

**STANDING COMMITTEE
ON THE FOOD CHAIN AND ANIMAL HEALTH**

SECTION *GM FOOD & FEED AND ENVIRONMENTAL RISK*

Monday 11 September 2006

(10:00 – 18:00)

Approval of the Agenda

SECTION A – Information and discussion

(1) Update and discussion on the situation of the non-authorised genetically modified organism LL RICE 601 in rice products.

The Chair of the meeting provided the delegations with an overview of developments since the adoption of the Decision 2006/578/EC of the 23rd of August 2006 and the following SCFCAH meeting of the 25th of August in which Member States confirmed the measures taken by Decision 2006/578/EC and adopted a new Decision 2006/601/EC, which entered into force on 5 September. Since the entry into force of the emergency measure one shipment of rice contaminated with the unauthorised GM rice has entered into the EU via the harbour of Rotterdam. Out of the 30 barges contained in that shipment, 3 have tested positive and will not be released. The remaining barges are only released subject to analytical testing confirming that they are free of LL Rice 601.

A representative of the Joint Research Centre (JRC) as Community Reference Laboratory for GMOs clarified that there are two reliable methods for the detection of the non-authorised GM rice: a construct specific (35 S-bar) method and an event specific one. Both have been published on the JRC website on September the 1st, while Bayer CropScience finally published only the first one on its homepage. Control samples have been distributed to the members of the European Network of GMO Laboratories.

The JRC representative also underlined that as the 35 S-bar construct specific method reacts positively also to the presence of other GMOs (such as BT 176) it would be recommendable to combine the use of this method with that of the event specific one in order to exclude false positives. At the same time the JRC advised not to use the 35S generic method because this reacts to the presence of various GMOs, viruses, micro-organisms and its use is based on various protocols and only a few of them have been validated.

The European Food Safety Authority has been provided, along with Member States, with the dossier submitted by the company. A representative of the Authority declared that EFSA is currently analysing the data and a statement of the GMO Panel on the safety of the product can be expected late this week.

The meeting gave then the possibility to representatives of the Federation of European Rice Millers (FERM) to present the actions taken by the organisation and its members since the

adoption of the Decision. FERM has taken contact with its US counter-organisation to find a coordinated approach and has started a program of self-control. By 8 of September 75% of the imports into the EU were checked. FERM itself represents 90 % of EU trade in rice. To this end 256 analyses were performed on dried rice in stocks using the validated construct specific method 35 S-bar. For 162 samples the results are already available, while for 94 samples results should be available from next week. 33 out of these 162 analysed samples resulted positive to the presence of LL RICE 601, 129 negative. All the products which resulted positive have been stopped from entering the market. The association thus operates a positive release system, by which a batch of imported rice is only released once it has been established that it is free of LL RICE 601. FERM has also underlined that it takes approximately 10 to 12 weeks between the arrival of the products in the stocks of rice mills and its sale to the final consumers.

The Chair of the meeting reminded FERM of their legal obligation according to the General Food Law to inform the national competent authorities in case of positive results and urged to do so in the entire EU territory.

Member States informed the Commission of the steps taken to implement the Decision 2006/601/EC. Customs authorities, entry points and operators have been rapidly informed of the provisions of the Decision and are controlling that products covered by its scope are accompanied by a certificate as requested by the Decision.

Although samples have already been taken in different Member States, their actual testing will be possible only in one or two weeks, due to the necessity to make the laboratory specifically operational for this kind of analysis. In the meanwhile some Member States have started testing on the basis of the 35S generic method. As this method is not specific, possible positive results will need to be confirmed through the use of the methods recommended in the Decision. Various delegations also stressed the necessity to discuss and define a co-ordinated approach towards controls.

The Chair of the meeting took note of the difficulties encountered by Member States to put in place fully operational testing activities, welcomed the actions taken as regards imports, but at the same time reminded all the delegations to do any possible effort to be able to test with a reliable detection method as soon as possible for products already on the market. He reminded MS to continue with an intensive testing as was already communicated earlier in writing to MS.

The Committee agreed on the following operational conclusions.

Operational conclusions

Emergency measures regarding the non authorised genetically modified organism “LL RICE 601” in rice products have been adopted on 23 August 2006 by Commission Decision 2006/578/EC and confirmed by Decision 2006/601/EC. Measures are thus in place to prevent the import of this non authorised rice.

The Committee took note of information provided by the Federation of European Rice Millers (FERM) in particular of their action to prevent illegal GM rice to be further placed on the EU market.

The Commission has forwarded to EFSA all the information received from Bayer and the US authorities regarding the safety of rice LLRICE601. EFSA has started to evaluate these data and

should provide, on the basis of the information currently available, its opinion in the coming days.

The presence of the genetically modified rice LLRICE601 in food and feed products on the European market is, even at extremely low levels, illegal. Rice containing LLRICE601 is not allowed to be placed on the market.

The European Commission has raised awareness of industry at EU level with respect to their responsibilities of ensuring that the food they produce is safe in all Member States and will continue to do so. Member States will do the same at national level.

On the basis of the knowledge available today, the Standing Committee agreed that, as a matter of priority, it was necessary to ensure that illegal GM long grain rice originating from the USA does not enter the EU market or is not further distributed in the food chain. As a consequence, it was agreed that, unless operators can demonstrate the absence of LLRICE601, stored bulk consignments of US long grain rice as defined in Article 1 of Commission Decision 2006/601/EC, which first entered the EU market prior to entry into force of the emergency measures should be subject to official control as foreseen in Article 3 of Decision 2006/601/EC before entering further in the food chain. In case of unfavourable results the contaminated long grain rice as defined in Article 1 of Decision 2006/601/EC should be withdrawn from the market.

Operators shall notify unfavourable results to the competent Member State. Member States will notify unfavourable results relevant to products that may have been dispatched to other Member States via the RASFF.

The European Commission will convene a new meeting of the Standing Committee in order to re-evaluate the situation in the light of the forthcoming EFSA opinion and further national monitoring data on rice products.

(2) Exchange of views on a draft Commission Regulation on detailed rules for the implementation of Article 32 of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council as regards the duties and tasks of the Community reference laboratory for genetically modified organisms

Due to the lack of time, it has been decided to postpone the exchange of views to a forthcoming meeting of the Standing Committee on Food Chain and Animal Health, section GM food and feed and environmental risk.

(3) Miscellaneous

Information from the Commission on:

- **Consequences of the deregulation in the US of the GM event DAS 59122 (“Herkulex”)**

The Commission informed the Member States that a meeting of a working group will be convened in the next weeks to discuss this issue.

Unauthorised GM rice in products imported from China

The Commission informed the meeting about the alleged presence of unauthorised GM rice in products imported from China. The Commission clarified that:

- The information in its hands is based on the press release of an environmental NGO.
- The Member States concerned need to verify the nature of the samples taken and the reliability of the method used to perform the test. All concerned MS and JRC are currently facing problems as regards the analytical method.
- Member States directly involved in the issue have already taken contact with the relevant stakeholders to have a clearer picture of the situation.
- Simultaneously the Commission has addressed a letter to the Chinese Vice-Minister Ge to collect further information on this issue.
- The Commission will keep monitoring the situation to define whether further action is needed.

SECTION B – Drafts presented for an opinion

1. Opinion of the draft Commission Regulation setting maximum levels for certain contaminants in foodstuffs (SANCO/2005/3995 Rev. 7).

Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in food has been substantially amended many times. It is again necessary to amend slightly the Regulation in order to take account of new information and developments in Codex Alimentarius. At the same time the text has to be clarified as regards some provisions. Therefore it is appropriate to replace Regulation No 466/2001 with the proposed draft Commission Regulation setting maximum levels for certain contaminants in foodstuffs.

The substantial amendments have been discussed in detail at the meeting on 5 September 2006 at the section Toxicological Safety of the Food Chain of the Committee.

The vote has been taken. Unanimous vote in favour, one delegation absent.

2. Opinion on the draft Commission Decision amending Decision 2005/393/EC as regards restricted zones in relation to bluetongue.

Following further outbreaks of bluetongue in the Netherlands and Germany, the Commission proposed to extend the restricted zone to the whole territory of the Netherlands and to amend the demarcation of the restricted zone in Germany. Unanimous vote in favour, one delegation absent.