European Parliament
2019-2024

TEXTS ADOPTED

P9_TA(2023)0063

Genetically modified oilseed rape MON 94100 (MON-941ØØ-2)

European Parliament resolution of 14 March 2023 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 (D086347/01 – 2023/2537(RSP))

The European Parliament,

– having regard 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 (D086347/01),

– having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed[1], and in particular Article 7(3) and Article 19(3) thereof,

– having regard to the vote of the Standing Committee on Plants, Animals, Food and Feed referred to in Article 35 of Regulation (EC) No 1829/2003, on 14 December 2022, at which no opinion was delivered, and to the vote of the Appeal Committee on 24 January 2023, at which again no opinion was delivered,

– having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[2],

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1 OJ L 268, 18.10.2003, p. 1.
2 OJ L 55, 28.2.2011, p. 13.

– having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 20 June 2022, and published on 22 July 2022[1],

– having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs')[2],

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[1] Scientific opinion of the EFSA Panel on Genetically Modified Organisms on the assessment of genetically modified oilseed rape MN 94100 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2020-169), EFSA Journal 2022,20(7):7411 https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2022.7411

[2] In its eighth term, Parliament adopted 36 resolutions objecting to the authorisation of GMOs.
Furthermore, in its ninth term Parliament has adopted the following resolutions:
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 202, 28.5.2021, p. 11).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 202, 28.5.2021, p. 15).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 202, 28.5.2021, p. 20).
- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton LLCotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 208, 1.6.2021, p. 2).
- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 89788 (MON-89788-1) pursuant to Regulation

– having regard to Rule 112(2) and (3) of its Rules of Procedure,

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(EC) No 1829/2003 of the European Parliament and of the Council (OJ C 208, 1.6.2021, p. 7).

– European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 208, 1.6.2021, p. 12).
– European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 208, 1.6.2021, p. 18).
– European Parliament resolution of 14 May 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 323, 11.8.2021, p. 7).
– European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 415, 13.10.2021, p. 2).
– European Parliament resolution of 11 November 2020 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 (OJ C 415, 13.10.2021, p. 8).
– European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 87460 ×

– having regard to the motion for a resolution of the Committee on the

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MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 415, 13.10.2021, p. 15).

– European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 36).
– European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 43).
– European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MIR604 (SYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 49).
– European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 56).
– European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 445, 29.10.2021, p. 63).
– European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T304-40 × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 474, 24.11.2021, p. 66).

Environment, Public Health and Food Safety,

– European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIR098 (SYN-ØØØ98-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 474, 24.11.2021, p. 74).
– European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 45).
– European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 × DAS–44406–6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 52).
– European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 ×MIR162 × MON810 × NK603 and genetically modified maize combining two or three of the single events 1507, MIR162, MON810 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 59).
– European Parliament resolution of 7 July 2021 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize Bt 11 (SYN-BTØ11-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 99, 1.3.2022, p. 66).
– European Parliament resolution of 15 February 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean GMB151 (BCS-GM151-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 342, 6.9.2022, p. 22).
– European Parliament resolution of 15 February 2022 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 342, 6.9.2022, p. 29).
– European Parliament resolution of 9 March 2022 on the draft Commission implementing decision authorising the placing on

A. whereas 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’), in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas the application also concerned the placing on the market of products containing or consisting of the GM oilseed rape for uses other than food and feed, with the exception of cultivation;

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the market of products containing, consisting of or produced from genetically modified cotton GHB811 (BCS-GH811-4), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 347, 9.9.2022, p. 48).

– European Parliament resolution of 9 March 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape 73496 (DP-Ø73496-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 347, 9.9.2022, p. 55).
– European Parliament resolution of 6 April 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87769 × MON 89788 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 434, 15.11.2022, p. 42).
– European Parliament resolution of 23 June 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize DP4114 × MON 810 × MIR604 × NK603 and genetically modified maize combining two or three of the single events DP4114, MON 810, MIR604 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 32, 27.1.2023, p. 6*)*.
– European Parliament resolution of 23 June 2022 on Commission Implementing Decision (EU) 2022/797 of 19 May 2022 authorising the placing on the market of products containing, consisting of or produced from genetically modified maize NK603 × T25 × DAS-40278-9 and its sub-combination T25 × DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 32, 27.1.2023, p. 14).
– European Parliament resolution of 13 December 2022 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A5547-127 (ACS-GMØØ6-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2022)0433).

B. whereas on 20 June 2022, EFSA adopted a favourable opinion in relation to the authorisation of the GM oilseed rape, which was published on 22 July 2022;

C. whereas the GM oilseed rape confers tolerance to the herbicide dicamba;

Lack of assessment of the complementary herbicide

D. whereas Commission Implementing Regulation (EU) No 503/2013[1] requires an assessment of whether the expected agricultural practices influence the outcome of the studied endpoints; whereas, according to that Implementing Regulation, this is especially relevant for herbicide-tolerant plants;

E. whereas 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; whereas 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[2];

F. whereas herbicide-tolerant GM crops lock farmers into a weed management system that is largely or wholly dependent on herbicides, and does so by charging a premium for GM seeds that can be justified only if farmers purchasing such seed also spray the complementary herbicide; whereas heightened reliance on dicamba on farms planting the GM oilseed rape will accelerate the emergence and spread of dicamba-resistant weeds, thereby triggering the need for even more herbicide use, a vicious circle known as 'the herbicide treadmill'; whereas, as a consequence, the adverse impacts stemming from excessive reliance on herbicides will worsen on soil health, water quality, and above and below ground biodiversity, as

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1 Commission Implementing Regulation (EU) No 503/2013 of 3 April 2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006 (OJ L 157, 8.6.2013, p. 1).

2 See, for example, Bonny, S., 'Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact', Environmental Management, January 2016;57(1), pp. 31-48, https://www.ncbi.nlm.nih.gov/pubmed/26296738 and Benbrook, C.M., 'Impacts of genetically engineered crops on pesticide use in the U.S. - the first sixteen years', Environmental Sciences Europe; 28 September 2012, Vol. 24(1), https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24

well as leading to increased human and animal exposure, potentially also via increased herbicide residues on food and feed;

G. whereas 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; whereas 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;

H. whereas dicamba drift and damage to nearby crops, trees and vines has become an exceedingly divisive issue pitting one group of farmers against other farmers and rural neighbours and triggering extensive litigation over lost crops and replanting costs; whereas a leader in the soybean seed business in the United States has said 'dicamba has caused more damage to American agriculture than anything I have witnessed in my lifetime'[1]; whereas in 2020, a federal court ruled that the Environmental Protection Agency (EPA) had broken the law in approving dicamba products, ignoring clear evidence that the new herbicide-GM seed combination would cause widespread damage to crops[2]; whereas, on 27 October 2020, despite the court ruling, the EPA approved dicamba herbicides for use on GM cotton and soybean crops for five years with additional restrictions[3]; whereas the EPA has recently announced another set of restrictions on when dicamba can be sprayed[4], however doubts remain on how effective the new restrictions will be, given the inherent volatility of the chemical;

I. whereas the Heartland Study, a clinical research project taking place at hospitals in the 13-state Heartland region of the United States and funded by the Heartland Health Research Alliance (HHRA), is designed to determine whether rising prenatal exposures to herbicides, including dicamba, are causing or contributing to more frequent and/or more severe adverse birth outcomes or disrupting children's development; whereas HHRA tested samples of urine from pregnant women in the Midwest collected before the launch of

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1 https://www.agriculture.com/news/crops/harry-stine-takes-off-the-gloves-regarding-dicamba

2 https://www.theguardian.com/us-news/2020/jun/04/monsanto-herbicide-court-overrules-epa

3 https://investigatemidwest.org/2020/10/27/epa-allows-use-of-dicamba-through-2025-with-new-restrictions/?ct=t(RSS_EMAIL_CAMPAIGN)

4 https://www.epa.gov/pesticides/epa-approves-label-amendments-further-restrict-use-over-top-dicamba-minnesota-and-iowa

dicamba-tolerant soybeans and another set of samples after widespread planting of dicamba-tolerant seeds; whereas the biomonitoring data generated by HHRA is the first in the world to assess whether dicamba-tolerant seeds and associated rising use of dicamba is increasing human exposure;

J. whereas HHRA data was presented at the annual meeting of the American Public Health Association in November 2022 and shows that about three-times more women are being exposed to dicamba as a result of the widespread planting of dicamba-tolerant soybeans, and that average dicamba levels in the tested urine samples have more than tripled as a result of the planting and spraying of dicamba-tolerant soybeans[1]; whereas given the recent and dramatic increase in human exposures to dicamba, the HHRA has urged the EPA to reassess the likelihood and levels of human exposure to dicamba via the inhalation route of exposure, with particular focus on risks of adverse birth and developmental outcomes[2];

K. whereas a 2020 study by United States government scientists was published in the peer-reviewed journal International Journal of Epidemiology and found that heavy use of dicamba increased the risk of developing liver and intrahepatic bile duct cancers among applicators; whereas the study states that recent approval of GM dicamba-resistant crops is expected to lead to increased agricultural use of dicamba in the years to come[3] and HHRA's Pesticide Use Data System confirms that this is the case, with dicamba use up 10-fold in the Midwest of the United States compared to a decade ago[4];

L. whereas Union authorisation of the GM oilseed rape would not be consistent with international commitments on pesticide reduction[5], 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;

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1 https://hh-ra.org/wp-content/uploads/2022/11/HHRA_Dicamba_Comments_10-17-22.docx-1.pdf

2 idem

3 Lerro, C.C., Hofmann, J.N., Andreotti, G., Koutros, S., Parks, C.G., Blair, A., Albert, P.S., Lubin, J.H., Sandler, D.P., Beane Freeman, L.E., International Journal of Epidemiology, August 2020; 49(4), pp. 1326-1337, https://academic.oup.com/ije/advance-article-abstract/doi/10.1093/ije/dyaa066/5827818?redirectedFrom=fulltext

4 https://hh-ra.org/projects/measuring-pesticide-use/interactive-herbicide-use-tables/

5 In December 2022 a global framework on biodiversity was agreed at the COP15 of the United Nations Convention on Biological Diversity which includes a global target for reducing the risk of pesticides by at least 50 % by 2030 (see: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7834)

M. whereas 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;

Member State comments

N. whereas Member States submitted comments to EFSA during the three-month consultation period[1]; whereas those critical comments include the fact that the assessment addresses neither residual amounts of the dicamba herbicide nor of its metabolites in harvested materials, that it should be verified whether the maximum residue limit established in the Union for dicamba is exceeded in materials produced from the GM oilseed rape which are imported from third countries, that it is not possible to express an opinion on the safety of the GM oilseed rape in view of the data gaps in the file relating to the requirements of Implementing Regulation (EU) No 503/2013, that the toxicological studies indicated impact of the GM oilseed rape on different organs as well as on physiological endpoints in rats and that the monitoring plan does not comply with Directive 2001/18/EC of the European Parliament and of the Council[2] and thus needs to be amended;

Upholding the Union's international obligations

O. whereas a 2017 report by the United Nations' (UN's) Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health[3]; whereas the UN Sustainable Development Goal ('SDG') Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination[4]; whereas 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; whereas 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;

P. whereas the Union, as a party to the UN Convention on Biological

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1 Member State comments, accessible via the OpenEFSA portal: https://open.efsa.europa.eu/

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 - Commission Declaration (OJ L 106, 17.4.2001, p. 1).

3 https://www.ohchr.org/en/documents/thematic-reports/ahrc3448-report-special-rapporteur-right-food

4 https://indicators.report/targets/3-9/

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[1];

Q. whereas Regulation (EC) No 1829/2003 states that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union’s obligations under the UN SDGs, the Paris Climate Agreement and the UN CBD;

Undemocratic decision-making

R. whereas the vote on 14 December 2022 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; whereas the vote on 24 January 2023 of the Appeal Committee again delivered no opinion;

S. whereas 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;

T. whereas, in its eighth term, Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, in its ninth term, Parliament has already adopted 30 objections to placing GMOs on the market; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas 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;

U. whereas 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;

V. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of

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1 Convention on Biological Diversity, Article 3: https://www.cbd.int/convention/articles/?a=cbd-03

Member States in favour in the Appeal Committee[1];

1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;

2. Considers 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, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council[2], 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;

3. Calls on the Commission to withdraw its draft implementing decision and to submit a new draft to the committee;

4. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm'[3];

5. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs[4]; expresses its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union, despite ongoing objections by Parliament and a majority of Member States voting against;

6. Calls on the Commission not to 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

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1 The Commission 'may', and not 'shall', go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee, according to Regulation (EU) No 182/2011 (Article 6(3)).

2 Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

3 European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 102.

4 https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf

workers’ health;

7. Highlights 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[1], 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; insists that the Commission respect this position and calls on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency;

8. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

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1 OJ C 445, 29.10.2021, p. 257.