GREENPEACE Briefing

Genetic Engineering Campaign

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Governments world-wide require regulation and labelling of GMOs

Below is a partial review of legislative action being taken by governments world-wide to identify and halt genetically modified organisms (GMOs).

Algeria

On December 24, 2000, Algeria introduced a ministerial decree "to prohibit the import, the distribution, the commercialisation and the utilisation of genetically modified plant material."[1]

Argentina

In 1996, small field tests of herbicide-tolerant genetically engineered (GE) oilseed rape (canola) were authorized by the National Advisory Commission on Agricultural Biotechnology (CONABIA) under strict containment and isolation conditions. The request for authorization of a large planting in the following year was rejected on scientific and economic grounds. The decision was based on the inevitability of outcrossing to compatible weeds and the probable development of herbicide-tolerant weeds.[2]

Australia and New Zealand

Food Standards Australia New Zealand (FSANZ) is responsible for scrutinising new GE foods intended for the market. Australia and New Zealand have adopted a mandatory labelling regime for all GE foods which contain novel DNA and / or novel protein, or have altered characteristics. It allows for the accidental presence of genetically modified organisms (GMOs) of up to 1 per cent per ingredient. The regime came into force on December 7, 2001.[3]

Citing environmental and marketing risks, the State Government of Tasmania in July 2001 implemented a 2-year moratorium on all commercial releases of GE food crops and GE animals.[4] The Tasmanian Government reviewed the Gene Technology Policy 2001 in February 2003 and decided to extend the moratorium for 5 years, until June 2008. Research on GE food crops is prohibited in the open environment, field trials on GE non-food crops are possible under certain circumstances. The Government remains opposed to the use of GE livestock feed on marketing grounds.[5]

In 2002, Monsanto and Bayer applied for approval of their GE oilseed rape in Australia. A decision on the Bayer crop was expected for mid June 2003, however, the Gene Technology Regulator postponed the decision for one month to review information raised in public submissions. On the Monsanto oilseed rape the process has been stopped until further advice on evaluation of herbicide use is received. With all oilseed rape growing states putting a freeze on the commercial release of GE oilseed rape, no planting of GE food crops will take place in Australia for at least another 12 months. [6]

In 2002, the Gene Technology Ministerial Council agreed work on a policy principle which would allow the establishment of GE free zones for marketing purposes in Australian states and territories.[7]

Brazil

In April 2003, the Brazilian government adopted a new labelling regime which requires the labelling of all food and food ingredients that contain more than 1% of GE ingredients and where the DNA is detectable. This requirement also applies for animal feed. However, the regulation makes a restricted exemption for products intended for human or animal consumption that are

produced from the 2003 soya harvest in Brazil, in which case the label will say 'may contain GE soya'.[8]

On June 24, 2003, José Dirceu, minister-chief of the civil house, announced that no planting of GE soya will be allowed in Brazil in the next planting season starting end of August, thereby confirming Brazil's status as the last large-scale soya producer that still bans the commercial planting of GE crops.[9]

China

Measures on GMO safety evaluation, GMO import and comprehensive GE labelling took effect in March 2002. They are part of the “Biosafety regulation of GMOs in Agriculture” which is the legislative framework safeguarding biodiversity, the environment and human health against the potential adverse effects of GMOs. It covers GMO applications in the areas of research, field trials, production, food processing, management, as well as import and export.[10] Foreign companies can apply for a GMO Import Safety Certificate from the Ministry of Agriculture, which will decide whether to approve the application in accordance with relevant regulations. In order to allow normal trade while applications are reviewed, companies that export GMO products to China can apply for an "Interim Certificate" upon presentation of valid safety evaluation documents issued by the competent authorities of the exporting country or the third country.[11] Temporary measures simplifying procedures for imports of soybeans are due to expire in September 2003, however, they may get extended until April 2004.[12]

Under the labelling system, GE soya, maize, oilseed rape, cotton and tomatoes must be clearly labelled. This also applies for products where the GE ingredient cannot be detected in the final product. Unless GMOs are labelled, their import or sale will be illegal.[13]

There are indications that Heilongjiang province, located in the northeast of China, wants to introduce a non-GE policy. [14] Heilongjiang is responsible for 80% of Chinese soya exports.

Croatia

An interim law from September 2001 imposes a temporary ban on the bulk import of GE food. This ban is an interim solution until a more specific food law which should be in accordance with EU legislation come into force.[15] The final draft of a food law that was endorsed by the Croatian government in June 2003 allows for the sale of GE food, but requires previous rigorous testing and clearly visible labelling. It is expected to come into force in the end of 2003.[16]

Czech Republic

Since January 1, 2002 all GE food products have to be labelled if they contain more than 1 per cent of GMO components. Otherwise, Czech law is being enacted to bring regulations in line with those of the EU covering GE food.

However, GMOs approved in the EU do not automatically have market approval in the Czech Republic. To date, only Monsanto has requested and received market approval from the Health Ministry for its Roundup Ready soybeans.[17]

European Union, all 15 countries

The EU Novel Food regulation regulates the marketing and labelling of products which are GE or derived from GE organisms. An additional labelling regulation applies to Roundup Ready soya and Syngenta Bt maize, requiring labelling of food products in which the DNA or the new protein of GE crops is detectable.[18] In April 2000 additives and aromas were included in the labelling regulation in the case of DNA being detectable in the end product.[19] At the same time, another complementary regulation established a 1% threshold for mandatory labelling in case of GE material being present due to 'adventitious contamination'.[20]

In November 2002, the EU Agriculture Council reached a political agreement on a proposed new GE food and feed labelling regulation. All GE food and feed ingredients, including highly processed derivatives such as sugar, refined oil and starch, produced from GMOs, will have to be clearly labelled. The labelling threshold for authorised GMOs in food and feed was lowered to 0,9 % in respect to the 1% threshold originally intended by the European Commission.

The Council agreed to allow up to 0,5 % accidental contamination in food and feed from GMOs that have not been authorised in the EU; however, this provision will be a three-year transitional regime, after which there will be a return to the 'zero tolerance' regime.[21]

In December 2002, EU environment ministers also reached a political agreement on a comprehensive traceability system for GMOs, obliging producers to indicate all GMOs which "have been used" in a shipment. Operators will have to pass the information about any food / feed ingredient for which GE has been used to the next step along the food chain.[22]

The next round of discussions in the European Parliament is expected to take place in July 2003, the two new regulations would then probably enter into force by March 2004.

Although some GMOs such as Monsanto Roundup Ready Soya, Aventis rapeseed and Syngenta Bt maize have clearance for use in the EU, there is currently a de-facto moratorium on any new GE product approvals while the EU tightens regulations. Luxembourg, Austria and Germany have further banned Syngenta Bt maize, while France and Greece have banned Aventis (now Bayer) GE rapeseed. [23]

Additional countries are going to join the EU in the next years, starting with Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia in 2004. New accession countries are expected to adapt legislation reflecting EU policies in the near future.

Hong Kong

In January 2000 the Legislative Council of Hong Kong supported a motion demanding mandatory labelling of GE products with a strong majority. An environmental consulting firm was contracted to study the economic impact of various options of labelling legislation.[24] Despite the fact that their report concluded that for most producers the extra-costs would be insignificant, the government declined to establish a mandatory labelling system. Another motion demanding mandatory labelling was debated in the Legislative Council on June 26, 2003, and supported by a majority of 27 out of 36 votes.[25] However, no final decision one way or another is yet confirmed.

India

Under Indian law, it is illegal to import, produce or sell any GE food without governmental approval. Such approval has been granted in the past for the import of soya oil. In March 2003, the Genetic Engineering Approval Committee (GEAC) rejected for a second time within months a consignement of US maize soya blend for concerns over GMO contamination, especially GE StarLink maize.[26]

Indonesia

GE food is regulated under the Food Act 1996 which lays down mandatory labelling of foods resulting from genetic engineering or containing GE ingredients.[27]

Israel

In November 2002, the Biotechnology Committee of the Ministry of Health has released for public comments a proposal for regulations regarding the labeling of genetically modified maize and soybeans and their products. The proposal suggests to exempt those products which do not contain protein and DNA from genetically modified crops and which contain less than 1% genetically modified material. It is unclear as yet when the regulation will be finalized.[28]

Japan

Safety review for GE products is mandatory since April 1, 2001. At the same time Japan adopted mandatory labelling for certain GE products where DNA or novel protein are detectable and GE ingredients constitute more than 5 per cent of the final product.[29]

Japan has a zero tolerance for unapproved GE varieties in foods. Foods found to contain any such unapproved varieties must be re-exported, destroyed or diverted to non-food use. Several cases of such contamination have been discovered in the last year, among them StarLink maize in food-use maize from the US.[30]

Republic of Korea

The Korean government requires mandatory labelling of foods where GE ingredients are detectable since March 1, 2001. Below a threshold of 3 per cent labeling may be avoided with proper Identity Preservation (IP) procedures. It covers products containing maize, soybeans, beansprouts and potatoes. Those selling food are expected to show certification documents as to the GE status of their products.[31] Anyone found to be falsely labelling will face a 3-year jail sentence or 30 million won fine. Those who fail to label will face a 10 million won fine.[32]

Despite the fact that there are no GE fish products on the market yet, the Ministry of Maritime Affairs and Fisheries announced that also GE fish products had to be labelled as of September 2001.[33]

Norway

Norway is regarded as having some of the strictest GE rules world-wide. No GE crops are grown commercially in Norway. The government has also banned the import of several GE crops and products which contain antibiotic resistance genes.[34] Labelling of all products with more than one percent GE content in any ingredient is required.[35]

Paraguay

The use of GMOs in Paraguay's agricultural sector has been banned since 2000 due to environmental and commercial concerns.[36]

Philippines

There are a number of bills in the Philippine Senate and Congress concerning the labelling of GE crops. No decision has been taken yet.

Poland

So far the only GE crop approved in food and feed products is Roundup Ready soya. A proposal for GE labelling is under under discussion. Poland is in the process of adopting GE regulations reflecting EU policies.[37]

Saudi Arabia

Strict labelling requirements for processed GE foods came into force in December 2001. They must be marked with a triangle and a warning in both Arabic and English.[38]

The Ministerial Directive No 166 placed a total ban on the import of foodstuffs containing GE animal products to the country. GMOs or GE products which are exported to Saudi Arabia must be accompanied by a health certificate by the GMO licensing government agency in the country of origin stating that the GMO ingredients are approved for human consumption.[39]

In March 2003, a decree was issued that also requires the labelling of all imported and locally produced GE animal feed, planting seed, fruits and vegetables effective from the end of January 2004.[40]

South Africa

Proposals for GE labelling and traceability are under discussion. Legislation could be passed once the Bureau of Standards finalises its system to segregate GE from non-GE foods.[41]

Switzerland

Food products (including additives) and animal feed stuffs which are or contain genetically altered matter, must be labelled as 'genetically modified organism' or 'contain genetically modified organism'.[42] In March 2003, the Swiss parliament adopted a new law on genetic engineering, which regulates the authorisation of GMOs and their release into the environment. It stipulates full liability and the 'polluter-pays-principle'.[43] So far no GE crops are allowed for commercial growing in Switzerland. A broad coalition including all Swiss farmers organisations demand a 5 year moratorium on any commercial growing of GE crops.

Taiwan

The Taiwanese government presented an outline of new mandatory GE labelling regulations on November 29, 2000.[44] After a grace period for food manufacturers, mandatory labelling of raw agricultural products containing 5% or more GMO took effect by January 1, 2003. Processed maize and soybeans will be added by 1 January 2004 and 1 January 2005 respectively.[45]

Thailand

In October 1999, the Thai International Economic Policy Committee decided a policy on GMOs that prohibits the import of GE seeds for commercial cultivation. This ban will continue until the biosafety and food safety has been scientifically proven. The import of GMOs for research purposes is allowed if there is a permission from the Director General of the Department of Agriculture (DOA).[46]

A ban on field trials with GE crops has been in place since April 2001. The Cabinet confirmed the ban in April 2003, arguing that it should be maintained until the National Environment Board confirmed that GE crops did not pose a threat to flora and fauna.[47]

USA

The U.S. Environment Protection Agency (EPA) has prohibited or restricted the sale or distribution of genetically engineered *Bt* cotton where wild cotton relatives exist in Hawaii and Florida due to concerns about outcrossing.[48]

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