



29 July 2024

(24-5404)

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Committee on Sanitary and Phytosanitary Measures

Original: English

### NOTIFICATION

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| 1. | <b>Notifying Member:</b> <u>AUSTRALIA</u><br><b>If applicable, name of local government involved:</b>   |
| 2. | <b>Agency responsible:</b> Food Standards Australia New Zealand (FSANZ)   |
| 3. | <b>Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):</b> Genetically modified food and food derived from new breeding techniques (NBTs)   |
| 4. | <b>Regions or countries likely to be affected, to the extent relevant or practicable:</b><br><input checked="" type="checkbox"/> <b>All trading partners</b><br><input type="checkbox"/> <b>Specific regions or countries:</b>  |
| 5. | <b>Title of the notified document:</b> Proposal P1055 - Definitions for gene technology and new breeding techniques – 2 <sup>nd</sup> Call for Submissions and Supporting documents.<br><b>Language(s):</b> English. <b>Number of pages:</b> 145<br><a href="https://www.foodstandards.gov.au/food-standards-code/proposals/p1055-definitions-for-gene-technology-and-new-breeding-techniques">https://www.foodstandards.gov.au/food-standards-code/proposals/p1055-definitions-for-gene-technology-and-new-breeding-techniques</a>   |
| 6. | <b>Description of content:</b> Proposal P1055 proposes to amend the definitions for 'food produced using gene technology' and 'gene technology' in the Australia New Zealand Food Standards Code (the Code) to ensure it is clear what foods are genetically modified (GM) for Code purposes, while also ensuring that foods are regulated according to the risk they pose.<br><br>FSANZ has prepared a draft variation to the Code, which extends across six food standards and four schedules. Key aspects include: <ul style="list-style-type: none"><li>• Repealing the existing definitions for 'food produced using gene technology' and 'gene technology' and replacing them with a new definition for 'genetically modified food' based around the presence of novel DNA in the organism from which the food is derived;</li><li>• Explicit exclusions from the GM food definition for substances added to food, substances used in cell culture media for the production of cell-cultured food, and food from null segregant organisms and grafted plants;</li><li>• New definitions for 'novel DNA', 'novel protein' and 'null segregant'.</li></ul><br>The primary objective of the Proposal is to ensure clarity on which foods are GM foods for Code purposes, while also accommodating new and emerging technologies for genetic modification and changes in the international regulatory context.<br><br>The proposed amendments would provide a clear definition for GM food for enforcement purposes and reduce uncertainty about which foods require pre-market assessment as GM foods, while continuing to protect public health and safety.<br><br>No transition period is proposed. The proposed variations to the six Standards and four Schedules are: |

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| <ul style="list-style-type: none"> <li>• unlikely to have any impact on products currently on the market; or</li> <li>• are deregulatory in nature and provide exemptions to current requirements for products on the market.</li> </ul> <p>The standard 12 month stock in trade provisions in the Australia New Zealand Food Standards Code will apply.</p> <p>We are notifying other aspects of these measures under the Technical Barriers to Trade Agreement.</p>   |
| <p><b>7. Objective and rationale:</b> <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.</p>   |
| <p><b>8. Is there a relevant international standard? If so, identify the standard:</b></p> <p><input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</p> <p><input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</p> <p><input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number):</p> <p><input checked="" type="checkbox"/> None</p> <p><b>Does this proposed regulation conform to the relevant international standard?</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>If no, describe, whenever possible, how and why it deviates from the international standard:</b></p> |
| <p><b>9. Other relevant documents and language(s) in which these are available:</b><br/>Australia New Zealand Food Standards Code, available at <a href="https://www.foodstandards.gov.au/food-standards-code">https://www.foodstandards.gov.au/food-standards-code</a> (available in English)</p>  |
| <p><b>10. Proposed date of adoption (dd/mm/yy):</b> Notification of FSANZ Approval to Australian and New Zealand Government anticipated early 2025 with adoption planned upon gazettal mid-2025, pending government consideration.</p> <p><b>Proposed date of publication (dd/mm/yy):</b> Mid 2025</p>  |
| <p><b>11. Proposed date of entry into force:</b> <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): Mid 2025</p> <p><input type="checkbox"/> Trade facilitating measure</p>   |
| <p><b>12. Final date for comments:</b> <input checked="" type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 27 September 2024</p> <p><b>Agency or authority designated to handle comments:</b> <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>Australian Department of Agriculture, Fisheries and Forestry<br/>GPO Box 858<br/>Canberra ACT 2601<br/>Australia<br/>Tel: +(61) 2 6272 3933<br/>E-mail: <a href="mailto:sps.contact@aff.gov.au">sps.contact@aff.gov.au</a><br/>Website: <a href="http://www.agriculture.gov.au">http://www.agriculture.gov.au</a></p>             |

**13. Text(s) available from: ☒ National Notification Authority, ☒ National Enquiry Point. Address, fax number and e-mail address (if available) of other body:**

The assessment summary and proposed draft variation to the Code are available (in English) from the Food Standards Australia New Zealand website:

<https://www.foodstandards.gov.au/food-standards-code/proposals/p1055-definitions-for-gene-technology-and-new-breeding-techniques>