

EUROPEAN COMMISSION

Cabinet of Commissioner Tonio Borg
Head of Cabinet

18. 02. 2013

Brussels,

Dear Dr Then,

I would like to thank you for your letter dated 19 December to Commissioner Borg, to which he has asked me to reply, regarding possible illegal imports of the genetically engineered maize called *SmartStax* (MON89034x1507xMON88017x59122).

Smartstax maize has been evaluated by the European Food Safety Authority (EFSA) and obtained a favourable opinion concluding that it is as safe as its conventional non-GM counterpart. The single events present in the stack are already authorised in the European Union but, no submission of an authorisation decision of the Smartstax has been presented yet to Standing Committee on Food Chain and Animal Health (SCFCAH).

In August 2011, following the publication of your report concerning deficiencies in the risk assessment of MON89034x1507xMON88017x59122 the Commission requested EFSA to assess the scientific basis of this report and the attached list of publications in order to indicate whether it contains new scientific elements that could lead the GMO panel to reconsider the outcome of its opinion.

In October 2011, EFSA concluded that neither the report by Testbiotech nor cited references therein do present any new scientific elements that have not already been considered by the EFSA GMO panel or that would invalidate its previous risk assessment conclusions on the SmartStax.

In reference to your claim on lack of preventive measures and possible illegal imports I would like to make the following observations:

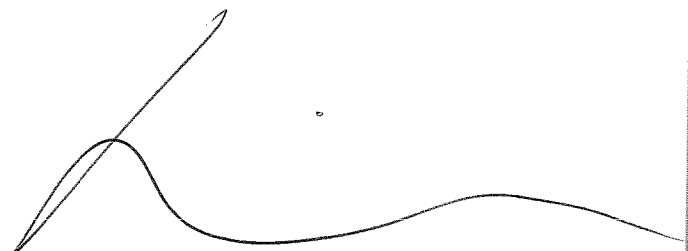
- It is the responsibility of EU operators to ensure that their imports of commodities from third countries do not contain non-authorised GMO;

Mr Dr. Christoph Then
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- Member States authorities are responsible for the control of the implementation of Regulations (EC) No 1829/2003 on genetically modified food/feed and Regulation (EC) No 882/2004 on harmonised framework of official import and market controls. In particular, Article 16(2) of 882/2004 Regulation requires the competent authority to adopt the frequency of physical checks to different parameters (e.g. risk involved, history of compliance of the third country and/or establishment, controls performed by the food/feed business operators, guaranties given by the third country authority);
- In July 2010 the EU Reference laboratory for GMO published a report on the detection method of this GMO; therefore Member States have the tool to detect this stack since this date;
- All non-compliant products identified during either import or market controls have to be notified by Member States in the RASFF system (Rapid Alert System for Food and Feed) in order for the Commission and the Member State authorities to take imminent measures;
- No such RASFF notification on the presence of SmartStax in imported consignment or in products present on the EU market has been received.

I would like to reassure you that the Commission is committed to ensure that high standards are applied in the safety assessment and control of GMOs and whenever new scientific information becomes available EFSA is asked to analyse it as a matter of urgency.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of loops and curves, extending from the left side towards the right side of the page.