4th Baltic Biosafety Workshop:
Traceability and labelling of GMOs in the EU. Information and public participation in environmental matters.

REPORT

TIME: 5-6 October 2004
PLACE: Riga, hotel "Maritim", Latvia
PARTICIPANTS: Representatives from the Ministries of Environment, Agriculture, Health and their subordinated institutions (e.g., Food and veterinary services and centres, Environmental, plant production and veterinary preparations inspectorates), Research institutions, Laboratories and consumer interests' protection centres. There were also experts from the Swedish Environmental Protection Agency, Swedish Board of Agriculture, Swedish Ministry of Agriculture and Danish Veterinary and Food Administration. In total 45 participants.

THE GOALS OF THE WORKSHOP:
- To introduce the EU legislative framework on traceability and labelling of genetically modified organisms (GMO);
- To discuss information to the public and public involvement.

PROCEEDINGS:

Tuesday, 5 October

Welcome and introduction

Ms. Daina Indriksone, Baltic Environmental Forum (BEF), opened the workshop and welcomed the participants. She briefly introduced to the Baltic Environmental Forum and its activities. The goals and the agenda of the current workshop were introduced to participants.

Ms. Mette Svejgaard, Swedish Environmental Protection Agency (Swedish EPA), outlined that in the field of GMO the Swedish EPA advises other authorities on matters like deliberate release or placing on the market as well as on designing of relevant regulations in the country. The focal point for the Biosafety Clearing House (BCH) is placed at the Swedish EPA.

It was noted that there have been three previous events on GMOs organised in cooperation of BEF and Swedish EPA within the frame of the Baltic Biosafety project. Estonia, Latvia and Lithuania have hosted these events. Ms. Svejgaard outlined the project objectives as the capacity building for the Baltic officials in administration of a Biosafety legislative framework. Reports are available at: www.bef.lv.

Introducing to the fourth workshop agenda, Ms. Svejgaard put forward the main content questions which can be grouped in following: (i) what should be labelled and how are we going to control the labelling, and (ii) why must we inform and involve the public of and in our decisions and how can we do that.

Introduction to the legislative framework in the EU

Mr. David Carlander, Swedish Ministry of Agriculture introduced to the requirements set by the legislative GMO framework in EU. He also briefly illustrated general GMO market. There are many components of GMOs to be considered, e.g. high resistance, the ethical considerations and the "technophobia" of society towards GMO as a new technology. However, the GMO products, e.g. GM crops, GM soybeans, etc. are present and shall be considered on world markets.

Mr. Carlander gave a brief overview on the EU legislation on GMOs. Since early 1990-ties, the Directives and Regulations have been issued and aimed to protect health and the environment and to ensure the free movement of safe genetically modified products in the EU. The important legislative acts are the following:

- The first Directive 90/220/EEC on the deliberate release of GMOs into the environment (replaced by a new Directive 2001/18/EC);
- Regulation 258/97/EC on novel foods and novel food ingredients (include approved products in EU under Article (5), such as oils and derived products;
- Regulation 1830/2003 on traceability and labelling (covers all – GMOs and food and feed products produced from GMO).

Recent legislation on GMO includes:

- Regulation 65/2004 (14 January) on assignment of unique identifiers for GMOs;
- Regulation 641/2004 (6 April) on detailed rules for the implementation of Regulation 1829/2003 as regards the application for the authorization of new GM food and feed, the notification of existing products and adventitious or technically unavoidable presence of GM material.

Mr. Carlander explained and compared two "interconnected" procedures on obtaining an authorisation under the Directive 2001/18/EC and the Regulation 1829/2003. According to the "oldest procedure" (Directive 2001/18) assessment is done by National Competent Authority (NCA) in the Member State (MS) where 1st market introduction is planned. However, sometimes it is hard to know, whom exactly to address the notification. The "new procedure" (Regulation 1829/2003) uses the so called "One-door One-key" principle. Assessment is done by European Food Safety Authority (EFSA), which consists of panel of experts from some MS. Thus, the notification can be submitted to any CA in a MS, which later submit the notification to EFSA. An overview on the related decision process under Directive 2001/18/EC and Regulation 1829/2003 was presented.

Summarising the presentation, Mr. Carlander highlighted the potential perspective of the EU legislation development. While keeping in mind that the EU GM-legislation is "the strictest in the world" scepticism towards GMO is still noticeable in some Member States. Therefore, it can be in the power of the European Commission (EC) to deal with this issue. Overviews on implementation of the Regulations of the food and feed (1829/2003) and traceability and labelling (1830/2003) in the MS are to be prepared in October/November 2005.

Discussion was raised concerning the scepticism within EU on GMOs. Countries vote differently for these issues – some are for GMO, others are very careful by placing new products on the market. One of the reasons may be that countries do not see advantage for consumers. Consumer safety question is of great importance while some products, for example, widely used GM cotton is not an issue, because consumers do not use it as a food.

Mr. Carlander added the information on EC Joint Research Centre (JRC) where information to public is available regarding notification about deliberate field trials and placing on the market of GMOs. The JRC functions also as a reference centre of science and technology for the EU, thus keeping the reference material, validate methods for determination and cooperate with EU network on GM laboratories. More information can be found at http://gmoinfo.jrc.it.

Traceability and labelling of GMOs in the Baltic States

Overviews were presented by:

- Mr. Andres Õunmaa, Ministry of Agriculture, Estonia;
- Ms. Olga Orlova, Latvian Food Center and Ms. Ieva Kļavinska, Food and Veterinary Service, Latvia;
- Ms. Ilona Drulytė, National Nutrition Center; Ms. Vida Jarošienė, State Food and Veterinary Service and Ms. Lina Ganusauskaitė, State Inspection of Veterinary Preparations, Lithuania.

In all three Baltic States the GMO authorization procedure is at place. More information about the existing legislation acts and the competent authorities is presented in the **Annex I.**

In the Baltic States certain attempts of control and testing of GM food and feed has been performed. Test labs are established.

The implementation of traceability and labelling of food (in Denmark) and feed (in Sweden)

Ms. Hanne Boskov Hansen, the Danish Veterinary and Food Administration introduced to the implementation of Regulation 1830/2003 on traceability and labelling of GM-food in Denmark. She informed that since few weeks the Danish Veterinary and Food Administration (DVFA) is under the Ministry of Family and Consumer Affairs, and has taken the responsibility to control GM-food. Environmental cases are controlled by the Ministry of Environment, but feed – by the Food Ministry. Describing the structure of Administration, Ms. Hansen mentioned the regional structure of DVFA with a central administration and 10 independent regional offices. Administration, development, coordination and the formation of rules and regulations take place in the central administration (located near Copenhagen). This authority also looks at complains from companies over decisions made by the regional offices. 200-300 people are with the central administration. Ms. Hansen added that the Danish position regarding approval of new GM-foods in the EU is based on scientific risk assessment which is carried out be the Danish Institute of Food Research.

Further, Ms. Hansen explained the basic definitions of GMO (according Directive 2001/18) as food that consist of, contain or is produced from GMOs. She listed the authorized GM-food products in the EU e.g., particular soy products, maize and maize products, rapeseed oil, cottonseed oil, vitamin B_2 (riboflavin) and sweet maize. These approved products can be marketed in the EU, but have to be labelled for the final consumer. Products, which were on the market before April 2004, can still be marketed, provided that the company has notified the use of the product to the Commission no later than October 18 2004. Ms. Hansen also explained labelling requirements for the final consumer, threshold values (0.9%) and traceability of GM products.

Explaining the control systems, Ms. Hansen pointed out, that it is the responsibility of manufacturers or dealers to ensure that the GM food meets the requirements of the legislation and the additional control is carried out only in problematic areas or cases. Food manufacturers and importers need to have an own-check system, which specifies the checks that the company carry out in order to make sure that the products comply with the legislation. These own-check systems are authorised by the regional food authorities. Additional control (including analytical control) is used by the authorities in areas where problems are encountered or expected, as well as to serve as a support for the inspection. One of the important control principles with regard to analytical control includes going as close as possible to the source, e.g. production site.

The DVFA has made a guidance for the industry and food inspectors on the implementation of Regulations (EU) 1829/2003 and 1830/2003 in relation to food. In this guidance, there is a check-list for companies and inspectors regarding the compliance with the two Regulations.

Answering the questions Ms. Hansen specified that in an on-going survey in 2004 about 50 soy and soy products will be analysed. It was stated that case-by-case decision is made concerning the labelling of GMO-containing products, if the detected content is rather low (e.g., 0.3%) the enterprise must document that the presence is adventitious or technically unavoidable. High GMO contents (e.g., 10%) in samples have not been an issue up to now. Therefore, use of "Rapid alert system" has not been considered up to now, but may be used in future.

Participants were interested in how the control and penalties system functions in Denmark. Ms. Hansen explained, that if the remark from controlling authority states: "not labelled correctly" the regional authority decides what measures should be taken by the company and what penalty should be used. Drawing back products from the market already causes inconvenience to producer; therefore this is often the only "penalty" used the first time a company does not comply with the legislation. Further, the company would have to improve its own-check system. If the requirements are not fulfilled, then a fine (normally ~500-1000 Euro) can be applied. However, there have not been such cases in Denmark so far in the food area.

Ms. Zofia Kurowska, Swedish Board of Agriculture described the system for implementation of traceability and labelling of feed in Sweden. She introduced to the administrative structure of the Swedish Board of Agriculture and pointed out, that the Feed Quality Division is responsible for the national feed control and it provides an advisory/expert function to the Ministry of Agriculture, feed companies and prepares information to the public.

Ms. Kurowska pointed out that the feed control is organized according to the official control plan. Data collection, basic control and safety checks are performed according to this plan. Procedure for inspection of feed produced from GMOs is carried out according to the special check-list *(see in the Annex 2)*. Information provided with the check-list is not made public so far in Sweden. 11 feed inspectors and county/district veterinarians perform control. 1500 nutrient samples/year are checked and in cases of deviation from allowed limits - a remark is made to a company (10% of samples with remarks). In severe cases sanctions can be applied, e.g. stop selling the product, penalty.

Ms. Kurowska explained briefly the Swedish feed control financing sources, i.e. producers fee and governmental grants. Producers fee (200-500 Euro/year) is paid by companies and further used to cover administration costs and nutrient analysis. Governmental grants are in operation for more expensive GMO analysis, dioxins determination. Samples for analysis are mainly sent in cases when suspicions arise during the inspection (number of samples will depend on money from the government allocated).

Concerning the consumers demand, it was stressed that an ethical decision was made in Sweden not to use GM-feed in farms. Food authorities do not allow claims on labelling, because it would require performing analysis. It can be written: "not intentionally used". For comparison, organic farmers are not allowed to use GM-feed.

Answering the questions, Ms. Kurowska admitted that in Sweden there is no GM-feed for pets and it is not labelled. Problem may arise with soy mixed in pet food for keeping consistence. Concerning the feed in grains, it was clarified that control of spreading is performed. However, as soy is not grown in Sweden, there is no risk of spreading of GMOs.

Working group session I. "Scenarios on food and feed labelling and traceability" (Annex 3)

During national working groups experts analysed cases highlighting problems with documentation and control to be in accordance with EU Regulation 1830/2003. Cases were related to food and feed labelling and traceability.

Discussion on results from each working group was held in plenary session moderated by Ms. Mette Svejgaard. Experts from Latvia, Lithuania and Estonia presented their findings. Afterwards experts from Sweden reflected on the results and presented their considerations for solving these problems.

Wednesday, 6 October

Civil society and public participation with focus on GMO issues

Ms. Ida Edwertz, Swedish EPA introduced to a citizen perspective in the Public Administrations environmental work. She admitted that since recently a decreased trust to public institutions in the Swedish society has been observed, while awareness of the importance of public support in the environmental work is noticeable in these public institutions itself. Attention therefore has to be put on a citizen perspective, i.e. interest of the public on performance of organization, quality of results produced and use of the taxpayer money. The common guiding pinciples set in EU legislation and International treaties on public involvement and their access to information were briefly outlined. The main obligations in the Aarhus Convention necessitates to ensure public access to information, participation in the decision making process and access to justice.

Ms. Edwertz presented examples of the work carried out in Sweden to ensure public involvement. A special action programme has been created for ensuring the quality of public administration. This program includes also a vision of the future public administration, which should be modern, efficient and public oriented for 24

hours during 7 days. The 24/7 Agency will be created using a sophisticated Information Technology basis and will develop service and access to information, look at matters handled by the authority, send in public views and questions, etc. Further, the Swedish EPA activities were briefly described and good examples advertized (e.g., The Climate Information Campaign).

Answering the question if the information presented to citizens will increase their quality of life, Ms. Edwertz stressed, that sometimes ”big” problems can be solved by ”simple” solutions, e.g. by giving to public an opportunity to express their views and concerns.

Ms. Mette Svejgaard, Swedish EPA described the access to information and public participation on GMO matters in the EU. The legal frame regarding GMOs is set by the Directive 2001/18/EC (deliberate release into the environment), Regulations 1829/2003 (food and feed) and Regulations 1946/2003 (transboundary movements).

Aarhus Convention can be attributed to one of the corner stones to public involvement. Ms. Svejgaard mentioned that no binding rules are stated there with respect to GMOs. In articles on providing the information, GMOs are mentioned, while no mentioning of GMOs has occurred in articles dealing with public participation. A remark was made, that Sweden is preparing to ratify the Aarhus Convention in January 2005.

Ms. Svejgaard highlighted briefly the type of actions required from the Member States for involvement of public, i.e. consult the public, inform the public and make information available. She pointed out the MS obligation to consult the public when making decisions on deliberate release of GMOs (Directive 2001/18, part B) and advised to consult public also in the process of getting the notification.

Ms. Svejgaard admitted that it could be difficult to judge on the real meaning of statements in legislation. For example, dealing with registers for locations of GMOs allowed according to part C (Directive 2001/18) it is stated that informing of public must be done by the CA: “*in accordance with national provisions”*. However, it is not explained clearly, what it means exactly.

One more obligation of the Members States to the public concerns availability of registers, risk information and results of monitoring of GMO releases. Currently, many registers on field trials are available in Sweden, but no in the Baltic States.

Ms. Svejgaard outlined briefly the obligations of the EU Commission and presented a list of information, what the EU Commission must make available. A remark was made, that for the Commission it will not be an easy task, and it could be handled on basis of the results of monitoring performed in the MS.

Finalizing the presentation, it was stressed, that all these requirements for availability of information to the public contain the disclaimer: “excluding confidential information”. However, rules of confidentiality may be a tricky issue as they are made to protect companies. Ms. Svejgaard mentioned an example of the recent confidentiality case in Sweden.

Plenary discussion: Public interest on GMO from the Baltic States

Estonia: Most comments from public are related to the EU applications on marketing of GMOs. In Estonia, NGOs write letters in order not to allow GMO application there, and thus these activities heat up the public. Public is very negative about GMOs. Representatives from public approach Ministry of the Environment to express their attitude.

In 2002, a survey has been carried out in order to assess the public knowledge on GMOs. Results indicated that only 10% of respondents have heard about GMOs. Presently knowledge on GMO in public is raising, however, it leads to more pronounced polarization of society as well.

Latvia: People are concerned about the GM-food while environmental concerns are not expressed. Activities are noticeable from the Consumers protection board, which consider labelling being not useful for consumers and therefore not so many questions are asked from the public.

Recently for the public information has been conducted the UNEP-GEF project: www.biosafety.lv
Thus, information is enough in Latvia. However, public interest is not so high. Questions from public are addressed to the Ministry of Agriculture. People are more concerned about the control methods.

Lithuania: Regulation on Public Information and Participation in Issuing Permits for the Use of GMO or GMP adopted by the Order of the Minister of Environment and came into force in June 2003. The regulation was drafted in consideration of Aarhus Convention, the Council directive 98/81/EC amending Directive 90/219/EEC on the contained use of genetically modified micro-organisms, the European Parliament and the Council directive 2001/18/EC on the deliberate release in environment of GMOs. According to this regulation the notifier has to inform the public via different mass media concerning the intention to use the GMOs in Lithuania.
Lithuania has established the National genetically modified organisms database (the UNEP-GEF project: http://gmo.am.lt), which plays central role concerning information sharing and therefore is an important tool to implement the Cartagena Protocol, to inform the public and to promote biosafety. Its scope is to facilitate access to as well as exchange of information on and experience with GMO. In the national database information is presented in Lithuanian. In future the national information will be presented in English and the data will be transferred to the Biosafety Clearing House either via Internet interoperability or via some export options.

The Government of Lithuania organized the meeting of representatives from the Ministries of Environment, Health Care, Agriculture and State Food and Veterinary Service in July 2004. They discussed about the need of the public interview and decided to arrange the public questioning. There were interviewed 1007 respondents from 18 cities, 58 countryside settlements, various social standings. A few examples: most of the information obtained from press-offices – 10.9%, there is no will to consume GM food – 50.8%, there is a negative opinion about GM plants growing in Lithuania – 50%, there are almost 40.2% of total population that do not know anything about GMOs.

A recent case of confidentiality

Ms. Zofia Kurowska, Swedish Board of Agriculture shared experience with the recent case of confidentiality concerning GM-maize MON 863 and rape GT73 in Sweden. Tests with rats using these products had shown some deviations of blood composition. "Greenpeace" requested information on these results. Swedish authorities contacted company to enquire on what parts are really confidential in this research. After the consultation, Swedish governmental authorities have sent to "Greenpeace" summaries of the research. However, "Greenpeace" insisted to receive research results in full extent. Currently, the conflicting case is in the court.

Ms. Kurowska pointed out the unclear issues in this case where there is the border between confidentiality and the issues of public interest. According to the Swedish law: "*confidentiality is valid if you can assume that a business company suffers injuries because facts are left out"*. Problem thus appears on how to handle information in a correct way. Public gets right to access of information. But, mass media concentrate on "bad" information, delineate missing words, etc. However, consequences are appearing in a way that companies start to apply restrictions on providing information to the authorities because of fear that this information will get out and company will suffer.

In Estonia, confidentiality is determined in a law. Confidentiality matters are decided at the Inspectorate after consulting the Ministry of the Environment. However, if the confidentiality agreement is signed, information will stay with the authority in any case. In Latvia, there are Cabinet of Minister Regulations related to the confidentiality issues. Decision on confidentiality is made at the Ministry of Environment, Ministry of Health, and competent authority depending on the particular case. In Lithuania, decision on the confidentiality is made at the Ministry of Environment.

Working group session II. "Scenarios on public participation and access to information in GMO matters" (Annex 4)

During national working groups experts analyzed cases highlighting problems with public participation and access to information. Discussion on results from each working group was held in plenary session moderated by Ms. Svejgaard. Experts from Latvia, Lithuania and Estonia presented their findings. Afterwards experts from Sweden reflected on the results and presented their considerations for solving these problems.

Evaluation of the workshop

In order to get a feedback, participants of the workshop were asked to fill-in the evaluation sheets on the Baltic Biosafety Workshops. More than 70% of the participants filled in evaluation schemes for the event. Half of the respondents have been attending these workshops more than once, for others it was the first event within these arrangements. The scope of this workshop was sufficient for 80% of respondents.

Respondents have highly appreciated the teamwork sessions during the workshop. A large majority of the respondents find that they have learned something usable for their work. Respondents have an opinion of very good/good speakers' competence.

Among the issues to be dealt with in a continued Nordic-Baltic cooperation the respondents proposed the following: Co-existence between conventional, GMO and organic farmers, rapid alert system between the Baltic States, consumer acceptance and consumer information.

CONCLUSIONS AND RECOMMENDATIONS

- All authorised GMO food and feed containing ingredients consisting of more than 0.9% GMO (weight- or percentage of DNA- basis) and food and feed derived from GMO (more than 0.9%) should be labelled.
- Labelling and authorisation are not required for processing aids (decision on fermented products has been postponed until 2005), non-food and non-feed products derived from GMOs, e.g. textiles of GM-cotton are covered under Directive 2001/18 on deliberate release.
- Control of labelling is done by informing the market actors on the requirements, controlling import of feed at the border (e.g. Lithuania), checking documentations in the food and feed chain, taking test samples from food and feed in special "risk" categories. But – how many documentation checks and test sample analysis have to be done to fulfil the requirement set in Regulation 1830/2003 Art.9.1? That is still an open question in the EU.
- The Baltic States, Denmark and Sweden have performed some kind of control and testing of GM food and feed. However, it is done to a very different extent between the countries.
- In Lithuania, Latvia and Estonia the control of **food** is done by a central authority (but by regional offices) and in Sweden – on county level. The control of **feed** is done at national level. In Denmark the control of **food and feed** is done regionally.
- When the GM food products are marketed, companies should check if the product is covered by an authorization for marketing as a food in the EU, if the labelling for the final consumer is correct, if the company have procedures to avoid contamination of non-GM products with GM products, if the information on the GM-origin of the product is delivered to the buyer of the product, and if the company keeps documents for at least 5 years from the last transaction.
- When the company wants to avoid marketing GM food they should check if the food and food ingredients are of non-GM origin, and if the company have producers in place to prevent contamination of non-GM products with GM material.
- Public must be informed of and involved in decision making in order to keep and gain confidence, fulfil legal obligations, make better decisions, make implementation easier and save time.
- Actions to involve public include raising awareness among employees, prioritization and structuring the disseminated information, informing and involving at strategic points in decision making.

NEXT STEPS

- Countries are welcome to send their project proposals for further cooperation needs to daina.indriksone@bef.lv or to mette.svejgaard@naturvardsverket.se.

Report by Ingrida Bremere, BEF

Annex 1

GM-food and feed traceability and labelling in the Baltic States

	Estonia	**Latvia**	**Lithuania**
Legislation	• EU Regulations 1829/2003 • Food Law; Feed Law (2004) • Law on GMOs (2004)	• EU Regulations & Directives • CM Regulations 333 on contained use, deliberate release and placing on the market of GMOs (20.04.2004)	• EU Regulations • Law on GMO (in force since 2001) • Orders for implementation the Law on GMO:
National Competent Authority: GM-food GM-feed	Veterinary and Food Board Plant production Inspectorate	Latvian Food center (secretariat function)	Ministry of Environment (leading institution)
Risk assessment	• The Novel Food Committee advise the MoA (for food) • The Gene Technology Committee advise the MoA (for feed)	Monitoring Council of GMOs (membership – governmental, scientific research and non-governmental)	Ministry of Health
Control of food and feed (control of food by regional offices; control of feed is done at national level)	• National Institute of Chemical Physics and Biophysics • Agricultural Research Centre	• State Environmental Inspection (MoE) • State Labour Inspection (MoH) • Food and Veterinary service (MoA) • State Plant Protection service (MoA)	State Food and Veterinary Service
Test labs	• National Institute of Chemical Physics and Biophysics • Agricultural Research Centre Tests validated in the UK	• State Veterinary and Medicine Diagnostics Centre Tests validated in Lithuania	• National Veterinary Laboratory An accredited national laboratory

Annex 2

Check list used for inspection of feed produced from gene modified organisms

Does the company handle living GMO?

Feed materials manufactured from soya
If feed materials produced from soya are handled, in which form are they handled?
In which end products or in which category of end products is the feed material included?
Is GM soya used as raw material in manufacturing of any product?

Feed materials manufactured from maize
If feed materials produced from maize are handled, in which form are they handled?
In which end products or in which category of end products is the feed material included?
Is GM maize used as raw material in manufacturing of any product?

Feed materials manufactured from rape
If feed materials produced from rape are handled, in which form are they handled?
In which end products or in which category of end products is the feed material included?
Is GM rape used as raw material in manufacturing of any product?

Approved strains of maize, soja and rape are listed in table …..

Legislation
Approval of feed produced by GMO: se Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed

Labelling GMO products

Routines concerning documents which certify that current law is applied
The routine shall assure that current documents are modified when needed so that only valid editions are used.

Questions	**No**	**Yes**	**Remark**
Is there **documentation** certifying that current law is applied concerning GMO products?			
Are the routines for documentation concerning GMO products included in the companies **own control plan**?			
Is there a **responsible person** within the company who sets up, revises and archives the documents?			
Who at the company is responsible that the stipulated **handling of the documents is followed**?			
Are there **certificates** from the suppliers which show that actual feed materials are produced under satisfactory circumstances?			
Are there certificates showing that **analyses** have been performed by the supplier or on request of the supplier concerning GMO in feed materials?			
Is there a special i**nstruction** concerning GMO when **receiving** a feed material?			
Does the company perform their **own analyses** concerning GMO products?			
Are there routines for **proceeding/proceedings** when **deviations** from the quality parameters arise?			
Are there routines for **traceability** of products which leave the company concerning GMO?			

Remark-muber	**Remark**

Legislation
Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC

Further information on this legislation may be found on the website of the Board of Agriculture (www.sjv.se).

Annex 3

Results of the working group session I.
"Scenarios on food and feed labelling and traceability"

Case I: Feed for chickens. Corn imported from Spain intended for use as feed for chicken is labelled with "contains genetically modified corn" and "not intended for use as seed".

What actions from the authorities does this import trigger?	**Who should be informed and how?**	**Does the chicken fed with this feed has to be labelled?**
No import control (EU market) Comment SWE: Authority approaches importer (as it is GMO) and asks for documents. Importer does not have documents, because the product is already labelled. Authority has to check seller.	LIT: Operator informs local authority, i.e. State Food and Veterinary Service, that provides information to MoE EST: No legal requirement that everybody who uses GMO has to inform authorities. No obligations for control.	NO special labelling for chicken

Case II: Mesh from beer. A brewery in Sweden uses GM-maize as a basis for its beer production. The beer itself will be labelled. **But how should the rest product used as feed be handled?**

LIT: Mesh for feed labelled (if packaged – on packs; if in bulk – in documents) LAT: Product labelled EST: Feed material labelled on quality documents, that it contains GMO	Comment SWE: Beer does not need to be labelled. Voluntary labelling is done, because company wants to introduce that on market. Choice is given for consumer. For labelling the rest product – company has to pay a fee (~5000 SEK). If the requirement is not fulfilled – company can be taken to court. **Value of the rest product is low, but what to do then?** EST: Company, registered to produce feed for commercial purposes pay fee LIT, LAT – do not know

Case III: Soybean oil. Authorities in Austria claims that soybean oil sold in food stores originate from GM-soybean not approved of in the EU. **Does this trigger any action for authorities in the Nordic and Baltic States according to the GM Food and feed regulation?**

LIT: If it is feed material - control guiding documents for oils, if GM-soybean, not allowed to use and will be destroyed. If it is on food market – check information, if "Yes" – dispatch utilization, notify authorities in Europe about event in Lithuania EST: Consumer protection board will inform Food board will take actions in "rapid alert case" and notify other bodies LAT: Not approved oil on market (if not approved in Europe). Contact companies and supermarkets – inform about the case, information from "rapid alert system". Check the movement of the product.	Comment SWE: Do not trust Austria, ask for prove!! That is to be sure before approaching the market and withdraw the product. National food association make a risk assessment – based on which the penalty sanctions for importer can be applied. If no risk: no withdrawal. Another approach is that analyses are done by Austria. If oil is totally different – "yes", follows total recall. It can be political decision to make!

Case IV: The Danish authorities finds GMO soybean in organic food for milk cows. **How do you get to know about it? What actions are required?**

EST: Danish colleagues inform using "rapid alert system" information, go directly to distributor. Milk prohibited selling as an organic product. LAT: Danish colleagues use "rapid alert system". Danish company informs Latvian company about it. Check all products distributed by this company, if offences found – take out products from the market. Organic farmers using GMO soybeans are punished (not selling the organic production). Farmers get money from the company selling the GMO product.	Comment SWE: Regulation on feed is there. If such accident was – do not know how to handle it. Processes are slow and thus there is a time lap. During this time farmers already put their product on market and it may be already consumed. How the information will flow – taking out products from market may cause danger to economy – is the system made for this?

Case V: After some years a GM sugar beet has been approved of. The beet is being grown in Latvia and Lithuania for production of sugar. After refining the sugar a rest product can be used as feed. **How this feed should be labelled, what documentation must follow it? Is it possible to use it in organic production?**

LAT: Feed must be labelled – that produced from GMO, not allowed in organic production	LIT: Feed needs labelling, not allowed for organic production

The sugar is used for production of marmalade, sweets and as a minor ingredient in mustard. **How should this product be labelled? How do the producers of them get to know that hey have to add a label?**

LAT: Producers are informed, they know rules. Producers have to put labelling "produced from GMO"	LIT: If ingredients in marmalade, notification shall be made. Labelling "contains ingredients produced from GMO". Producers have information from relevant legislation, from documents.

A consumer's organization claims that a local produced marmalade is made on GM-sugar. **To whom do they direct their claim? How can the responsible authority proceed to find out if the claim is true or false?**

LIT: State Food and Veterinary Service will receive claims – by phone (tax-free calls, everybody can call), using e-mail. There every case is checked.	LAT: Food center informs the Food and Veterinary Service to check out the problem.	EST: Food board will deal with this issue. But prove is needed, that there is GM-ingredient used.

Annex 4

Results of the working group session II.
"Scenarios on public participation and access to information in GMO matters"

Case I: The forest research institution in **Estonia** wants to grow GM poplar (*Populus sp.*) on fields at the institution. A notification is made to competent authority (CA)

How will the CA consult the public in the matter?	**What are the time limits?**	**Will all parts of the notification have to be made public?**
Publish notification on web-page	Time limits 1 month, after 2 month results; all in total 3 month	Only parts of notification which are not confidential

Case II: The **Latvian** CA receives from the EU Commission a notification for placing on the market of a herbicide tolerant canola (*Brassica napus*) together with an assessment report from the CA in Germany.

How will the Latvian public get to know about this?	**What institution should collect comments from the public?**
Notification received at the Latvian Food Centre, publish list in "Latvijas Vēstnesis" and in Latvian Food Centre home page. Information is put out only after the decision is made.	Latvian Food Centre collects information. Comments received after the decision is made are sent to GMO Council; they analyze these comments.

Case III: Lithuanian broiler producers have been using imported GM maize as feed. **Is it possible for the Lithuanian public to get to know about this? How?**

Yes, it is possible for Lithuanian public to get information. Information is provided to Veterinary department, Food department, informed are also Consumer organizations. For public, it is passive process, i.e. no special information provided; they have to look for it themselves.	Comment SWE: For experimental release of GM products – obligation to inform public is with the Member State. In this case, EC takes the responsibility to inform public. No obligation to MS to inform. Comments sent to European Commission, it gives comments to MS. In Sweden specific producer is not entitled to answer questions from the public about the specific feed they use. If authorities come - producer has to inform authorities. Authorities have no obligation to inform public.

Case IV: The EFSA opinion and assessment report on herbicide tolerant wheat for import and use as food and feed in the Community is sent to the Baltic CAs for comments. The organic farmers' organisation in each country asks their national authority to have a copy of the material. **Are the Baltic CAs obliged to do that?**

Yes, giving copy is allowed. However, notification contains confidential parts. Information is given out without them. In Lithuania, representatives from farmers' organizations are included in steering committee, then information is given out officially, but without confidential information.
According to EU requirements – authorities are not obliged to provide a copy, but usually will do so anyway.

Case V: After a long procedure the EU Commission finally decides to place herbicide tolerant canola on the market for growing, food, feed and processing. The consumer's organisation of Estonia and the organic farmers organisation of Lithuania wants this decision overruled in their country. **Does the GM legal frame admit such a step? Does the Aarhus Convention?**

LAT: Organizations must go to the respective Ministries and explain, why they want this information. If MoE accepts, then turn to EC. If arguments are not good enough to prove, then nothing to do.	EST: Organizations provided with sufficient scientific arguments.