

Chief Port Health Officers & Nominated Officers for
Imported Food (England) - for information

Heads of Service of Feed Authorities with responsibilities
at points of entry – for information

cc: APHA
CIEH
LACORS
APA
Trading Standards Institute
Health Protection Agency

29 July 2008

Reference: IFD/E/08/027

Dear Colleagues,

UNAUTHORISED “Bt63” GENETIC MODIFICATION IN SPECIFIED PRODUCTS FROM CHINA: UPDATE

This letter is addressed to Chief Port Health Officers and Nominated Officers for Imported Food in England and Heads of Service of Feed Authorities with responsibilities at points of entry only, for information.

Further to our previous letters 7th March (reference IFD/E/08/007), 9th April (IFD/E/08/011) and 21st April (IFD/E/08/014) regarding the unauthorised GMO Bt63 and the requirements for certification of rice products consigned from China, you will wish to be aware that we have received the following clarification from the European Commission on Decision 2008/289/EC regarding the scope of the decision and use of accredited laboratories based in China or Hong Kong which can issue the analytical report to accompany consignments of rice and rice products from China.

Change in scope

The Chinese authorities have placed restrictions on rice exports so that Chinese rice exported to Hong Kong is not permitted to be re-exported from Hong Kong.

The Commission has issued advice that rice originating from a third country other than China and exported from Hong Kong does not require a certificate. Any products made from rice originating from China and shipped from Hong Kong will still require a certificate.



Certificates from accredited laboratories

Article 2 of the Decision requires that the laboratory certifying the consignment free from Bt63 must satisfy either condition A or B below:

- A) Be an official **or** accredited laboratory.
- B) In the case of an analytical report issued by a **Chinese accredited laboratory**, the analytical report shall be endorsed by the Chinese competent authority.

Commercial accredited laboratories in Hong Kong and China would meet condition A. With regards to condition B, this applies to laboratories based in mainland China.

For those accredited laboratories not based in mainland China (such as those in Hong Kong) recital 12 of the Decision 2008/289/EC states

"the analytical report should be issued by an accredited or official laboratory conforming to internationally recognised standards. In the case of an analytical report issued by an accredited laboratory it seems appropriate to foresee that this report is endorsed by the relevant competent authority".

Endorsement by the Chinese authorities can be appropriately replaced by the endorsement of the relevant competent authorities of the country of the laboratory, which would therefore mean that certificates provided by Hong Kong based laboratories would be acceptable provided that they are endorsed by the relevant Hong Kong authorities.

If you need further information on this guidance, please contact my colleague Trudy Netherwood in our Novel Foods, Additives and Supplements Division on 020 7276 8592 or by email at trudy.netherwood@foodstandards.gsi.gov.uk

The advice contained in this letter should not be taken as an authoritative statement of the law or its interpretation. Only the courts can decide whether in particular circumstances an offence has been committed.

I hope that this is helpful but if you need any further information please let me know. The Agency's imports section on our website can be found at <http://www.food.gov.uk/imports>

Yours sincerely

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