commission for final decision, after not being supported by the Standing Committee, has become the norm for decision-making on genetically modified food and feed authorisations, which is problematic **(recital O)**. Finally, the resolution recalls the numerous resolutions objecting to GMO authorisations adopted by the European Parliament in its eighth term **(recital P)**, and states that no change of law is required for the Commission not to authorise GMOs in the absence of qualified majority of Member States in favour in the Appeal Committee **(recital Q)**.

1. **Response to the requests and overview of the action taken, or intended to be taken, by the Commission:**

The Commission would like to recall that the draft implementing decision at stake authorises the placing on the market of products containing, consisting of or produced from genetically modified soybean **SYHT0H2**, but not the cultivation of this soybean.

With respect to **paragraphs 1** to **3** of the resolution, the Commission would like to point out that the draft decision has been processed in line with the procedural steps set out in Regulation (EU) 182/2011 on comitology and Regulation (EC) No 1829/2003 on genetically modified (GM) food and feed, as illustrated below:

* On 8 August 2012, Syngenta Crop ProtectionS.A./N.V submitted to the Commission an application, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003, for the authorisation for the placing on the market of GM soybean **SYHT0H2** for food/ feed uses.
* On 20 January 2020, the European Food Safety Authority (EFSA) published a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829. It concluded that genetically modified soybean **SYHT0H2**, as described in the application, is as safe as and nutritionally equivalent to its conventional counterpart and the tested non-genetically modified soybean reference varieties with respect to the potential effects on human and animal health and the environment.
* In its opinion, EFSA considered all the specific questions and concerns raised by the Member States in the context of the consultation of the national competent authorities as provided for by Article 6(4) and Article 18(4) of Regulation (EC) No 1829/2003.
* The public commented on the EFSA opinion and all the scientific comments received were scrutinised by EFSA[[2]](#footnote-2).
* The draft decision was voted on 15 September 2020 in the Standing Committee with no qualified majority against or in favour.
* In accordance with the rules set in Regulation (EU) 182/2011 on comitology, the Commission proposed the draft decision to the Appeal Committee of 12 November 2020, where no qualified majority against or in favour was obtained either.

The Commission, therefore, considers that by adopting a decision that fully complies with the procedural steps set out by the co-legislators in the GMO legislation, it does not exceed its implementing powers. Consequently, there are no reasons to withdraw the draft decision for the authorisation of the GM soybean **SYHT0H2**. Furthermore, following the submission of an application and the respective opinion of EFSA, Article 7(3) and Article 19(3) of Regulation (EC) No 1829/2003 oblige the Commission to act, namely to adopt a final decision on the application.

With respect to the **other provisions of the resolution**, the Commission considers that they fall outside the remit of the right of scrutiny, which is limited to the question of whether the draft implementing act exceeds the implementing powers provided for in the basic act. The Commission is not required to justify the draft implementing act as regards these points. Nevertheless, the Commission has carefully considered the positions expressed by the European Parliament and would like to make the following comments:

With respect to the concerns about plant protection products **(recitals D** to **L)**, the Commission would like to point out that the risk assessment in the context of an application for food and feed uses of a herbicide-tolerant GM crop is focused on the potential impact of the genetic modification on human and animal health and on the environment. Considerations on environmental protection in the area of pesticides are within the scope of Regulation (EC) No 1107/2009 concerning the placing on the market of plant protection products according to which each active substance and each plant protection product is assessed for its environmental safety before a risk management decision to approve a substance or authorise the use of a product is made. The authorisation of GMOs is not linked to the authorisation of herbicides. However, herbicides and their respective maximum residue levels, authorised under respectively Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005, apply to all the concerned products, whether GMO or not. As announced in the Farm to Fork Strategy, the EU will engage actively with trading partners, especially with developing countries, to accompany the transition towards the more sustainable use of pesticides to avoid disruptions in trade and promote alternative plant protection products and methods.

With regards to the lack of support by the Members States for any authorising decision of GMOs for food and feed uses **(recitals N** to **Q)**, the Commission submitted a proposal to the European Parliament and Council on 14 February 2017 for a Regulation amending Regulation (EU) No 182/2011 to change the voting rules at the Appeal Committee, which if adopted by co-legislators, would increase transparency and accountability in GMO decision-making process. The Commission would also like to recall that it regrets the decision of the European Parliament of 28 October 2015 to reject the proposal of 22 April 2015 amending Regulation (EC) No 1829/2003, which, if adopted, would enable Member States to address at national level considerations, which are not covered by the EU decision-making process.

With respect to the concerns expressed in (**recitals R** and **Y)**, the Commission would like to explain that in its decisions it takes into account scientific evaluation of the highest possible standard, relevant provisions of EU law and other legitimate factors relevant to the matter in consideration. As announced in the Farm to Fork Strategy, the EU will engage actively with trading partners, especially with developing countries, to accompany the transition towards the more sustainable use of pesticides to avoid disruptions in trade and promote alternative plant protection products and methods.

At this point, the Commission would like to recall that, at present, the volume of imports of soybean is driven by the high protein feed demand in the EU.

With regard to deforestation **(paragraphs 12 and 13)**, in its Communication on a Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system the Commission announced that to reduce the EU’s contribution to global deforestation and forest degradation, it will present a legislative proposal and other measures to avoid or minimise the placing of products on the EU market associated with deforestation or forest degradation.

In conclusion, in relation to **paragraph 4 and 5**, while the Commission reflects on a new approach that is aligned to the political ambition set by the European Green Deal and the Farm to Fork Strategy, it will continue processing the outstanding applications for GM food and feed under existing rules and until a different approach based on sustainability considerations is designed.

1. P-hydroxyphenylpyruvate dioxygenase [↑](#footnote-ref-1)
2. <http://ec.europa.eu/food/plant/gmo/public_consultations/index_en.htm> [↑](#footnote-ref-2)