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Food and Agricultural Import Regulations and Standards

Labeling of Genetically Modified Food Products 2003

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Report Highlights:

On October 18, 2003, the EU published two regulations on "Genetically Modified Food and Feed" and "Traceability and Labeling". This report gives an overview of specific labeling requirements applying to processed foods containing or produced from GMOs.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
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[E2]

Genetically Modified Food Labeling (Processed Food)

Intro

On October 18, 2003, the EU published two regulations on "Genetically Modified Food and Feed" (European Parliament and Council Regulation 1829/2003) and "Traceability and Labeling of Genetically Modified Organisms and the Traceability of Food and Feed Products produced from Genetically Modified Organisms" (European Parliament and Council Regulation 1830/2003). These new regulations repeal three of the four regulations currently in force: Regulation 1139/98 on the labeling of foodstuffs derived from Round-Up Ready soybeans and Novartis Bt-176 corn, Regulation 49/2000 on adventitious contamination and Regulation 50/2000 on genetically modified additives and flavorings.

The new rules enter into force on November 7, 2003, but there is a transitional period of six months for applying the requirements established by Regulation 1829/2003 and of three months for the application of Regulation 1830/2003.

The new regulations were published in Official Journal L 268 and can be downloaded from the Internet at http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l_268/l_26820031018en00010023.pdf (1829/2003) and http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l_268/l_26820031018en00240028.pdf (1830/2003).

Labeling

Articles 12 and 13 of Regulation 1829/2003 establish labeling requirements for foods, which are to be delivered as such to the final consumer or mass caterer and which:

- contain or consist of genetically modified organisms (GMOs) | [GMOs authorized](#)
- are produced from or contain ingredients produced from GMOs | [by the EU](#)

The new labeling rules do not apply to foods containing no more than 0.9 percent of genetically modified ingredients or if the presence of such material is technically unavoidable. Operators must supply evidence to the competent authorities that appropriate steps have been taken to avoid the presence of GM material.

Specific labeling requirements apply to:

- Foods consisting of more than one ingredient: the words "genetically modified" in parentheses immediately following the ingredient concerned or "produced from genetically modified (name of the ingredient)" must be included in the list of ingredients (list of ingredients: ref. article 6 of general labeling directive 2000/13/EC).
- Ingredients designated by the name of a category (e.g. vegetable oil): the words "contains genetically modified (name of organism) or "contains (name of ingredient) produced from genetically modified (name of organism) must be included in the list of ingredients.

The indications referred to in (a) and (b) may appear in a footnote to the list of ingredients. In this case they must be printed in a font of at least the same size as the list of ingredients.

- Foods for which there is no list of ingredients: the words "genetically modified" or "produced from genetically modified (name of organism)" must appear clearly on the label.

d) Pre-packaged food in small containers of which the largest surface has an area of less than 10 cm²: the required information must be indicated on the packaging material in a font sufficiently large for it to be easily identified and read.

Novel Foods containing or produced from GMOs

The new rules also affect Novel Foods Regulation 258/97. The authorization of novel foods and novel food ingredients containing or produced from GMOs no longer falls within the scope of the Novel Food Regulation but will be regulated by GM Food and Feed Regulation 1829/2003. Any characteristics or properties, as specified in the EU's GM authorization, must be indicated on the label of food products which are different from their conventional counterparts as regards composition, nutritional value or nutritional effects, intended use of the food or implications for the health of certain sections of the population or if the food product gives rise to ethical or religious concerns.

The label of novel foods, which do not have a conventional counterpart must also contain appropriate information about the nature and the characteristics of the foods concerned.

Traceability

Operators who market products produced from GMOs must ensure that the following information is transmitted in writing to the operator receiving the product:

- an indication of each of the food ingredients or additives produced from GMOs
- in the case of products for which no list of ingredients exist, an indication that the product is produced from GMOs

Operators must have a system and standardized procedure in place to hold the information mentioned above and to allow the identification of all the different operators by whom and to whom the GM foods were made available. This information must be kept for a period of five years. The traceability requirements do not apply to products containing less than 0.9 percent of GMOs, provided that the traces of GMOs are adventitious or technically unavoidable.

In cases where Community legislation provides for specific identification systems, such as lot numbering for pre-packaged products, operators are not obliged to hold the traceability information, provided that this information and the lot number is clearly marked on the package and that information about lot numbers is held for a period of five years.

Disclaimer: Sometime over the next 3-5 months, the European Commission will issue additional guidelines on how the two regulations will be implemented. Some differences in the interpretation and implementation of current regulations may persist among the member states and the European Commission. While every possible care was taken in the preparation of this report, we cannot guarantee the complete reliability and accuracy of the information provided. Readers of this report should therefore refer to the original documents cited and verify the import and labeling requirements with their foreign customers, who are normally best equipped to research such matters with the local authorities before any goods are shipped.

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