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# MEMORANDUM

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## Progress Report on GMOs

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This memo sums up the current situation on GMOs traceability and labelling<sup>1</sup>, taking particularly into account the European Parliament 1<sup>st</sup> reading<sup>2</sup> and the political agreements reached by the Agriculture<sup>3</sup> and Environment<sup>4</sup> Councils. The transmission of the common positions to the European Parliament is foreseen by next March, so the 2<sup>nd</sup> reading should take place during the Italian presidency. The most controversial/important issues are the following.

### **Origin labelling**

There is agreement among all the institutions on the new labelling scheme which is based on traceability rather than detectability. All GM food and feed products, i.e. products containing, consisting of or produced from GMOs have to be labelled irrespective of whether they contain DNA or protein resulting from the genetic modification or not.

Under the existing EU law processed GM feed does not have to be labelled at all. Processed food only has to be labelled if the presence of GM material is higher than 1% and only if DNA or protein resulting from the modification can be detected in the food product. Highly refined oil therefore do not have to be labelled according to the current rules.

### **Tolerance level for unauthorised GM materials**

The Council decided to set a transitional threshold of 0.5% for unauthorised GM materials which are present in conventional food or feed due to technically unavoidable or accidental circumstances. The threshold shall expire after three years.

The threshold applies only to those GMOs and GM ingredients which have received a positive opinion from the Scientific Committee before the date of application of the Regulation and which have not been denied authorisation in the meanwhile. The regulation shall apply 6 months after its publication.

In 1<sup>st</sup> reading, Parliament called for a deletion of the proposed threshold.

### **Labelling threshold**

The Council agreed on a labelling threshold of 0.9% for the adventitious/technically unavoidable presence of GMOs or GM ingredients in food or feed products. Lower thresholds may be established in comitology in respect of food containing or consisting of live GMOs or in order to take into account advances in science and technology.

The Commission's original and the amended proposal did not specify any maximum labelling threshold.

Parliament had proposed to set a maximum threshold of 0.5% which should only apply to processed GMOs, i.e. not to live GMOs. Parliament had also proposed to "define appropriate steps" producers not using GMOs should take in order to avoid contamination, and to lay down appropriate measures to ensure that the utmost care is taken to avoid contamination. Finally, Parliament proposed to require the regulatory committee to set a lower threshold as and when advances in science and technology allow.

### **Traceability**

The Commission proposed that GMOs mixtures destined to be used as food, feed or for processing (GMO FFP) should be exempt from the core obligations of the traceability regulation. Instead of a clear identification of each type of GMOs present in a product, operators could simply hand out a list of the unique codes of GMOs which the product "may contain". Such a 'shopping-list' would clearly contradict two of the goals of the traceability scheme: it would not allow for GMO-specific monitoring or product withdrawals.

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<sup>1</sup> Proposal for a regulation on traceability and labelling of GMOs, GM food and feed (COM/2001/182); and proposal for a regulation on GM food and feed (COM/2001/425).

<sup>2</sup> Parliament approved in the plenary of 3 July 2002 the Trakatellis (COM/2001/182) and Scheele (COM/2001/425) reports.

<sup>3</sup> On 28 November 2002 the AGRI Council reached a political agreement on GM food/feed regulation.

<sup>4</sup> On 9 December 2002 the ENVI Council reached a political agreement on traceability and labelling regulation.

Parliament rejected the proposed exception for GMOs FFP together with other amendments en bloc.

Contrary to the Commission's wish to indicate that the mixture "may contain" GMOs, the Council decided to oblige the operators to report all the GMOs that "have been used" in the mixture in the accompanying documents. The EU traceability system will now allow the effective implementation of the new labelling obligations for all GM food and feed in the EU, monitoring of possible adverse effects of GMOs on human or animal health and the environment, and targeted recall of GM products in case risks related to specific GMOs were identified.

### **Animal products**

The Green amendments requiring labelling of products derived from animals fed with GMOs were rejected by Parliament. In the Council Denmark and Greece supported the proposal, but it was rejected by a large majority. So there is no chance to get it in the 2<sup>nd</sup> reading.

### **GM contamination**

Parliament adopted in the first reading of the traceability and GM food/feed regulations several amendments dealing with GM contamination. The amendments would require producers and users of GM products to take effective measures to prevent GM contamination of other products. The Council and the Commission rejected these amendments.

It is crucial that the traceability regulation states at least that Member States are free to establish co-existence regimes. In the meantime, the Commission should commit itself to take appropriate measures, including legislative measures, to ensure co-existence and consumer/producer choice.

But the situation is improving within the Council. The need for measures regarding co-existence was raised by the Italian delegation at the Agriculture Council on 16 December 2002 getting support from France, Germany, Austria, Belgium, Luxembourg and Portugal. At the Agriculture Council on 27 January 2003 Italy, supported by a broad majority of delegations, drew the attention of the Council and the Commission on the need for the Commission to present, as soon as possible, a progress report on the possible problems caused by the co-existence of conventional, organic and GM forms of farming. This progress report should pave the way for a debate within the Council in February on the two following issues: provisions to be taken for the co-existence of various forms of agriculture; and the suspension of the inscription of GM seeds to the Community catalogue before the adoption of these provisions.

Against this background, we have to lobby for:

- a threshold of maximum 0.5% for authorised processed GMOs and the deletion of the proposed threshold for any unauthorised GMOs or GM derivatives;
- effective measures to avoid GM contamination and ensure co-existence;
- keeping the existing moratorium until strict and clear rules on traceability, labelling, co-existence and liability are in place.