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

Held in Brussels on 12 February 2008

(Section Genetically Modified Food & Feed and Environmental Risk)

Chair: Mrs D. André and Mr M. Flüh

All Member States were present, except Malta.

SECTION A: Information and/or discussion

1. Information from the Commission on the Codex Working Party on the labelling of foods and food ingredients obtained through certain techniques of genetic modification/genetic engineering held in Accra, Ghana, from 28 to 30 January

The Commission reported about the physical Working Group (WG) on the Labelling of Foods and Food Ingredients Obtained through Certain Techniques of Genetic Modification / Genetic Engineering (GM/GE) that convened in Accra, Ghana, on January 28–30, 2008 in accordance with the decision of the 35th Session of the Codex Committee on Food Labelling. The WG was attended by delegates representing 25 Member countries, 1 member organization (European Community (EC)), the World Health Organization and 5 Observer Organizations. The EC was represented by the Commission and 6 Member States.

As agreed in the Terms of Reference of this WG, it considered the rationale for different approaches to GM/GE labelling adopted by national governments; the communications strategies used in communicating information to the public on foods and food ingredients obtained through certain techniques of GM/GE and an analysis of current Codex texts, particularly Codex labelling texts, to evaluate whether or not these texts supply sufficient guidance on the labelling of foods obtained through certain techniques of GM/GE. For the latter point, the United States, Nigeria and Canada had presented a background paper. The WG identified a number of key concepts from this background paper and brought them together in a draft document, to which a chapô statement and a purpose were added. The text, in which parts that have not been agreed by all participants were identified by square brackets, will be forwarded to the Codex Committee on Food Labelling for consideration by its 36th session. Some uncertainty remains as to whether this text would become an official Codex paper (i.e. with a legal value in World Trade Organization context); on this point, the EC stated its preference that this text becomes an official Codex document. The WG further decided that no recommendations will be forwarded to the Committee regarding the Proposed Draft Guidelines that are currently at step 4 of the Codex procedure.

SECTION B: Draft presented for an opinion

1. Discussion and possible opinion on a Draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean A2704-12 (ACS-GHØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

A draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified Soybean A2704-12 pursuant to Regulation (EC) No 1829/2003 on genetically modified food and feed was submitted to the Committee for an opinion.

Vote: no opinion (156 votes in favour, 102 votes against, 84 abstentions, 3 votes not represented)

The following considerations were mentioned as reasons for not supporting the draft Decision:

- the European Food Safety Authority (EFSA) opinion is not considered as fully satisfactory;
- the negative public opinion with respect to GMO;
- other political reasons.

The Chairman indicated that the Commission would be invited to submit a proposal to the Council in accordance with the Regulatory procedure.

2. Discussion and possible opinion on a Draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified LLCotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

A draft Commission Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified LLCotton25 pursuant to Regulation (EC) No 1829/2003 on genetically modified food and feed was submitted to the Committee for an opinion.

Vote: no opinion (168 votes in favour, 109 votes against, 65 abstentions, 3 votes not represented)

The following considerations were mentioned as reasons for not supporting the draft Decision:

- the European Food Safety Authority (EFSA) opinion is not considered as fully satisfactory;
- the negative public opinion with respect to GMO;
- other political reasons.

The Chairman indicated that the Commission would be invited to submit a proposal to the Council in accordance with the Regulatory procedure.

3. Discussion and possible opinion on a Draft Commission Decision repealing Commission Decision 2006/69/EC of 13 January 2006 authorising the placing on the market of foods and food ingredients produced from genetically modified Roundup Ready maize line GA21 maize as novel foods or novel food ingredients under Regulation (EC) No 258/97 of the European Parliament and of the Council

Following the presentation of this draft Decision during the meeting of the Standing Committee of 20 December 2007 and the suggestions made by the Member States, the Commission presented the Committee with a modified version which would aim at casting light on the fact that the authorisation holder had no more interest to maintain its authorisation given that another authorisation (given to another authorisation holder) would cover the same products.

Vote: in favour by qualified majority (323 votes in favour, 19 abstentions, 3 votes not represented)

4. Discussion and possible opinion on a Draft Commission Decision on emergency measures regarding the non authorised genetically modified organism "Bt 63" in rice products

The Commission introduced the text of a draft Decision proposing emergency measures regarding the non authorised genetically modified organism "Bt 63" in rice products. The text requires compulsory certification for the imports of Chinese rice products that could contain the unauthorised GMO Bt 63. The decision has been taken after rice products originating in, or consigned from China and containing the unauthorised genetically modified rice Bt 63 were discovered in the EU market between 2006 and 2007. Despite measures announced by the Chinese authorities in 2007, alerts concerning the presence of the unauthorised genetically modified rice Bt 63 were reported until late 2007. Against this background and given the failure of the Chinese authorities to provide suitable control samples for Bt 63, the Commission proposed to the Standing Committee that only consignments of the rice products indicated in a specific Annex of the Decision can enter the EU. These consignments must be tested by a laboratory using a specific testing method and accompanied by the analytical report assuring they do not contain Bt 63.

The draft Decision is accompanied by an extensive annex making reference to various rice products classified in three categories of products: firstly rice raw materials and the basic rice products as indicated by article 1 of Regulation (EC) No 1785/2003 on the common market organisation of rice, secondly the products mentioned in the alerts on the presence of Bt 63 communicated in the RASFF system (pasta and rice proteins) and finally those products considered as sensitive on the basis of their consumption patterns or the quantities of imports (as the preparations for baby food). As certain of the products contained in the Annex of the draft Decision may or may not contain rice, the text allows the operators to issue a simple declaration when the product is not containing, consisting or produced from rice, thus avoiding the compulsory analysis and certification. The Commission made also clear that the annex of the Decision may be amended with the inclusion of new products should this be necessary to guarantee that the products likely to be contaminated are appropriately covered.

The certificate will have to be based on the method developed by D. Mäde et al. (2006), published in a specialised review. The method in question has not yet been validated but is considered by the Joint Research Centre (JRC) as fully performing and the best detection method currently available and perfectly suitable for the purpose of the emergency measures. A representative of the JRC provided further clarification on this issue, explaining that it has been so far impossible to validate the method because the samples provided by the Chinese authorities were irradiated and thus not suitable for the purpose. The JRC is also working on the validation of the method using plasmid DNA and is in contact with the Chinese authorities. If the situation evolves (validation of the method or definition of a more appropriate method) Member States will be immediately informed and if necessary the decision will be amended accordingly.

The Commission proposed to make the decision applicable as of the 15th of April 2008 in order to allow the Member States to take the practical arrangements for its implementation. The text also foresees that the situation concerning the possible contamination of rice product with the unauthorised GM rice Bt 63 should be reviewed within six months in order to assess whether the measures provided for in this Decision are still necessary.

A discussion on the following points took place:

- Origin of the products covered by the Decision: on a request of various Member States, it was clarified and explicated in the Decision that the products covered are those "originating in or consigned from China".

- Characteristics of the laboratories that will issue the certificates: it appears after discussion that it is not clear at this stage, how many accredited laboratories currently exist in China and therefore it has been indicated in the text of the draft decision that the analytical report shall be issued by an accredited or official laboratory conforming to internationally recognised standards. In the case of an analytical report issued by an accredited laboratory it seems appropriate to foresee that this report is endorsed by the relevant competent authority.

Vote: in favour by qualified majority (315 votes in favour, 27 votes against, 3 votes non represented)