

NOTE OF SCOPING MEETING WITH STAKEHOLDERS TO DISCUSS Bt63 IN RICE PRODUCTS FROM CHINA

DATE & TIME: Friday 22 February 2008 at 11.30am

List of Attendees:

Food Standards Agency (FSA)

Novel Foods, Additives and Supplements Division
Emergency Planning, Radiation and Incidents Division
Imported Food and Food Standards Enforcement Division
Communications Division

Interested Parties

British Hospitality Association
British Retail Consortium
Food and Drink Federation
Friends of the Earth
Grain and Feed Trade Association
GM Freeze
Local Authority Co-ordinators of Regulatory Services
See Woo Foods Ltd
W Wing Yip Plc

Purpose

The purpose of the meeting was to explain to stakeholders the emergency measures regarding the Commission's Decision on Bt63 in rice products imported from China and to establish the nature and scale of the issue.

Background

The Chair (Clair Baynton) explained that Bt63 is a variety of rice which is not authorised in the European Community and that the presence of Bt63 in rice products from China first came to light in September 2006. The European Commission had worked with the Chinese authorities to ensure that products exported from China complied with EC requirements and subsequent sampling results indicated that the controls were working. However, in February 2007, Bt63 was again detected in rice products. Subsequent detection of Bt63 in further samples has resulted in the Commission's move to put emergency measures in place.

Draft Commission Decision

The FSA informed the meeting that the final version of the Decision was not yet available. [*Note: Commission has since confirmed the intention to publish the Decision in mid-late March*]. The Decision will require consignments of rice products from, or originating from, China to be accompanied by an 'analytical report' issued by an accredited Chinese laboratory demonstrating that Bt63 is not present. When

consignments are split, copies of the analytical report must accompany each separate consignment. The Decision will require Member States to take appropriate measures including random sampling and analysis for Bt63 and specifies the method for analysis. The Decision will also provide a non-exhaustive list of CN codes under which products likely to contain rice are imported. It was, however, noted that as these CN codes cover a range of products, rice products may not always be present. In such cases, a statement declaring that the product neither contains, consists of, nor was derived from rice would be acceptable.

Sampling and Analysis

The Chair advised that the method for analysis and control material had been distributed to Public Analysts' laboratories. The FSA has asked the Commission whether control material can be made available to commercial laboratories to facilitate industry testing programmes and is awaiting an answer. Advice to enforcement authorities will be issued in due course.

Industry indicated that it will sometimes be difficult to identify rice originating from China, for example where rice exported from China to third countries is used in the manufacture of rice products which are then exported to the UK. Rice wine was identified as a product not included in the list of CN codes and FSA indicated that it would seek clarification from the Commission. [*Note: The Commission has since confirmed that analytical reports have not been requested in respect of rice wine and rice vinegar as it would not be possible to trace the presence of GM DNA in these two products*].

The FSA advised that the targeting of sampling activity would be covered in guidance to enforcement authorities. However, food businesses should have measures in place to ensure that they do not place products on the market which contain Bt63.

The FSA confirmed that Bt63 has not been approved by any country and that the extent to which it is grown in China is not known. A stakeholder highlighted the need for a consistent method of sampling and analysis between the European Union and China, and FSA confirmed that the same methods will be used, to ensure consistency.

It was suggested that the advice to enforcement authorities should cover the checking of analytical reports and the role of these reports in demonstrating due diligence and asked whether a sampling protocol had been agreed. FSA advised that the draft Decision cites Commission Recommendation 2004/787/EC (technical guidance on sampling and detection GM organisms) and highlighted the availability of the FSA's GM sampling guidance for enforcement authorities which was published towards the end of 2007.

It was suggested by a stakeholder that a food alert should be issued, and that the FSA should be clear on the legal status of products containing Bt63 in information that it provides.

Chinese Rice Products on the UK Market

Industry indicated that many products under the CN codes mentioned, for example rice vermicelli, rice sticks and rice wine, are imported direct from China and also from

third countries such as Thailand and Japan where, in some cases, ingredients may have originated from China. Industry wholesales via large warehouse outlets to restaurants and takeaways, with some direct trade with food service manufacturing.

Industry asked whether composite products e.g. containing 2.2% rice will be covered by the Decision. FSA advised that it would seek clarification from the Commission. *[Note: the Commission has since confirmed that composite products fall within the scope of the Decision and that the list of CN Codes in the Annex to the draft decision is not exhaustive and could be augmented].*

The FSA confirmed that the Decision would apply to rice products imported from Hong Kong. A stakeholder asked whether China exports rice seed, indicating the possibility of such trade with Third Countries, the FSA advised that this is not known.

Import Controls

It was suggested that it would be beneficial for enforcement authorities if they could receive analytical reports in advance of consignments arriving in the UK.

The FSA confirmed that CN Codes cover broad categories of product and do not provide an indication of the country of origin.

Citing the example of rice products imported into the UK from Third Countries which contain rice products originating from China, industry asked whether analytical reports will accompany all rice leaving China. Industry also highlighted the costs of sampling and asked how controls in China are being managed. FSA indicated that the Commission were continuing its discussions with the Chinese authorities on controls.

A stakeholder asked whether the country of origin of a consignment is apparent when it arrives in the UK and industry confirmed that the country of origin must be declared. Industry asked for this information and a list of accredited laboratories to be made available and FSA confirmed that it would make this information available.

Industry asked whether consignments will be detained at the port of entry. The FSA indicated that this would need to be considered and covered in advice to enforcement authorities. FSA also confirmed that there is a standing request that ports process consignments as rapidly as possible and this would also be the case in relation to consignments containing rice products from China.

Industry asked whether an original report of analysis would be required for a consignment to be processed at the port and FSA confirmed that it is a legal requirement for papers to accompany consignments.

Risk Management

The FSA advised that positive test results from official sampling activity will be reported via the EC RASSF (Rapid Alert System for Food and Feed) system and the Decision will require Member States to report all results from sampling carried out by enforcement authorities (positive and negative) to the Commission every three months. The Decision will also require the Commission to review the situation after 6 months.

The FSA advised that industry will be required to notify any positive results to the FSA.

A stakeholder asked whether an assessment of the safety of Bt63 had been carried out and FSA confirmed that due to the lack of data on Bt63, the European Commission will not be asking the European Food Safety Authority (EFSA) to carry out a safety assessment. A stakeholder suggested that as there is very little information about Bt63, a precautionary approach should be adopted.

Other Points

The FSA confirmed that there is a web story on the issue on the FSA website which will be kept up to date to keep stakeholders informed regarding this issue.

A stakeholder asked what the timeline for issuing advice to enforcement authorities would be. FSA advised that the advice would be issued within the next 2 weeks. Industry asked whether the advice to enforcement authorities would be shared with stakeholders and the FSA confirmed that it would be made available on the FSA website.

**Novel Foods Additives and Supplements Division
Food Standards Agency**