Follow 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 MON 94637 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

1. **Resolution tabled pursuant to Rule 115(2) and (3) of the European Parliament's Rules of procedure**

2. **References:** 2026/2651(RSP) / B10-0186/2026 / P10_TA(2026)0150

3. **Date of adoption of the resolution:** 29 April 2026

4. **Competent Parliamentary Committee:** Committee on the Environment, Climate and Food Safety (ENVI)

5. **Brief analysis/assessment of the resolution and requests made in it:**

The resolution calls on the Commission to withdraw the Commission draft implementing decision (**paragraph 4**) on the grounds that it 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, whilst ensuring effective functioning of the internal market (**paragraph 2**).

The resolution considers that the risk assessment remains incomplete, in particular with regard to molecular characterisation, toxicological assessment and environmental risk assessment (**paragraph 3).** It calls on the Commission not to authorise the genetically modified (GM) soybean due to the lack of sufficient evidence to address alleged long-term impacts on biodiversity, food safety, farmers' livelihoods and animal health, in line with the One Health Approach (**paragraph 5** and **recitals D** to **L** and **recital O**).

In particular, the resolution raises questions on the European Food Safety Authority's (EFSA) risk assessment as regards the toxicological assessment of *Bacillus thuringiensis*[1] *(*Bt) toxins produced by two new chimeric Bt proteins (Cry1A.2 and Cry1B.2), including their potential synergistic and

[1] Bacillus thuringiensis (often called *Bt*) is a naturally occurring soil bacterium best known for its use as a biological insecticide.

combinatorial effects and enhanced insecticidal activity compared to their parental toxins (**recitals D, I, J** and **K**); the molecular characterisation of the crop concerned, which it claims was not performed using the most advanced approaches assessing unintended genetic changes and newly created open reading frames (**recital F**); and the environmental risk assessment, which according to the resolution does not sufficiently address exposure pathways (spillage, manure, sewage) and effects on non-target organisms (**recital L**). It also notes that gene expression was assessed under limited field conditions (**recital G**), and that field trials do not reflect the diversity of genetic backgrounds and environmental conditions under which the GM soybean is likely to be cultivated and processed (**recital H**).

It highlights that authorising the import for food or feed uses of any GM plant, which has been made tolerant to herbicides that are banned in the Union, is incoherent with the European Union's (EU) international commitments, such as the United Nations (UN) Convention on Biological Diversity and the UN Sustainable Development Goals. It also stresses that such authorisation creates an uneven playing field for Union farmers (**paragraph 7**).

The resolution calls on the Commission to submit, without delay, a legislative proposal to reform the decision-making procedure on genetically modified organisms (GMOs) in order to respond to the consistent objections of Parliament and the lack of qualified majority support among Member States (**paragraph 6** and **recitals M** and **N**).

6. Response to the requests and overview of actions taken, or intended to be taken, by the Commission:

The Commission would like to recall that the draft implementing decision concerns the authorisation to place on the market products containing, consisting of or produced from soybean MON 94637, and not the cultivation of this soybean.

With respect to **paragraphs 1** and **4** of the resolution, the Commission would like to point out that the draft decision has been prepared in compliance 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 24 January 2024, Bayer Agriculture B.V., on behalf of Bayer CropScience LP, based in the United States, submitted to the national competent authority of the Netherlands an application for authorisation for the placing on the market of GM soybean MON 94637 for food/feed and other uses, except of cultivation;
- on 23 October 2025, EFSA issued a favourable scientific opinion and concluded that GM soybean MON 94637 is as safe as its conventional

counterpart and the tested non-GM soybean reference varieties with respect to the potential effects on human and animal health and the environment;

- in its scientific opinion, EFSA considered all the 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;
- EFSA's opinion was subject to public consultation, and no scientific comments were received;
- the draft decision was voted in the Standing Committee on 27 February 2026 with no qualified majority against or in favour;
- the draft decision was voted in the Appeal Committee on 31 March 2026 with no qualified majority against or in favour;
- in accordance with the rules set out in Regulation (EC) No 1829/2003, a decision has to be taken on the application;
- 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;
- on that basis, the Commission has adopted this decision on 2 June.

The Commission considers that it does not exceed its implementing powers by going forward with the adoption of a decision on the application as required by Regulation No 1829/2003. It therefore fully complies with the substantive and procedural conditions set out by the co-legislators in Regulation No 1829/2003 in conjunction with Regulation (EC) No 182/2011.

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:

EFSA performed a comprehensive risk assessment of this GM crop which concluded positively, after considering Member States' comments. Therefore, the Commission considers that its decision is fully in line with the objectives of EU legislation on GM food and feed and of the EU's General Food Law to protect human life and health, animal health and welfare, and the environmental and consumer interests, while ensuring the effective functioning of the internal market (**paragraph 2**).

In relation to the call on the Commission not to authorise the GM crop due the alleged lack of sufficient evidence on long-term impacts on biodiversity, food safety and farmers' livelihoods and animal health, in line with the One Health approach (**paragraph 5, recitals D** to **L** and **recital O**) and the claim

that the risk assessment remains incomplete (**paragraph 3**), EFSA's assessment covered all relevant aspects of food and feed safety, as well as environmental assessment and sufficient molecular characterisation of the GM soybean.

As regards the concerns about toxicological assessment of Bt toxins produced by two new chimeric Bt proteins (Cry1A.2 and Cry1B.2) (**recitals D, I, J** and **K**), EFSA concluded, based on molecular, bioinformatic, toxicological and environmental analyses, that the Bt toxins would not interact in a harmful way to raise safety concerns for food, feed or to the environment, including interactions with target and non-target organisms, and possible synergistic and combinatorial effects of Bt toxins.

In addition, regarding concerns about the environmental risk assessment to address potential exposure pathways and effects on non-target organisms (**recital L**), the post-market environmental monitoring (PMEM) is composed, according to Directive 2001/18/EC[2], of a general surveillance and of a case-specific monitoring when specific risks have been identified during the environmental risk assessment. Based on its assessment of this application, EFSA did not identify risks requiring case-specific monitoring and concluded positively on the environmental safety of the GM crop, considering the proposed PMEM plan to be adequate for the scope of the application. EFSA confirmed that environmental effects are not expected to differ from those of the conventional soybean counterpart. Furthermore, the field trials were considered appropriate to support both the risk assessment and the PMEM (**recital H**).

As regards the claim that the authorisation of the import for food or feed uses of any GM plant which has been made tolerant to herbicides that are banned in the Union would not be coherent with the EU's international commitments in the field of environmental protection and that it creates an uneven playing field for Union farmers (**paragraph 7**), it should be noted that the GM crop concerned is pest resistant and not herbicide-tolerant. In any case, the Commission is fully committed to respecting its international commitments, which have to be implemented in the relevant policy areas (climate change, biodiversity, etc.) or in appropriate initiatives. However, the Commission decisions authorising the placing on the market of GMOs that do not present risks to health or to the environment do not run counter to such international commitments. Nor do they create an uneven playing field for Union farmers, since all imported food and feed must comply with the relevant EU regulations and standards on safety and health, regardless of whether the product is produced domestically or imported.

[2] Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1, ELI: http://data.europa.eu/eli/dir/2001/18/oj.

Finally, with regard to the call to submit a legislative proposal to reform the decision-making procedure on GMOs in order to respond to the consistent objections of Parliament and the lack of qualified majority support among Member States (**paragraph 6** and **recitals M** and **N**), the Commission would like to recall that it 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 to increase transparency and accountability in the GMO decision-making process. However, this proposal has not been adopted by the co-legislators. In light of this situation, the Commission decided to withdraw the proposal on 16 July 2025, and the withdrawal was published on 6 October 2025.