

Proposed EU regulations on the traceability and labelling of GM food and animal feed



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Since 1998 there has been a *de-facto* moratorium on the commercialisation of GM crops in the EU. Initially, this moratorium was to last until the revised Deliberate Release Directive (now 2001/18/EC, previously 90/220/EEC) had been implemented into Member State law (due 17th October 2002). However, the revised Directive failed to deal fully with the issue of labelling and traceability and several Member States have insisted that this be addressed prior to any commercialisation.

Therefore, on 25th July 2001, the EU Commission proposed two sets of regulations.

- a) GM food and feed (COM [2001]182)
- b) Traceability and labelling of GM food and animal feed (COM [2001] 425)

These proposals will bring the whole process of commercialising GM foods under the European Food Authority, which will be created shortly. **They represent strong laws that will allow GM foods and feeds to be monitored and, if necessary, removed from the shelves. They will also give a much higher level of consumer choice.** However, many in industry have complained that the regulations will be too costly to implement, unenforceable and open to fraud. MEPs are likely to come under considerable pressure from industry lobbyists to ignore public opinion and water down the regulations in their interest.

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These regulations are currently being considered by the European Parliament's;
Committee on Environment, Public health, and Consumer Policy;
Committee on Agriculture and Rural Development;
Committee on Legal Affairs and the Internal Market.
Committee on Industry, External Trade, Research and Energy

They are expected to be debated in the Parliament during the late spring and summer of 2002. This briefing outlines why and where the regulations should be supported, and how MEPs can tighten them to help deliver real consumer choice.

Public opinion supports the new regulations

A 2001 Eurobarometer survey showed that¹ :

- 94% of Europeans want the a right to choose whether to eat GM food
- 85.9% want to know more about GM foods before eating them
- 70.9% do not want to eat this type of food at all.

UK based research specifically considering these proposed regulations showed that² :

- 64% of consumers want labelling of ingredients made from GM plants
- 56% still want this labelling if all traces of the GM raw materials were destroyed during the food processing
- 79% think that meat and other products from animals fed with GM feed should be labelled
- 55% want a contamination threshold figure of less than 1%
- a third (34%) wanted zero contamination.

The extension of labelling to reflect the 'means of production' is more in keeping with consumer wishes.

What should be labelled?

Current regulations³ require that only foods or food ingredients which contain GM DNA or protein be labelled. With these new regulations, the EU Commission has proposed that the labelling of GM foods is extended to cover:

- a) animal feed in addition to human food and
- b) whole GMOs, food/feed ingredients containing GMOs and food/feed ingredients derived from GMOs⁴

The Commission has specifically excluded products produced with the aid of GMOs such as processing aids and enzymes. They have also excluded products from animals fed on GM feed.

GeneWatch welcomes the extension of labelling to reflect the 'means of production' as it is more in keeping with consumer wishes. Consumer concerns over GMOs are not simply about consuming genetically modified DNA or protein, but extend beyond the issue of health, to include environmental, social, ethical and economic concerns about the growing and use of GM crops.

The inclusion of animal feed labelling is welcome and in line with the recommendation made by the UK's Advisory Committee on Animal Feeding Stuffs⁵. However, labelling should be extended to include products from animals raised on GM feed. The meat and dairy industry could be given a lead time to establish systems to meet this requirement.

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What level of contamination is acceptable?

The regulations propose that GM material be allowed to contaminate non-GM food (un-labelled) up to the level of 1%, even if the GM material involved has not been given final approval by the EU. The proposed rules state :

1. Contamination shall only be permitted for material from GM lines which have been subject to a scientific risk assessment made by the relevant Scientific Committee(s) or the European Food Authority⁶ which concludes that this material does not present a risk for human health or the environment. This does not necessarily include final approval by the Commission and Member States.
2. Contamination must be '*adventitious or technically unavoidable*' and operators must be in a position to demonstrate to the competent authorities that they have taken appropriate steps to avoid the presence of the genetically modified organisms (or produce thereof).

European consumers have been repeatedly assured by industry and politicians that they will always have a choice about whether to eat GM or not. To maintain this choice the most stringent controls possible on contamination must be put in place. Otherwise, GM contamination may be allowed to increase gradually until choice is effectively removed - industry is already lobbying for higher contamination levels. The new regulations present the opportunity to put segregation systems in place that ensure proper separation of GM and non-GM and contamination levels set at the level of detection - 0.1%. Those food producers who have moved out of using GM derived ingredients in Europe, already work to this standard.

Allowing a threshold level of any non-approved GM material is likely to be illegal and potentially dangerous.

Allowing a threshold level of any non-approved GM material is likely to be illegal and potentially dangerous. Furthermore, it undermines the role of the EU Commission and Council of Ministers as final decision makers, leaving it instead to the European Food Authority or another scientific committee whose decisions will be based solely on the outcome of a strictly defined risk assessment.

Whatever the level set, where so-called '*adventitious or unavoidable contamination with GMOs*' occurs, companies must be held strictly accountable. Both the evidence to show that the contamination was adventitious or unavoidable and the measures taken to avoid a future occurrence must be fully available to the public.

A GM-free label will not provide choice

Despite strong public support for labelling of GM foods in the UK, the UK Government appears to be more interested in limiting choice and confusing consumers by promoting the concept of a 'GM-free' label in Europe. The UK's Food Standards Agency (FSA) has argued that the EU Commission's proposals are expensive and unworkable and has proposed the status quo be maintained, in terms of only labelling when foreign DNA or protein is present in the final product at a level of greater than 1%, supplemented by a 'GM-free' label⁷. They have argued that consumers would be misled by the Commission's proposed system as it would be open to fraud.

However, a GM-free label is entirely untenable, undemocratic and equally open to fraud. A 'GM-free' system of labelling would be confusing (many products containing derivatives of GM crops, such as oil, would not be identifiable even if these made up 100% of the product) and more expensive. Over 70% of EU citizens have said they do not want to eat GM food and a GM-free label would exclude low income consumers from choice.

The FSA claim the extension of labelling to cover GMO derived products will be unenforceable and open to fraud because it will rely on a paper trail. But, a GM-Free label will require exactly the same paper trail. Furthermore, organic standards, halal and kosher food labels and the newly introduced beef labelling scheme⁸ all successfully rely on paper trails.

The FSA also claim that the traceability and labelling scheme will be too expensive. However the new EU regulations on general food law⁹ establishes the principle of traceability at all stages of the of the food production and distribution chain in both the food and feed sectors. Many of the major food companies in the EU have removed GM derived ingredients from their products, and already have such traceability systems in place, yet there has been no increase in cost for the consumer.

Standing up to US bullying

The United States Government continues to lobby aggressively over the issue of GM foods and crops. In July 2001, Alan Larson, the US Undersecretary of State for Economic, Business and Agricultural Affairs told Patricia Hewitt, the UK's Trade and Industry Secretary, that the proposed regulations would "*effectively block \$4bn [£2.8bn] of US exports to Europe and would undermine not reinforce efforts to restore public confidence*".

The US has argued that the high cost of implementing these new rules would be viewed as a restraint of trade and that any traceability system should only be concerned with health and safety issues. They have asked the EU Commission to take the moratorium member states to the European Court of Human Justice¹⁰ and are also considering mounting a WTO case, if the labelling and traceability regulations were agreed. However, as the EU Commission has argued, Codex rules allow for labelling on the basis of consumer information and traceability. Furthermore many companies already have GM traceability systems in place.

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In its arguments, it is clear that the US has no respect for the wishes of European citizens to make choices about their food and how it is produced. The US is only interested in supporting its own agricultural interests. The European Parliament will have an important role to play in challenging the US position and supporting its electorate's wishes.

MEP's action to support consumer choice

To represent the clear wishes of European citizens, in relation to the regulations on the traceability and labelling of GM food and animal feed, MEP's must:

1. Support the Commission's proposals to extend labelling of GM foods based on the means of production.
2. Press for the products from animals fed on GM feed (meat, eggs and milk), to be included in labelling laws.
3. Press for the allowable contamination level to be set at 0.1%, the level of detection.
4. Oppose allowing any contamination threshold for GMOs which have not been given full approval in Europe.
5. Oppose the introduction of a GM-free label.
6. Resist US pressure to deny European consumers the choice they desire.

References

- 1 Eurobarometer 55.2 - Europeans Science and Technology - December 2001 <http://europa.eu.int/comm/dg10/epo/eb.html>
- 2 RSGB Omnibus survey on GM labelling for NCC - August 2001 http://cgi.www.ncc.org.uk/cgi-bin/www.ncc.org.uk/kmdb10.cgi/-load75977_viewarchived.htm
- 3 Council Regulation (EC) No 1139/98, amended by Commission Regulation (EC) No 49/2000 and Commission Regulation (EC) No 50/2000
- 4 EU proposed regulations on GM Food and Feed (COM [2001]182) Articles 3 & 16
- 5 The Advisory Committee on Animal Feedingsuffs - Review of Animal Feed Labelling (June 2001) Published by the Food Standards Agency.
- 6 All GM food/feed applying for marketing consent (commercial imports and/or growing) in the EU must pass through an environmental and/or health risk assessment process under either 2001/18/EC and/or (EC) 258/97
- 7 Minutes of the Food Standards Agency board meeting, 19th September 2001, The Spires Centre, Belfast. <http://www.food.gov.uk/multimedia/pdfs/fsa010601>.
- 8 EU Commission Press Release 28/12/01 - New beef labelling rules more information for consumers from 01/01/02
- 9 Proposal for a Regulation of the European Parliament and the Council laying down the general principles and requirements of food law, establishing the European Food Authority, and laying down procedures in matters of food - COM(2000)716 final
- 10 Rugaber, C., Europe Agriculture. International Trade Reporter. Vol. 19, No.2, p 51. ISSN 1523-2816



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