**Follow up to the European Parliament non-legislative resolution on the Commission draft implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize GA21 × T25, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council**

**1. Resolution tabled pursuant to Rules 112(2) and (3) of the European Parliament’s Rules of procedure**

**2. Reference numbers:** 2023/2760 (RSP) / B9-0363/2023 / P9\_TA (2023)0308

**3. Date of adoption of the resolution:** 12 September 2023

**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 on the Commission to withdraw its draft implementing decision and to submit a new draft to the committee (**paragraph 3**) on the grounds that the draft measure exceeds the implementing powers provided for in Regulation (EC) No 1829/2003 (**paragraph 1**) and that it is not compatible with the aim of that regulation and the general principles of Regulation (EC) No 178/2002, i.e. the protection of human life and health, animal health and welfare, the environment and consumer interests (**paragraph 2**).

The resolution recalls that the genetically modified (GM) maize is tolerant to glyphosate-based herbicides and glufosinate-ammonium herbicides (**recital C**) and calls on the Commission not to authorise any herbicide-tolerant GM plant due to the increased use of complementary herbicides and increased risks to biodiversity, food safety and occupational health (**paragraph 4**).

The resolution highlights that authorising the import of food and feed of any GM plant tolerant to herbicides banned in the Union, such as glufosinate, is incoherent with the EU international commitments including the recently adopted Kunming-Montreal Framework (**paragraph 5**) and expects the Commission 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 (**paragraph 6)** given the classification of glufosinate as toxic to reproduction 1B **(Recital F**).

The resolution welcomes that the Commission recognises the need to take sustainability into account for the authorisation of genetically modified organisms (GMOs) and expresses its disappointment that the Commission proceeds with GMO authorisations for import despite ongoing European Parliament objections and a majority of Member States voting against (**paragraph 7**).

The resolution urges the Commission to consider the EU’s obligations under international agreements, such as the Paris Climate Agreement, the UN Convention on Biological Diversity and the UN Sustainable Development Goals (**paragraph 5** and **recitals I** to **K**).

The resolution also mentions that the use of glufosinate is no longer permitted in the EU **(recital F),** that glyphosate is classified as probably carcinogenic to humans by the International Agency for Research on Cancer, while the European Food Safety Authority (EFSA) concluded it was unlikely to be carcinogenic (**recital G)**.

The resolution states that it is problematic that the assessment of herbicides and their residues is considered outside the remit of the EFSA GMO Panel, as the formation of metabolites, as well as their composition and toxicity, can be impacted by the genetic modification itself (**recital H**).

The resolution says that the authorising decision was not supported by a qualified majority of Member States and the appeal committee delivered no opinion on 6 July 2023 (**recital L)**. Furthermore, the resolution recalls the numerous resolutions objecting to GMO authorisations adopted by the European Parliament in its eighth and ninth terms (**recital M**), and states that no change of law is required for the Commission not to authorise GMOs in the absence of a qualified majority of Member States in favour in the appeal committee (**recital O**).

**6. Responses to the requests in the resolutions and overview of actions taken, or intended to be taken, by the Commission**

The Commission would like to recall that the implementing decision concerns the authorisation for the placing on the market of products containing, consisting of or produced from GM maize GA21 × T25, except of cultivation.

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

* On 31 October 2016, Syngenta Crop Protection AG submitted an application to the national competent authority of Germany in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 for the authorisation of the placing on the market of GM maize GA21 × T25 for food/feed and other uses, except of cultivation.
* On 27 January 2023, EFSA published an opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003 concluding that GM maize GA21 × T25 is as safe as its non-genetically modified comparator and the tested non-genetically modified 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[[1]](#footnote-1).
* The draft decision was voted in the Standing Committee on 1 June 2023 with no qualified majority against or in favour.
* In accordance with the rules set out in Regulation (EU) No 182/2011 on comitology, the Commission referred the draft decision to the Appeal Committee on 6 July 2023, where no qualified majority against or in favour was obtained either.
* In accordance with the rules set out in Regulation (EC) No 182/2011 on comitology, it is for the Commission to decide on the adoption of the draft decision.

The Commission therefore considers that by going forward with the adoption process of 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 not to adopt the decision for the authorisation of GM maize GA21 × T25.

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 implementing act exceeds the implementing powers provided for in the basic act. The Commission is not required to justify the implementing act as regards these points. Nevertheless, the Commission has carefully considered the position expressed by the Parliament and would like to make the following comments.

With respect to the concerns about plant protection products (**recitals D** to **H** and **paragraph 4**), the Commission would like to point out that the risk assessment in the context of an application for food and feed uses of an herbicide-tolerant GM crop is focused on the potential impact of the genetic modification on human and animal health and on the environment. The environmental risk assessment of active substances and plant protection products is done in accordance with Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market. The authorisation of GMOs is not linked to the authorisation of herbicides. The authorisation for herbicides and their respective ‘maximum residue levels’ under, respectively, Regulation (EC) No 1107/2009 and Regulation (EC) No 369/2005, apply to all the concerned uses, whether GMO or not.

With respect to **paragraph 4**, 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 a more sustainable use of pesticides to avoid disruptions in trade and promote alternative plant protection products and methods.

Furthermore, regarding the concerns expressed in **recitals I** to **K**, as well as **paragraphs 7** and **8**, preparatory work is ongoing on a proposal for a legislative framework for sustainable food systems that intends to ensure that all foods placed on the EU market become increasingly sustainable in accordance with the Farm to Fork Strategy. The Commission is highly committed to respecting EU international commitments in the field of the environment and committed in its Chemical Strategy for Sustainability from October 2020 to work on ensuring that hazardous chemicals banned in the EU are not produced for export. The Commission is currently working on the impact assessment with a plan to finalise it in 2024.

Finally, regarding the arguments concerning the decision-making process and the lack of support by the Member States for any GMO authorisation for food and feed uses (**recitals L** to **O**), the Commission submitted a proposal to the Council and the Parliament on 14 February 2017 to amend Regulation (EU) No 182/2011, changing the voting rules at the Appeal Committee. If adopted by co-legislators, it would increase transparency and accountability in the GMO decision-making process. In the meantime, the Commission continues to apply the procedures laid down in Regulation (EU) No 182/2011 on comitology and in Regulation (EC) No 1829/2003 on GM food and feed.

1. [Public consultations (europa.eu)](https://food.ec.europa.eu/plants/genetically-modified-organisms/public-consultations_en) [↑](#footnote-ref-1)