

AUSTRALIA AND NEW ZEALAND FOOD REGULATION MINISTERIAL COUNCIL

24 OCTOBER 2008

**FOOD MINISTERS REQUEST A REVIEW OF VARIATION TO
STANDARD 1.5.2 – FOOD PRODUCED USING GENE TECHNOLOGY –
THAT HAS RESULTED FROM APPLICATION A1001 – FOOD
DERIVED FROM INSECT-PROTECTED CORN LINE MIR162**

The Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) has requested that Food Standards Australia New Zealand (FSANZ) review the variation to Standard 1.5.2 – Food produced using Gene Technology – that has resulted from Application A1001 – Food derived from insect-protected corn line MIR162

Application A1001 seeks to amend Standard 1.5.2 – Food produced using Gene Technology, to permit the sale and use of food derived from insect-protected corn line MIR162.

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

- It does not protect public health and safety

There is no confidence that the construct is safe for human consumption as there is an absence of independent long term animal feeding trials designed to measure outcomes relevant to human health.

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.