

# Genetically modified organisms GMOs: traceability and labelling

2001/0180(COD) - 10/05/2006 - Follow-up document

Adopted in 2003, Regulation 1830/2003/EC, establishes a system for the traceability and labelling of GMO's. The requirements apply to products placed on the market containing or consisting of GMO's and to food and feed products produced from GMO's. By introducing provisions on traceability, the Regulation intends to control and verify labelling claims; to monitor any effects these products may have on the environment; and to identify and (possibly) withdraw any GMO products in the case of an unforeseen risk to either human health or to the environment.

In order to achieve the objective of traceability the Regulation requires operators to transmit and retain specified information for the GMO product types. Provisions include, *inter alia*, the need to retain information for a period of five years as well as the establishment of adventitious thresholds (0.9%). The principle of traceability is considered essential for the final labelling of a product. Regulation 1830/2003/EC works in tandem with Regulation 1829/2003/EC on genetically modified food and feed. (See 2001/0173(COD)).

In preparing this report, the European Commission compiled a questionnaire, which was sent to all competent authorities, relevant stakeholders as well as food, feed and seed industry associations and trading partners. NGO's and relevant Member State government departments were also forwarded the questionnaire, which contained questions on the traceability, labelling, exemptions from traceability and labelling requirements and on the inspection and control measures. The responses were used to compile this report.

Based on the responses received the Commission makes the following findings:

## **Food production and distribution chains:**

- The European food and retailing industries prefer not to market GMO food and food products due to negative consumer reactions. Only a limited number of products are currently being marketed and imported GM material is currently not utilised in food products to any great extent.
- Industry, in tune with consumer likes and dislikes, appears to be responding to retailer and consumer demands for non-GM products. Industry, therefore, avoids purchasing ingredients containing GMO products.
- A large, third country food exporter, states that it no longer exports any processed food products to the European Union due to the burden of the regulatory framework – and cites that this is due to the traceability requirements and not due to a lack of market demand.
- A third-country industry association states that many companies marketing food products in the EU have stopped using internally produced GM soybean oil and protein ingredients in order to avoid what are perceived to be the onerous and costly mandatory traceability requirements.
- A second food association argues that the Regulation has created an unacceptable burden on small food exporters.

- An overseas Government Department claims that the Regulation acts as a barrier to trade and provides a disincentive for manufactures to place GM products on the market.
- The US Government and third country food associations urge the Commission to work together towards a mutual recognition of GM products. The report remarks that the Commission has actively engaged in and remains open to international discussion with the EU's trading partners but that since 2002, the US Government has been reticent to engage in bi-lateral discussions on issues pertaining to GMO's.
- NGO's, on the other hand, claim that the labelling rules have had a positive effect in facilitating informed choice. Indeed, they argue that labelling should be extended to include products derived from animals fed with GM material - such as milk, meat, eggs, wool etc.

### **Feed production and distribution chains:**

- The majority of GMO products circulating in the EU are destined for animal feed and originate in the form of imported commodities such as GMO soybean products. Millions of tonnes of soybean material are imported every year and stem mostly from the US, Argentina and Bra zil.
- Soybeans exported to the EU for feed are mixed by the US commodity-handling system. According to some third-country trading partners it is, therefore, not feasible to transmit the kind of information required by the Regulation. The Commission counters this argument by stating that the European feed industry have been able to report the correct information. Certain industry contacts have suggested that some crushers of non-GM soybeans have had difficulty in selling material due to higher costs.

### **Labelling and traceability of GM seed products for cultivation:**

- The cultivation of GMO's is not practiced in the vast majority of Member States. BT-maize is commercially grown in some regions of Spain. Some GM varieties are gown in France, Germany, the Czech Republic and Portugal, but only on a small scale.
- The plant biotechnology industry have had no serious problems concerning the interpretation of the Regulation. In countries where GM varieties are available, such as Spain, no particular difficulties have been encountered vis-à-vis the Regulation's interpretation.

### **Enforcement of the Regulation:**

- Insufficient time, between the Regulation's implementation and the presentation of this report, has elapsed to gather the relevant experience and information needed for an objective assessment of the current situation.
- Nevertheless, a large majority of Member States deem that the Regulation's requirements have had a positive effect in terms of providing relevant information to consumers and in terms of providing safety guarantees.
- Some Member States would like to see even stricter requirements for imported GMO goods with even tighter control measures.
- Difficulties have been reported regarding sampling and testing. Techniques for the detection of adventitious presence is cited an example.

- Some Member States would like to see legislation, rather than guidance, on sampling and testing, in order to guarantee a harmonised approach to this matter.
- Some Member States would also like to see harmonised documentation. This would help both the authorities and economic operators to implement the Regulation's provisions. Industry does not share this view.
- Conversely, other Member States have reported few problems in interpreting, implementing and enforcing the Regulation.

**Conclusion:**

The Regulation has been operational for a limited period of time. Experience, in terms of the Regulation's implementation is, as a result, extremely limited. In spite of the above, it appears that the provisions of the Regulation are being correctly applied. Some early "teething" problems have been reported but they appear to have been largely resolved. On the matter of sampling and detection, the JRC and European Network of GMO Laboratories (ENGL) have developed a new methodology for sampling bulk shipments of grain, which has been accepted as an international standards. The JRC and ENGL will continue in their efforts to find specific detection methods for individual GMO's. In spite of accusations that the Regulation is excessive, the import of soy-meal or corn gluten feed does not appear to have been affected by the Regulations. The report argues that consumer and market demand for foodstuffs have a far greater effect than the Regulation's provisions. Within 24 months the Commission will draw up a second report in order to gain a more complete picture of the Regulation's implementation.