

AUSTRALIA AND NEW ZEALAND FOOD REGULATION MINISTERIAL COUNCIL

13 AUGUST 2008

FOOD MINISTERS REQUEST A REVIEW OF VARIATION TO STANDARD 1.5.2 – FOOD PRODUCED USING GENE TECHNOLOGY – THAT HAS RESULTED FROM APPLICATION A595 – FOOD DERIVED FROM INSECT-PROTECTED CORN LINE MON 89034

The Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) has requested that Food Standards Australia New Zealand (FSANZ) review variation to Standard 1.5.2 – Food produced using Gene Technology – that has resulted from Application A595 – Food derived from insect-protected corn line MON 89034.

Application 595 seeks to amend Standard 1.5.2 – Food produced using Gene Technology, to include food derived from insect protected corn line MON 89034 as approved for sale and use.

The Criteria for the review of variation to amend Standard 1.5.2 – Food produced using Gene Technology is that:

- It does not protect public health and safety.

As the persistence and uptake of transgenic DNA is not explicitly addressed in Application 595 assumptions drawn about the human health significance of the digestion can not be confidently made.

- it does not provide adequate information to enable informed choice

The current GM labelling regulations may be inadequate in providing consumers with sufficient information to make informed purchase decisions. According to the current labelling regulations, highly refined products such as oils do not require labelling if derived from a GM source. This may not provide consumers with adequate information to enable informed purchase decisions.

- it is difficult to enforce or comply with in both practical or resource terms.

The assessment report does not adequately address the issues of concern, such as independent safety testing, extension of labelling requirements for GM derived foods and inadequate enforcement of GM labelling legislation.

FSANZ has 3 months to review the draft standard and re-affirm, re-affirm with amendments, or withdraw its approval of the draft standard.

The process for requesting a review

After Food Standards Australia New Zealand (FSANZ) notifies the Australia and New Zealand Food Regulation Ministerial Council (the Council) of a draft standard or variation the Council may request a review if any jurisdiction believes that one or more of the Criteria/Ground/s¹ set out in the Food Regulation Agreement 2000 (as amended in 2002) (the Agreement) or the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (the Treaty) applies. The Criteria / Ground/s set out in the Agreement and in the Treaty are:

- (i) it is not consistent with existing policy guidelines set by the Ministerial Council;
- (ii) it is not consistent with the objectives of the legislation which establishes FSANZ;
- (iii) it does not protect public health and safety;
- (iv) it does not promote consistency between domestic and international food standards where these are at variance;
- (v) it does not provide adequate information to enable informed choice;
- (vi) it is difficult to enforce or comply with in both practical or resource terms; and / or
- (vii) it places an unreasonable cost burden on industry or consumers.

In exercising this power the Council must comply with the Agreement and the Treaty. Under the Agreement the Council will request a review if any jurisdiction considers that one or more of the Criteria applies. The Council would also, at this point in the process, request a review if New Zealand notifies the Council of concerns that the standard would be inappropriate for New Zealand (Annex C(2) of the Treaty).

If such a review is undertaken and the Council receives notice from FSANZ that the draft standard or variation has been reaffirmed (either entirely or subject to amendments) the Council may request a second¹ review. In exercising this power the Council must comply with the Agreement. Under the Agreement the Ministerial Council will request FSANZ to review the draft standard or variation a second time if it is agreed, by a majority vote, that one or more of the Criteria applies.

¹ This part of the protocol will have to be updated once the 'Agreement between the Government of Australia and the Government of New Zealand Establishing a System for the Development of Joint Food Standards' (the Treaty) has been amended to reduce from two to one the number of occasions on which the Council may request the Authority to review a draft or a variation to a standard. This will harmonize it with the Food Standards Australia New Zealand Amendment Act 2007.