



EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

## **SUMMARY RECORD OF THE STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH**

**Held in Brussels on 9 March 2010**

**(Section Genetically Modified Food & Feed and Environmental Risk)**

Chairs: Dorothée André and Sébastien Goux

### **Adoption of the agenda**

The draft agenda was accepted subject to the modifications that are reflected in the report.

- 1. Draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11xGA21 (SYN-BTØ11-1xMON-ØØØ21-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Right of scrutiny of the European Parliament - Regulation (EC) No 1829/2003, Articles 7(3) and 19(3))**

The draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11xGA21 maize pursuant to Regulation (EC) No 1829/2003 on genetically modified food and feed was presented. Some specific explanations were requested concerning the labelling requirement "not for cultivation" for feed containing and consisting of Bt11xGA21 maize and products other than food and feed containing and consisting of Bt11xGA21 maize.

The chair indicated that this draft Decision would be submitted for vote in the next meeting of the Committee.

**2. Draft Commission Decision repealing Decision 2006/601/EC on emergency measures regarding the non-authorized genetically modified organism 'LL RICE 601' in rice products, and providing for random testing for the absence of that organism in rice products (Right of scrutiny of the European Parliament - Regulation (EC) No 1829/2003, Articles 7(3) and 19(3))**

Commission Decision 2006/601/EC adopted on 5 September 2006 requires that consignments of rice products originating from the United States of America may only be placed on the market if they are accompanied by documents demonstrating that these consignments have been tested for the absence of the non authorized rice "LLRice601". A mission of the Food and Veterinary Office (reference United States 2008-7857) concluded that the measures provided for in this Decision were adequately implemented. In addition, results supplied by the US Rice Federation showed that, with the exception of one lot, harvested rice did not contain LLRice601. Consequently, reasons which justified Decision 2006/601/EC do no longer exist.

A representative from Italy provided the results of the investigation concerning the last alert on LLRice601 notified by Italian authorities.

The draft Commission Decision repealing these emergency measures was discussed and the chair indicated that it would be submitted for vote in the next meeting of the Committee.

**3. Scope of Regulation (EC) No 1829/2003 on GM food and feed. Information from the Commission regarding "products other than food and feed containing or consisting of GMOs"**

A Commission representative presented the legal basis according to which products other than food and feed containing or consisting of GMOs are covered by the scope of Regulation (EC) No 1829/2003:

- The definitions of Article 2(8) and (9) cover all GMOs that may be used as food/feed or as a source material for the production of food/feed. It thus covers GMOs that may be used for food/feed production or for the production of other products. This definition is based as much on the nature of the product as such than on the uses which are intended by the operators. In this respect, it is worthwhile to note that the same product may often be used either for food/feed uses or for other (industrial) uses;
- Articles 8 and 20 on the status of existing products foresee that the renewal of the authorisation given under Directive 90/220/EEC (replaced by Directive 2001/18/EC) has to be done under the Regulation independently of their use (industrial use or not);

- The Regulation is based on the principle "one door, one key": one application to obtain authorisation for the deliberate release into the environment under the criteria defined in Directive 2001/18/EC and authorisation to use this GMO in food and feed. There is a clear intention of the legislator to rationalise the procedures of authorisation and to provide a single authorisation covering for a single GMO, all its uses for the same period of time. Practical experience under the previous system has shown that as soon as risks of contamination of the food and feed chain were identified, the applicability of decisions adopted under Directive 2001/18/EC was conditioned to an authorisation for the food under the appropriate legislative framework;
- It is appropriate that Regulation (EC) No 1829/2003 applies for all uses of a GMO as soon as a use in the food/feed chain is highly likely. In accordance with Article 12 of Directive 2001/18/EC, its articles 13 to 24 do not apply since Regulation (EC) No 1829/2003 includes requirements which are explicitly equivalent to those of the Directive.

**4. Draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON89034xNK603 (MON-89034-3xMON-00603-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Right of scrutiny of the European Parliament - Regulation (EC) No 1829/2003, Articles 7(3) and 19(3) )**

The draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON89034xNK603 maize pursuant to Regulation (EC) No 1829/2003 on genetically modified food and feed was presented. One Member State indicated that it did not consider the safety assessment of MON89034 as fully satisfactory.

The chair indicated that this draft Decision would be submitted for vote in the next meeting of the Committee.

**5. Draft Commission Decision renewing the authorisation for continued marketing of products containing, consisting of, or produced from genetically modified maize Bt11 (SYN-BT011-1), authorising foods and food ingredients containing or consisting of field maize Bt11 (SYN-BT011-1) pursuant to Regulation (EC) No 1829/2003 (Right of scrutiny of the European Parliament - Regulation (EC) No 1829/2003, Articles 7(3) and 19(3) )**

The draft Commission Decision renewing the authorisation for continued marketing of products containing, consisting of, or produced from genetically modified maize Bt11 (SYN-BT011-1), authorising foods and food ingredients containing or consisting of field maize Bt11 (SYN-BT011-1), pursuant to Regulation (EC) No 1829/2003 on genetically modified food and feed was presented. Some Member States expressed the need to better describe the scope of the Decision in the text. Recital 1 was therefore modified accordingly.

The chair indicated that this draft Decision would be submitted for vote in the next meeting of the Committee.

**6. Modification of the protocol for sampling and testing Canadian linseed "Triffid" FP967.**

The Canadian Grain Commission presented via a videoconference an updated version of the protocol for the sampling and testing of linseed which is more operational. It includes as well an addendum covering also consignments in containers to avoid the presence of unauthorised GM linseed in exports to the EU.

Following the discussion it was decided that the protocol should be amended with respect to the format of certificate and the accreditation of laboratories.

A revised version of the protocol will be submitted to the Member States in the coming days for their agreement.

**7. Draft Commission Regulation on implementing rules concerning 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 Regulations No (EC) 641/2004 and (EC) No 1981/2006**

A Commission representative indicated that a new version of this draft regulation taking into account the last comments submitted by Member States was under preparation.

It was also communicated that the United States of America had requested an extension of 3 weeks of the deadline for the submission of comments for TBT and SPS notifications. The new deadline is 12 april 2010.

**Miscellaneous**

**Decisions of authorisation related to GM "Amflora" potato EH92-527-1**

The reasons for adoption by the Commission of the decisions on Amflora and their background were explained to the Committee. One Member State indicated that a safeguard clause was under preparation and would be notified to the Commission.