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Genetically modified maize MON 810

European Parliament resolution of 26 November 2024 on Commission Implementing Decision (EU) 2024/1828 renewing the authorisation for the placing on the market of feed containing, consisting of and of food and feed products produced from genetically modified maize MON 810 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council and repealing Commission Implementing Decision (EU) 2017/1207 (2024/2840(RSP))

(C/2025/1800)

The European Parliament,

— having regard to Commission Implementing Decision (EU) 2024/1828 renewing the authorisation for the placing on the market of feed containing, consisting of and of food and feed products produced from genetically modified maize MON 810 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council and repealing Commission Implementing Decision (EU) 2017/1207 ([1]),

— 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 ([2]), and in particular Article 11(3) and Article 23(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 26 April 2024, at which no opinion was delivered, and the vote of the Appeal Committee on 29 May 2024, at which again no opinion was delivered,

— having regard to Article 11 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 ([3]),

— having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 30 November 2023, and published on 19 January 2024 ([4]),

— having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs') ([5]),

— having regard to Rule 115(2) and (3) of its Rules of Procedure,

— having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

A. whereas, on 6 October 2022, Bayer Agriculture BV, based in Belgium, submitted on behalf of Bayer CropScience LP, based in the United States, an application to the Commission for the renewal of Commission Implementing Decisions 2013/649/EU ([6]) and (EU) 2017/1207 ([7]); whereas, in accordance with Article 11(4) of Regulation (EC) No 1829/2003, the period of authorisation of genetically modified pollen produced from genetically modified maize MON 810 (the 'GM maize') for food uses covered by Implementing Decision 2013/649/EU has been automatically extended until a decision is taken on the renewal application;

([1]) OJ L, 2024/1828, 4.7.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1828/oj.
([2]) OJ L 268, 18.10.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/1829/oj.
([3]) OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj.
([4]) EFSA Panel on Genetically Modified Organisms scientific opinion on assessment of genetically modified maize MON 810 for renewal authorisation under Regulation (EC) No 1829/2003 (dossier GMFF-2022-9450), EFSA Journal, 2024;22(1):8489, https://doi.org/10.2903/j.efsa.2024.8489.
([5]) In its eighth term, Parliament adopted 36 resolutions and, in its ninth term, Parliament adopted 38 resolutions objecting to the authorisation of GMOs.
([6]) Commission Implementing Decision 2013/649/EU of 6 November 2013 authorising the placing on the market of pollen produced from maize MON 810 (MON-ØØ81Ø-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 302, 13.11.2013, p. 44, ELI: http://data.europa.eu/eli/dec_impl/2013/649/oj).
([7]) Commission Implementing Decision (EU) 2017/1207 of 4 July 2017 renewing the authorisation for the placing on the market of genetically modified maize MON 810 (MON-ØØ81Ø-6) products pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 173, 6.7.2017, p. 18, ELI: http://data.europa.eu/eli/dec_impl/2017/1207/oj).

B. whereas, on 30 November 2023, EFSA adopted a favourable opinion, which was published on 19 January 2024;

C. whereas the GM maize has been modified to produce insecticides ('Bt toxins');

Outstanding questions concerning Bt toxins

D. whereas a number of studies show that side effects have been observed that may affect the human immune system following exposure to Bt toxins and that some Bt toxins may have adjuvant properties ([8]), meaning that they can increase the allergenicity of other proteins with which they come into contact;

Bt crops: effects on non-target organisms

E. whereas, 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;

F. whereas 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; whereas an increasing number of non-target organisms are reported to be affected in many ways; whereas 39 peer-reviewed publications that report significant adverse effects of Bt toxins on many 'out-of-range' species are mentioned in a recent overview ([9]);

Member State comments

G. whereas Member States submitted many critical comments to EFSA during the three-month consultation period ([10]), including that the compositional data for the GM maize should be checked and re-analysed and that the analysis should fulfil the present EFSA requirements, inter alia equivalence testing, and that the literature review did not include studies on the fate of Cry1Ab in the environment or on potential effects of Bt-crop residues on non-target organisms, which is problematic because publications indicate that a carryover from GM maize feed to manure may lead to exposure of soil organisms to Cry1Ab and that this may trigger negative effects on soil organisms with consequences for biodiversity and ecosystem services;

H. 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 United Nations Sustainable Development Goals (UN SDGs) and the UN Convention on Biological Diversity (UN CBD);

Reducing dependency on imported feed

I. whereas one of the lessons from the COVID-19 crisis and the ongoing war in Ukraine is the need for the Union to end the dependencies on some critical materials; whereas in the mission letter to Commissioner-designate Christophe Hansen, Commission President Ursula von der Leyen asks him to look at ways to reduce imports of critical commodities ([11]);

([8]) For a review, see Rubio-Infante, N., Moreno-Fierros, L., 'An overview of the safety and biological effects of *Bacillus thuringiensis* Cry toxins in mammals', Journal of Applied Toxicology, May 2016, 36,5, pp. 630-648, https://onlinelibrary.wiley.com/doi/full/10.1002/jat.3252.

([9]) Hilbeck, A., Defarge, N., Lebrecht, T., Bøhn, T., 'Insecticidal Bt crops. EFSA's risk assessment approach for GM Bt plants fails by design', RAGES, 2020, p. 4, https://www.testbiotech.org/wp-content/uploads/2023/12/RAGES_report-Insecticidal-Bt-plants.pdf; See, for example, Hilbeck, A., Otto, M., 'Specificity and Combinatorial Effects of *Bacillus thuringiensis* Cry Toxins in the Context of GMO Environmental Risk Assessment', Frontiers in Environmental Science, 2015, 3:71, https://doi.org/10.3389/fenvs.2015.00071.

([10]) https://efsa.onlinelibrary.wiley.com/action/downloadSupplement?doi=10.2903/j.efsa.2024.8489&file=efs28489-sup-0008-Annex_8.pdf.

([11]) https://commission.europa.eu/document/2c64e540-c07a-4376-a1da-368d289f4afe_en.

Undemocratic decision-making

J. whereas the vote on 26 April 2024 of the Standing Committee on Plants, Animals, Food and Feed referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States; whereas the vote on 29 May 2024 of the Appeal Committee again delivered no opinion;

K. 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 adopted 38 objections to placing GMOs on the market;

L. 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;

M. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee ([12]);

N. whereas, on 2 July 2024, the Commission renewed the authorisation for the placing on the market of the GM maize;

1. Considers that Implementing Decision (EU) 2024/1828 exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;

2. Considers that Implementing Decision (EU) 2024/1828 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 ([13]), 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 repeal Implementing Decision (EU) 2024/1828;

4. 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 ([14]); 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;

5. 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' ([15]);

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

([12]) 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 Article 6(3) of Regulation (EU) No 182/2011.

([13]) 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, ELI: http://data.europa.eu/eli/reg/2002/178/oj).

([14]) https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf.

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