



To: Port Health e-mail group
cc. For information - Directors of Public Protection
Wales e-mail group

25 August 2006

Reference: IFD/W/06/15

Dear Colleague

EU EMERGENCY MEASURES REGARDING THE PRESENCE OF NON-AUTHORISED GENETICALLY MODIFIED ORGANISM LL RICE 601 IN RICE PRODUCTS FROM THE UNITED STATES

The European Commission has adopted Commission Decision 2006/578/EC on 23 August 2006 which sets out emergency measures applying to rice products from the United States of America. The Decision takes effect immediately.

All consignments of rice and rice products under the CN codes listed below from the USA must be accompanied by an original analytical report based on a suitable and validated method for detection of genetically modified rice LL RICE 601 and issued by an accredited laboratory, which demonstrates the product does not contain genetically modified rice LL RICE 601. Where consignments are split, a certified copy of the analytical report must accompany each part of the split consignment.

In the absence of an analytical report, the food business operator responsible for first placing the products on the market must have the products tested to demonstrate the absence of genetically modified rice LL RICE 601. Pending availability of the analytical report, the consignment should be detained.

Consignments found to contain GM rice LL RICE 601 should be refused entry to the EU.

The conditions set out in Article 2 of the Decision apply at "first placing on the market" of the products specified below. The Decision is being implemented by a Declaration under Regulation 33 of the Official Feed and Food Controls (Wales) Regulations 2006, which provides that the products may only be introduced into Wales if the conditions specified in Articles 2 (conditions for first placing on the



market) and 5 (recovery of costs) are satisfied. Introduction of the products specified below in contravention of the Declaration is an offence, enforceable by the Port Health Authority. In addition, as provided in Regulation 29(1) of the Official Feed and Food Controls (Wales) Regulations 2006, the enforcement powers in Articles 18-21 and 24(3) of Regulation 882/2004 (Chapter V - Official Controls on the Introduction of Feed and Food from Third Countries) are available in respect of consignments that do not comply with the Decision, and Regulation 29(2) of the Official Feed and Food Controls (Wales) Regulations 2006 provides that the food business operator responsible for the consignment is liable for the costs incurred by the enforcement authority in carrying out enforcement activity under Articles 19-21 of Regulation 882/2004.

Accredited laboratories – Certificates concerning the absence of LL RICE 601 must be issued by laboratories accredited by UKAS or equivalent bodies in other countries.

Suitable and validated method for detection of GM rice LL RICE 601– the US Department of Agriculture has validated two methods of detection of LL RICE 601 and these are available for use by several laboratories in the USA. Other UK or EU laboratories may also have access to suitable detection methods in the very near future. We will write again when further information is available.

Please see attached link to Decision 2006/578/EC http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_230/l_23020060824en00080010.pdf

This Decision applies to the following products originating from the United States:

- husked (brown) rice Parboiled Long A within CN code 1006 20 15,
- husked (brown) rice Parboiled Long B within CN code 1006 20 17,
- husked (brown) rice Long A within CN code 1006 20 96,
- husked (brown) rice Long B within CN code 1006 20 98,
- semi-milled Parboiled Long A within CN code 1006 30 25,
- semi-milled Parboiled Long B within CN code 1006 30 27,
- semi-milled Long A within CN code 1006 30 46,
- semi-milled Long B within CN code 1006 30 48,
- wholly milled Parboiled Long A within CN code 1006 30 65,
- wholly milled Parboiled Long B within CN code 1006 30 67,
- wholly milled Long A within CN code 1006 30 96,
- wholly milled Long B within CN code 1006 30 98,
- broken rice within CN code 1006 40 00 unless it is certified free of Long grain.

Background

The Decision has been issued following notification by the Commission that testing of samples of commercial long grain rice on the US market revealed the presence of genetically modified rice LL RICE 601, which is not authorised in the EU.

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.

If you need any further information please let me know. You may also be aware that we have an imports section on the Food Standards Agency's website and can be found at www.food.gov.uk/imports

Yours

Jane M Davies
Assistant Director