



Final Version

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Comparison of regulatory frameworks of Austria, Germany, France, and South Tyrol for GM free labelling of food products

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In the subsequent table the following regulatory frameworks are summarized and the relevant points compared:

1. Austrian Guideline on the definition of GM-free production of food and its labelling, Austrian Foodbook 2007:
http://www.gentechnikfrei.at/images/doku/gt-frei_richtlinie.pdf

2. German Law on the implementation of the regulations of the EU in the area of gene technology and on the labelling of food produced without methods of genetic modification (EGGenTDurchfG): http://www.ohnegentechnik.org/OG_Gesetz
3. French Decree 2012-128 on the labelling of foodstuffs from production described as “free from genetically modified organisms”: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025241412&dateTexte=&categorieLien=id>
4. Draft Amendment to Existing Legislation (Provincial Law, 22/01/2001 on labelling of GMO-free products, notified to the European Commission, so far no link available
http://ec.europa.eu/enterprise/tris/pisa/app/search/index.cfm?fuseaction=pisa_notif_overview&iYear=2012&inum=81&sNLang=DE&lang=en

Summary and Recommendations:

1. The four regulatory frameworks compared (AT, DE, FR, South Tyrol in IT) share a number of common elements but also include different and diverging provisions. The approaches and the contents are diverse, for example concerning the legal status, scope, decision procedures, labelling provisions, exemptions and control. From the perspective of clarity to the various stakeholders (producers, retailers, consumers etc.) in a European context there is definitive room for further harmonization.
2. Common elements are that food and feed products are covered, products have to fulfil the basic requirement that they do not need to be labelled according to Regulation (EU) 1829/2003, the possible wording for labelling is “produced without GMOs” and that certain control measures are foreseen.
3. Differences can be found in the scope (ingredients covered), details of the product regulations, as well as if and how transition periods in the case of animals fed with GM-free substances are foreseen. Furthermore the type and details of the control systems differ widely.
4. It is difficult to generally assess if the systems differ with respect to how inclusive or strict they are. On some issues one system is stricter than the others, this may be different on other topics. A case-by-case comparison of the different provisions is therefore necessary (see subsequent detailed comparison). However, generally speaking the Austrian system seems to be the most detailed and developed. The German system – after recent amendments – seems to be quite comparable with respect to the practical implication for stakeholders.
5. The French system has several specificities: First of all they provide 2 alternatives with respect to the labelling of animal products resulting from GMO -free feedstuff, below 0,1 % and below 0,9 %. Both of these different standards can be applied and used at the resulting label in a transparent manner. Secondly they also provide provisions on minimal distances in the case of honey production (3 km radius).

Detailed comparison:

	Austrian Decree	German Law	French Decree	South Tyrol Law
Legal status	Decree by the Ministry of Health, Part of the Austrian Food Book ¹	Part of a Federal Law (EGGenTDurchfG, §3a to §7)). Notified to the European Commission	Decree by the Ministry of Economy, Finance and Industry (2012-128), in force since 1 July 2012	Draft Amendment to Existing Legislation (Provincial Law, 22/01/2001 on labelling of GMO-free products, notified to the European Commission
Scope	All food for which labelling, advertising, presentation or business documents evoke the impression that is produced without the use of GMOs or products produced from or by GMOs. In any case this includes food labelled as “GM-free” or similar, e.g. “produced without genetic engineering”	Valid for all foodstuffs which are marketed or advertised with a statement indicating production of the foodstuffs without the application of genetic engineering processes,. The only labelling allowed is “ohne Gentechnik” (“no genetic engineering”)	Advertising, labelling and presentation of materials relating to food qualified as being “GMO-free”, based on Article L.531-2-1 of the French Environment Code. Organoleptic, nutritional benefits or health & environmental qualities are out of scope.	Labelling of food without GMO-characteristics (instead of GMO-free products) Notification requirements and approval by the Committee for products to be labelled as “without genetic engineering”
Definitions	Includes the definition of important terms	Does not contain definitions. Reference is made to the EU regulation on organic farming (Regulation (EC) No. 834/2007)	No definitions. Inter alia Reference to Regulation (EC) No. 1829/2003, as well as on organic farming – Regulation (EC) No. 834/2007, French Environment Code	Food and Feed without GMO-characteristics are termed as “Non-GMO food and feed” (“ohne Gentechnik”).
Production regulations	GMOs and products produced from or by GMOs shall not be used as food, animal feed, additive or	For the production of GM-free labelled products no food ingredients or feed, which are	Non-genetically modified ingredients and ingredients	Food and Feed without GMOs: Shall not consist of or

¹ The Austrian Food Book (Codex Alimentarius Austriacus) serves as publication platform for analytical methods, technical terms and definitions, evaluation principles and guidelines for placing on the market of products (§76 Food Safety and Consumer Protection Act). On legal terms it is classified as an “objective expert opinion”.

	Austrian Decree	German Law	French Decree	South Tyrol Law
	<p>processing aid for food, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms and livestock in GM-free production.</p> <p>For animal feed: Feed additives and feed processing aids shall not be GMOs, do not contain GMOs, and are not produced from GMOs.</p> <p>Exception: veterinary medicinal products.</p>	<p>labelled, or if marketed would need to be labelled, according to Regulation (EC) No. 1829/2003 or 1830/2003 may be used.</p> <p>For food-products: ingredients, additives or processing aids must not be used if they are produced by a GMO. Exception: veterinary medicinal products.</p>	<p>obtained from raw materials containing less than 0,1 % GMOs, provided that this presence is adventitious or technically unavoidable (abbreviation used in this doc: a/ta).</p> <p>The following substances are not allowed, if they are produced from or with the aid of GMOs: processing aids, additive or flavouring carriers</p>	<p>contain GMOs Shall not be produced from or with the help of GMOs Shall not contain ingredients or additives, produced from or with the help of GMOs and which are subject to GMO labelling provisions</p>
	<p>Food, feed and seeds as well as plant propagating material which is labelled according to Regulation (EC) 1829/2003, Regulation (EC) 1830/2003 or the respective Austrian Ordinances must not be used.</p>	<p>Food and food ingredients which are labelled according to Regulation (EC) No. 1829/2003 or 1830/2003 shall not be used. Food and food ingredients must also not be used if they are within the scope of Regulation (EC) No. 1829/2003, but are exempt from labelling, i.e. which contain GM-material below the labelling threshold of 0.9% and the presence is adventitious or technically unavoidable.</p>		
	<p>Proof of non-use of GMOs is necessary for non-GM-free products purchased from third parties by confirmation from the vendor that the product has not been produced from or by GMOs.</p>			

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	For products for which no methods of genetic modification are used in practice to produce them such confirmation is not needed (e.g. minerals, chemical ingredients of plant protection products, etc.)			
			<p>Special provision on apiculture (honey production):</p> <p>Term “GM-free” within a radius of 3 km”:</p> <ul style="list-style-type: none"> •All sources of nectar and pollen within 3 km radius consist of non-GM plants •Additional feed meets the requirements of GM-free production (see above) •No labelling requirements according to 1829/2003 •Compliance to the rules for at least 1 yr. 	
General requirements	Farms shall be managed in compliance with the rules of GM-free production entirely. However, a farm may be split up into clearly separated units or production sectors.		Production alongside other foodstuffs: measures to prevent any risk of cross-contamination. Animals should be kept in separate units, feed stored separately.	
	In production facilities the production of GM-free products shall be clearly separated in time or		If during the manufacturing process suitable measures	If via control measures compliance with existing regulations

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	space from conventional production.		have been taken to prevent the presence of traces of GMOs, GMO-presence is considered to be adventitious/technically unavoidable	can be proven, GMO-presence is considered to be adventitious/technically unavoidable; Notification to the Committee shall consist of: Technical description, ingredients, production path Attests and declarations by the producer
Special requirements for food	Plant ingredients of agricultural origin shall only be used if the seeds or plant propagating material are no GMOs and if there is no risk of GMO-presence in the harvested material.		No GMO-free label is allowed in case the ingredient is derived from plants of which no GM species is marketed.	
	Livestock ingredients of agricultural origin shall only be used if the livestock from which they originate is no GMO and were bred using input products in line with this decree since birth or in case of mammals at least following weaning.	In case of food or food ingredients of animal origin, the animal from which the food is produced, must not be a GMO and shall only be fed with feed which does not need to be labelled according to Regulation (EC) No. 1829/2003 or 1830/2003.	For ingredients of animal origin from organic farming, the term "GMO-free" may be used, but the words "in compliance with regulations" has to be added	
	For egg and meat production chicks may not be older than 3 days.	For poultry used for meat production, which was put into production before it was 3 day old, a conversion period 10 weeks shall be applied.	Poultry for meat: after day 3	
	For aquaculture the young stock must originate from GM-free broodstock.	See below		
	Conversion period for livestock	Time before use for food	Where there are no	

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	<p>which has not been bred in compliance with this decree:</p> <ul style="list-style-type: none"> • Cattle and equidae for meat production: 12 months • Pigs: the whole fattening period • livestock for milk production: 2 weeks • poultry for egg production: 6 weeks • aquaculture animals: the whole fattening period <p>These exemptions may be applied for 5 years after entry into force of this decree. After that period they shall be evaluated.</p>	<p>production, in which the use of genetically modified feed is prohibited:</p> <ul style="list-style-type: none"> • 12 month (in any case 3/4 of their lifetime) • small ruminants: 6 months • 4 month • 3 months • 6 weeks • in reasoning to the law: all animals not mentioned explicitly in this list: whole lifetime (e.g. aquaculture). <p>no time limitations</p>	<p>animals fed according to the conditions available, minimum feed conditions:</p> <ul style="list-style-type: none"> • Dairy production: 6 months prior to milk production • Poultry for egg: after day 3 and more than 6 weeks prior to egg production • Other farm animals with less than 1 year lifespan: minimum 3 quarters of their lifespan prior to slaughter or fishing. 	
	<p>As an exception and subject to the approval of the Codex Committee, food additives, processing aids, flavours, and enzymes as well as amino acids and other micronutrients may be used, if it can be proven that they are not available on a continuous basis in GM-free quality pursuant to this</p>	<p>See exemptions</p>		

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	Directive, that their use is necessary, and this has been verified by an experts group.			
Special requirements for animal feed	Additives and processing aids for animal feed used in GM-free production shall not be GMOs, not consist of GMOs, not contain any GMOs and not be produced from GMOs.	Feed used for the production of food from animal origin, are not labelled, or if marketed do not need to be labelled, according to Regulation (EC) No. 1829/2003 or 1830/2003.	<p>“fed on non-GMO feed (< 0,1 %)” or “fed on GMO-free feed (< 0,1 %):</p> <p>Unprocessed ingredients with the exception of eggs, where the animals have been fed with raw materials containing less than 0,1 % GMOs (a/ta)</p> <p>“from animals fed on Non-GMO feed (< 0,1 %) or “from animals fed on GMO-free feed (< 0,1 %): for eggs, see above</p> <p>Prerequisite in case of grass feed: no GM species is marketed</p> <p>Alternative:</p> <p>“fed on GMO-free feed (< 0,9 %):</p> <p>Unprocessed ingredients with the exception of eggs, obtained from animals fed exclusively on feeds not subject to labelling obligations</p>	Animals have to be fed with feed without GMOs

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			<p>according to Regulation 1829/2003</p> <p>“from animals fed on GMO-free feed (< 0,9 %): for eggs, see above</p> <p>Organic farming: these terms may be displayed on condition that the words “in compliance with Regulations” are added.</p>	
Exemptions	<p>Prerequisites for exemptions from the special requirements for food and animal feed are laid down in this section of the decree.</p> <p>In principle certain substances may be used if they are not available in GM-free quality and if their use is necessary with regard to animal welfare, legal requirements or if food production is not possible without them.</p> <p>Exemptions are subject to a decision by the Codex Committee which is supported by an expert group.</p>	<p>Reference is made to the Organic farming regulation (Regulation (EC) 834/2003) Art 22 Par 2(g): Exemptions are only possible by decision of the European Commission. Exemptions are possible for food and feed additives, processing aids, aroma, water, salt, preparations from micro-organisms and enzymes, vitamins and amino acids, if they must be used and if they are not available on the market other than produced from GMOs.</p>	<p>In case of processing aids, additive or flavouring carriers: Where there are no substances available other than those produced from or with the aid of GMOs, these substances may be used. List drawn up by the EC according to the organic farming regulation or by the responsible French Minister.</p>	<p>No specific provisions in the amendment</p>
Proof	<p>Based mainly on traceability and documentation.</p>	<p>Based on traceability, documentation and analytical proof.</p>	<p>Traceability: systems and procedures to justify compliance shall be kept for checks by officials (period of 5 yrs.)</p> <p>Apiculture: precise location of hives shall</p>	<p>Attests or declarations by the producer for all ingredients or additives, production agents</p>

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			be kept for 5 yrs.	
	Based on continuous self-control and risk-based external control by accredited control bodies/companies.	No rules laid down. Reference is made to the German food act. The responsibility for food control and for the control of food labelling is with the authorities of the Laender.		Committee can ask for specific laboratory analysis in the course of the notification/approval procedure
	The goal is to keep the presence of GMOs as low as possible. Adventitious or technically unavoidable presence of GMOs, or products from or by GMOs shall not be taken into account. The threshold values foreseen in the respective laws (Reg. (EC) No. 1829/2003, 1830/2003, and the Austrian laws on seeds and labelling) represent ceilings exclusively for adventitious or technically unavoidable presence.			
	If GMOs are detected in products by analytical methods, the measures taken during the production of GM-free products shall be controlled for their effectiveness.	Analytical certificates to proof that the prerequisites for the labelling are met. Only required for food and food ingredients which are within the scope of Regulation (EC) No. 1829/2003, but are exempt from labelling, i.e. which contain GM-material below the labelling threshold of 0.9% and the presence is adventitious or technically unavoidable.		
Labelling, presentation and advertising	Food: The wording of the label can be chosen by the producer. Feed: The wording "suitable for the production of GM-free food" shall be	The only labelling allowed is "ohne Gentechnik" ("no genetic engineering")	Use of the words "GMO-free" ("sans OGM")	Use of the words "without genetic engineering" ("ohne Gentechnik"):

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	<p>used.</p> <p>The label must name the control body and the decree.</p> <p>Misleading labelling is prohibited.</p>		<p>Pre-packaged food: label in the list of ingredients or directly on the packaged food.</p> <p>Non-pre-packaged food: label placed on each foodstuff or batch.</p> <p>Foodstuff made of several ingredients: label in the main visual field, after the ingredient concerned and where it represents at least 95 % of the weight of the foodstuff</p>	<p>Foods fulfilling the requirements and after notification and approval by the Committee (see below)</p> <p>Use of the words “applicable for the production of food without GMO-characteristics”:</p> <p>Feed fulfilling the requirements and additional ones (no antibiotics, hormones, blood- or bone-meal)</p>
Expert group	The composition of the expert group and its tasks are laid down.	No expert group foreseen.	No expert group.	Committee for products without gene technology established: composition and key roles in the product application process are specified in the draft amendment
Penalties	No penalties foreseen in this decree	Penalty provisions, e.g. fines for wrong labelling, imprisonment for up to one year for unlawful marketing of food products which are regulated in this law.	No penalties foreseen. Minister of Economy, Finance and Industry, Minister of Agriculture and Minister of Ecology responsible for implementation of the decree.	Penalty Provisions: fines for labelling without permission or wrong labelling. Provincial Agency for the Environment is responsible for control of compliance and penalties

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