

Zero tolerance and LLP in food and feed in Europe

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FRIENDS OF THE EARTH GERMANY

Definitions and wording

Zero tolerance for non approved GMOs:

- no authorization, no market access
- basis of EU GMO law
- consequence: recalls in case of ‚positive‘ tests

LLP: 0.1 % contamination and below

- informal: legal texts do not mention this threshold or define LLP as 0.1 % contamination
- used in context of non approved GMOs

MRPL (minimum required performance level): legal term used in Regulation (EC) No. 619/2011 (24th of June 2011) – in fact 0.1 % legalized contamination with non approved GMOs, camouflaged as ‚technical zero‘

0.9 %: threshold for approved GMOs, but only if the contamination is „adventitious and technically unavoidable“ (Regulation (EU) 1829/2003) – otherwise labelling is required

Adventitious: traders, food processors etc. have done everything to avoid contamination and can proof their efforts

Regulation EC No. 619/ 2011 – Dropping of zero tolerance in feed (6/2011)

three-year lobbying campaign (biotech-industry, animal feed industry, some food lobby organisations)

0.1 threshold for non approved GMOs in feed - under the following conditions:

- GMO is authorised in a third country
- authorisation application under Regulation 1829/2003, submitted at least three month previously, EFSA has not identified “*adverse effects on health or the environment*” (but: this guarantees only very superficial assessment)
- applicant must deliver methods and reference materials to allow tests
- GMOs whose authorisation has expired are also included (i.e. Bt 176)

Obligations for Member States

- contaminations above 0.1% have to be reported to other Member States immediately
- contamination below 0.1% have to be reported annually to EC

Dropping zero tolerance in food – state of the play

- October 2011: EC stated to prepare proposals about dropping zero tolerance in food
- at least Germany opposed – EC stopped initiative
- some resistance of some food organisations
- currently: stakeholder consultation about need of dropping zero tolerance in food

But is there really a problem?

- RASFF recorded 191 notifications for non approved GMOs **in food** from 1.1. 2011 till 20. 4. 2015
- but: only 4 incidents meet criteria of Regulation EC No. 619/ 2011 (all with Bt 176 – obsolete GMO)
- others were mostly rice and papaya
- **for feed:** two Member States have documented two incidents (BE in 2012: MON 15985 in organic soy, imported from India; EE in 2013: Bt 176)

TTIP/CETA

CETA:

- Canada and the EU will cooperate internationally on issues related to biotechnology such as low-level presence of genetically modified organisms
- means: EU agrees to drop zero tolerance via international bodies

TTIP: usual suspects lobby for “extension of LLP” or dropping zero tolerance

Prediction: EC will use the TTIP negotiations to continue with lifting zero tolerance policy