

To: District Council Chief EHO's  
Cc: Group Chief EHO's  
NIFLG Members  
LACORS  
CIEH

30<sup>th</sup> July 2008

Reference: **ENF/NI/08/036**

Dear Colleagues,

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

### **For information**

Further to the food alert issued on 10<sup>th</sup> April and previous letters of 10<sup>th</sup> and 23<sup>rd</sup> April 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 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 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 Mervyn Briggs in our Local Authority Unit on 02890 417742 or by email: [mervyn.briggs@foodstandards.gsi.gov.uk](mailto:mervyn.briggs@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.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Jackson', written in a cursive style.

Michael Jackson  
Head of Enforcement  
Food Standards Agency Northern Ireland