**Notification SCBD/BS/MPM/DA/84222 (2015-002) Submission of information requested in decision on unintentional transboundary movements and emergency measures**

**Par. (a) Submission of information from the EU and its Member States on actual cases of unintentional transboundary movement and case studies related to their existing mechanisms for emergency measures in case of unintentional transboundary movements of living modified organisms that are likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, including information on existing rapid alert mechanisms and monitoring systems**

* When non-authorised GMOs, which may constitute a risk to human or animal health, are found in food or feed on the EU market, a notification is submitted through the Rapid Alert System for Food and Feed ([RASFF](http://ec.europa.eu/food/safety/rasff/index_en.htm)) in order to share relevant information between its members and respond collectively and efficiently to possible risks. Emergency measures are also implemented and their severity depends on the gravity of the situation.
* Emergency measures currently in place in the EU are those adopted by [Commission Decision 2011/884/EU](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011D0884) on emergency measures regarding unauthorised genetically modified rice in products originating from China, amended by [Commission Decision 2013/287/EU](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013D0287).

The first findings of rice products, originating from China, contaminated with unauthorised Bt63 rice occurred in 2006. In 2005, the Hubei Agriculture Department in China found Bt63 rice seeds in the market. The inquiry tracked the seeds to 3 seed companies, which had been entrusted by Huazhong Agricultural University with seed multiplication in a production trial of GM rice Bt63. These companies illegally commercialized Bt63 seed and 200 hectares of illegally cultivated Bt63 were identified by Hubei Agriculture Department (source: FVO final report of a mission carried out in China from 27 November to 3 December 2008 in order to evaluate official control systems for Commission Decision 2008/289/EC on emergency measures regarding the unauthorised GMO "Bt 63" in rice products, <http://ec.europa.eu/food/fvo/audit_reports/details.cfm?rep_id=2145>).[[1]](#footnote-1)

Considering the numerous alerts on Bt63 rice findings in rice products imported into the EU from China, the Commission adopted in 2008 an emergency measure on Bt63 rice (Commission Decision 2008/289/EC). This measure required that consignments of rice products originating from China be accompanied by a certificate demonstrating the absence of Bt63 rice and that EU Member States carry out random sampling and analysis. The Decision also defined the method of detection specific for Bt63 rice to be adopted.

In 2010 the number of RASFF notifications increased and further unauthorised GM rice events in addition to Bt63 were reported.

In 2011 a new Commission Decision (2011/884/EU) was adopted, repealing Commission Decision 2008/289/EC, in order to:

* Update the list of products falling under the scope of the emergency measures;
* Set the frequency of sampling and analysis by Member States at 100% of all consignments;
* Provide harmonised methods of sampling and a testing approach capable to detect a number of potentially GM rice events in addition to Bt63. The European Union Reference Laboratory verified the suitability of the testing approach and provided guidance for its implementation.

In 2013, a revised Commission Decision (2013/287/EU) was adopted, amending Decision 2011/884/EU with respect to:

* The list of products falling under the scope of the emergency measures;
* Prior notifications of consignments;
* Sampling methodologies for processed products.

This Decision is still in place.

It is worth noting that Bt63-contaminated products found on the EU market were produced from a GMO and did not consist of, or contain, any living organism, i.e. an LMO in the sense of the Cartagena Protocol. However, as explained above, the presence of Bt63 rice in rice products originated from the illegal cultivation and marketing of Bt63 seeds (i.e. LMOs) in China: this may be considered as an occurrence falling under the scope of Article 17. Furthermore, the measures developed for this specific case and described above can be used for other cases involving LMOs.

* Other measures that have been adopted in the past are those for non-authorised Bt10 maize (Commission Decision 2005/317/EC repealed by Commission Decision 2007/157/EC) and LL rice 601 (Commission Decision 2006/601/EC repealed by Commission Decision 2010/315/EU), both originating from the USA.

1. This occurrence may be considered a release of an LMO in China, falling under the scope of Article 17 and to be notified accordingly. [↑](#footnote-ref-1)