

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

Held in Brussels on 14 July 2008

(Section Genetically Modified Food & Feed and Environmental Risk)

Chair: Ms Dorothée André

SECTION A Information and/or discussion

1. Update from Member States on the emergency measures on Bt63 rice

The discussion started with an update on the implementation of the Decision 2008/289 on emergency measures regarding the non authorised genetically modified organism "Bt 63" in rice products. Member States informed the Commission of the most recent results in their control activities: the Decision is generally well implemented, although the quality and completeness of the available information is sometimes still questionable. The alerts and communications introduced through the Rapid Alert System have been analysed in detail.

A Commission representative also clarified once more the requirements needed for a certificate to be acceptable. Certificates issued by private accredited laboratories based outside China are acceptable on the conditions that they are endorsed by the competent authorities of the country where the laboratory is based.

Furthermore, a Commission representative informed the Member States of the next steps. First of all, the visit, in September this year, of a senior official of DG SANCO could be the occasion to convey to the Chinese authorities precise messages on the way to improve the implementation of the Decision. Secondly, the inspection mission of the Food and Veterinary Office has been accepted by the Chinese authorities and is now planned for end November/beginning December. This mission should provide the possibility to learn more about the implementation of the Decision and more generally about the way GMOs are regulated and controlled in China.

2. State of play on technical solution for the issue of Low Level Presence on non-approved GMOs

A Commission representative provided the Member States with a rapid update of the follow-up of the College debate of 7 May 2008, on the issue of low level presence of non approved GMOs.

It was indicated that DG SANCO in co-operation with the Joint Research Centre is currently working on a series of different possible options to address the situation without changing the legislation.

This analysis is carried out in the light of the important events which have occurred in the last weeks: the authorisation of the GM maize GA21 (already commercially grown in vast areas of Argentina) and the recent evolution of the authorisation procedures for two GM soybean (Bayer Liberty Link which has been discussed by the Council on 15 July 2008 and could be authorised by autumn 2008 and Monsanto RoundupReady2 for which EFSA has adopted its final favourable opinion on 11 July 2008 and could be authorised in early 2009).

Against this background, the Commission is now assessing the nature and urgency of the matter.

SECTION B Draft presented for an opinion

3. Discussion and possible adoption on draft Commission Decision authorising the placing on the market of products containing or produced from genetically modified oilseed rape T45 (ACS-BNØØ8-2) resulting from the cultivation of this oilseed rape in third countries until 2005 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

The draft Decision was presented by a Commission representative and a general discussion took place.

The draft Decision was already presented and discussed during the previous meeting of the Standing Committee on 16 June 2008 (Section Genetically modified food and feed and environmental risks).

Questions were raised regarding:

- the possibility to replace in the Decision the words "cultivation of T45 oilseed rape in third countries until 2005" by "commercialisation of T45 oilseed rape seeds until 2005" in order to include in the authorisation products resulting from a cultivation in third countries after 2005 with seeds commercialised until 2005;
- the possibility to create a specific article on the monitoring of the phasing out – these specific measures would then be withdrawn from the monitoring plan for environmental effects;
- the possibility to fix a threshold for the authorisation of T45 in the EU (0.9 % as for the starch potato in food) or to give a full authorisation without any restriction;
- the issue some Member States see for the control of T45 in the EU – the possibility to delete Article 2.1. in order to clarify that no certificate has to accompany oilseed rape shipments and no specific control has to be performed to identify whether the T45 products result from a commercialisation of seeds until 2005.

A series of amendments to the Decision were presented in order to better define the status of T45 oilseed rape seeds saved by farmers and cultivated after 2005 and the specific measures for the monitoring of the phasing out of T45 and to clarify the role of Member States in the control.

The Austrian delegation made a declaration as follows:

Austrian Statement for the Protocol

SCFCAH-Meeting on 14th July 2008

Austria objects the placing on the market of genetically modified oilseed rape T45 due to the following reasons:

- *The phasing out of this product started already in 2005, when cultivation was stopped in third countries. As stated by the notifier, only low level presence of this product is intended. Therefore this notification is only seeking for approval to legalise possible commingling of OSR T45 in seed. As a consequence only the implementation of a threshold of 0,9% could be regarded as appropriate.*
- *The risk assessment which has been carried out lacks a lot of data and is not suitable to give a scientific proof for the safety for human and animal health as well as the environment. This concerns particularly compositional analysis, agronomic parameters, toxicology, allergenicity and the intended monitoring plan.*
- *From the Austrian point of view, products others than food and feed containing ACS-BNM008-2, are not within the scope of EU-regulation 1829/2003 but under Directive 2001/18.*

The amended draft Decision was presented for a vote:

Vote: no opinion (146 votes in favour, 167 votes against, 32 abstentions)

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 monitoring plan is considered as not sufficiently demanding;
- the need for further internal consultations;
- 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.

4. Miscellaneous

One Member State asked the Commission about its intention regarding the issue on labelling threshold for GM food and feed and stacked events (previously discussed in this committee) and on the fact that some aspects could be further developed to reach further harmonisation.

It has been declared that the Commission has no concrete intention concerning this topic for the coming weeks or months.

(signed)
Michael Flüh
Head of Unit