



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

10.12.2013

B7-0000/2013

MOTION FOR A RESOLUTION

pursuant to Rule 88(2) and (3) of the Rules of Procedure

on the proposal for a Council Decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (COM(2013)758 - (2013/0368 (NLE)))

Committee on the Environment, Public Health and Food Safety

Satu Hassi and Bart Staes, on behalf of the Greens/EFA group, Anne Delvaux, Karin Kadenbach, Corinne Lepage, Kartika Liotard, Sirpa Pietikäinen, Dagmar Roth-Behrendt, **Andrea Zanoni**, Antonyia Parvanova

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European Parliament resolution on Council Decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (COM(2013)758 - (2013/0368 (NLE)))

The European Parliament,

- having regard to the proposal for a Council Decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (COM(2013)758),
- having regard to the draft Commission decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests, submitted for vote in the committee referred to in Article 30 of Directive 2001/18/EC on 25 February 2009,
- having regard to 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, and in particular the first subparagraph of Article 18(1) thereof,
- having regard to the vote in the committee referred to in Article 30 of Directive 2001/18/EC on maize 1507, on 25 February 2009, where no opinion was delivered,
- having regard to the six scientific opinions concerning maize 1507 delivered by European Food Safety Authority's (EFSA) Panel on Genetically Modified Organisms, from 2005 to November 2012,
- having regard to the Commission Implementing Regulation (EU) No 365/2013 of 22 April 2013 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance glufosinate¹,
- having regard to the Environment Council conclusions adopted on December 4th 2008²,
- having regard to the European Parliament first reading report of July 2011 "Possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory" (Lepage-report)³,
- having regard to the Special Eurobarometer report 345 about food related risks⁴,

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:111:0027:0029:EN:PDF>

² http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/envir/104509.pdf

³ <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?id=586551>

⁴ <http://www.efsa.europa.eu/en/factsheet/docs/reporten.pdf>

- having regard to the judgement of the general Court (Seventh Chamber) from 26 September 2013 regarding the application for the deliberate release into the environment of maize 1507¹;
- having regard to Articles 5 (5) and 8 of the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission²,
- having regard to Rule 88(2) and (3) of its Rules of Procedure,

Procedure

- A. whereas Articles 18 (1) of Directive 2001/18/EC indicates that a decision on the deliberate release of a GMO shall contain the same information as in Article 19(3);
- B. whereas Article 19 (3) of Directive 2001/18/EC indicates that the written consent referred to in Article 18 shall, in all cases, explicitly specify conditions for the protection of particular ecosystems/environments and/or geographical areas inter alia;
- C. whereas such indication is missing in the Commission proposal;
- D. whereas the vote in the Standing committee on 25 February 2009 on a Commission proposal for authorisation delivered no opinion; whereas only 6 Member States voted in favour of the proposal, while 12 Member States voted against and 7 abstained;
- E. whereas, based on EFSA's recommendations, and in order to fulfil the conditions for authorisation, the Commission substantially modified the proposal, e.g. regarding labelling rules, monitoring, and the practices of the insect resistance management plan;
- F. whereas the modifications compared to the version voted in the Standing committee on 25 February 2009 include, inter alia, a deletion of the references to the glufosinate-tolerant trait of maize 1507, and the requirement to inform operators not to use the product "with glufosinate herbicides in any manner differing from conventional practice with maize not tolerant to glufosinate";
- G. whereas the modified proposal has not been discussed with Member States experts and not been voted in the Standing Committee, but was directly referred to the Council of Ministers;
- H. whereas the ruling of the General Court of the European Union of 26 September 2013 regarding the application for the deliberate release into the environment of maize 1507 does not prevent the Commission from re-considering its position and presenting a new proposal to the Standing Committee, in consequence of a Resolution of the European Parliament, pursuant to Article 8(1) of Council Decision 1999/468/EC, recommending not to authorise the maize 1507;

¹[http://curia.europa.eu/juris/document/document_print.jsf?](http://curia.europa.eu/juris/document/document_print.jsf?doclang=EN&text=&pageIndex=0&part=1&mode=lst&docid=142241&occ=first&dir=&cid=127901)

[doclang=EN&text=&pageIndex=0&part=1&mode=lst&docid=142241&occ=first&dir=&cid=127901](http://curia.europa.eu/juris/document/document_print.jsf?doclang=EN&text=&pageIndex=0&part=1&mode=lst&docid=142241&occ=first&dir=&cid=127901)

² OJ L 184, 17.7.1999, p.23.

EFSA risk assessment

- I. whereas, after the vote in the Standing committee, EFSA produced, on request by the Commission, three scientific opinions updating its previous risk assessments and risk management recommendations;
- J. whereas, in its opinion of February 2012, EFSA explicitly did not agree with the applicant's conclusion that the study cited by the applicant provided adequate evidence that there is a negligible risk of maize 1507 to non-target Lepidoptera in the EU, but instead pointed to the fact that highly sensitive non-target butterflies and moths may be at risk when exposed to maize 1507 pollen¹;
- K. whereas the Bt-toxin which is produced by maize 1507, Cry1F, is different from the usual types of Bt-toxins, and has proven to have different effects on non-target Lepidoptera; whereas only few studies have been conducted regarding the Cry1F protein, and particularly none on its effects on aquatic species nor on soil organisms; whereas EFSA states that the amount of Cry1F protein in pollen of maize 1507 is about 350 times the Cry1Ab protein content expressed in maize MON 810 pollen²;
- L. whereas Pioneer refused, after a request by the Commission, to revise its application for authorisation and to present additional documents regarding monitoring and risk mitigating measures for non-target organisms;
- M. whereas EFSA acknowledges that it did not, in its risk-assessment, consider potential risks linked to the other trait of maize 1507, namely its tolerance to the herbicide glufosinate-ammonium³, although this characteristic might result in an increased use of glufosinate,

Glufosinate

- N. whereas EFSA is required to evaluate "indirect effects such as a usage of pesticides (...) as part of the environmental risk assessment" and to assess "the possible effects on biodiversity and non-target organisms which any individual GM herbicide-tolerant crop may cause due to the change in agricultural practices (including those due to different herbicide uses)"⁴;
- O. whereas glufosinate is classified as toxic to reproduction and thus falls under the exclusion criteria of Regulation (EC) No 1107/2009; whereas for substances that have already been approved, the exclusion criteria apply when the approval needs to be renewed; whereas the approval of glufosinate expires in 2017⁵; whereas the use of glufosinate should therefore in principle end in 2017;
- P. whereas in countries other than the EU, e.g. in the United States and Canada, maize 1507 is marketed by its producer as glufosinate-tolerant crop, while for the application in the

¹ <http://www.efsa.europa.eu/en/efsajournal/pub/2429.htm>

² <http://www.efsa.europa.eu/en/efsajournal/doc/2429.pdf>

³ <http://www.efsa.europa.eu/en/efsajournal/pub/2429.htm>

⁴ Commission letter to EFSA from 8 September 2008, regarding the environmental risk assessment of herbicide tolerant plants

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:111:0027:0029:EN:PDF>

EU, the applicant argues that the gene for glufosinate tolerance was only to be used as a marker gene;

Q. whereas it is unclear how the Commission intends to implement the impending ban on glufosinate, as long as it is still available on the market;

General situation of GMOs in EU

R. whereas no GMO has been authorised for cultivation in the EU since 2010, when the Amflora potato was authorised; whereas the only other crop authorised for cultivation is Monsanto's maize MON 810, for which the renewal of authorisation is pending since years;

S. whereas it is broadly accepted - and confirmed by the Environment Council conclusions of December 2008¹, that the long-term-effects of GMO cultivation as well as effects on non-target organisms have, thus far, not adequately been taken into account in the risk assessment framework;

T. whereas both Council² and European Parliament³ acknowledge the necessity for a stricter assessment of the long-term effects of GMOs, as well as for independent research on the potential risks involved in the deliberate release or the placing on the market of GMOs, including the need to give access to independent researchers to all relevant material;

U. whereas the big majority of consumers is concerned about GM food, as indicated in the Special Eurobarometer 345 from 2010 inter alia; whereas GM maize 1507 offers no benefit to consumers;

1. Opposes the adoption of the proposal for a Council Decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests;
2. Considers that the proposal for a Council Decision exceeds the implementing powers conferred under Directive 2001/18/EC;
3. Calls on the Council to reject the Commission proposal;
4. Calls on the Commission not to propose to authorise any new GMO variety and not to renew old ones until the risk assessment methods have been significantly improved;
5. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

¹ Environment Council conclusions of December 2008

² Environment Council conclusions of December 2008

³ Lepage report "Possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory"