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# **Austrian Food Codex**

## **IV Edition**

### **Guideline on the Definition of the "GMO-Free Production" of Food and its Labelling**

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## **1. OBJECTIVE**

This Guideline creates the basis for a „GMO-free production“ of food in order to ensure fair competition with traceability, transparency and control of the production processes and to protect the consumers' interests. Rules are set out for a “GMO-free production” throughout all stages of the food chain as well as for the use of terms regarding “GMO-free production” for labelling, presentation and advertising purposes.

## **2. SCOPE OF APPLICATION**

This Guideline governs the requirements for food of which the labelling, presentation, advertising or business documents evoke the impression that it is produced without the use of GMOs (genetically modified organisms) or products produced from or by GMOs. This in any case includes formulations such as “produced without gene technology”, “GE-free”, “non-genetically modified”, “GMO-free”, “without gene technology” or “without the use of gene technology” as well as terms such as “fed without genetically modified animal feed” and the like.

## **3. DEFINITIONS OF TERMS**

- a) “GMO-free production”: application of the production process as set out in the rules of this Guideline at all stages of production, processing and marketing.
- b) “GMO-free”: originating from a GMO-free production or referring to such a production.
- c) “Operator”: the individual or entity responsible for ensuring the compliance with the rules of this Guideline within the business under its control.
- d) “Plant production”: production of agricultural crop products.
- e) “Livestock production”: production of domestic or domesticated terrestrial animals (including insects).
- f) “Aquaculture”: the definition given in Council Regulation (EC) No 1198/2006 shall apply.
- g) “Conversion”: transition from non-GMO-free to GMO-free production within a given period of time, during which the provisions concerning GMO-free production have been applied.
- h) “Labelling”: any term, specification, name, manufacturer's brand or trade mark, illustration or symbol referring to a product and placed on any kind of packaging, document, notice, label, ring, closure or business documents accompanying the goods, and accompanying this product or referring to it.
- i) “Advertising”: any representation to the public by any means other than a label that is intended or likely to influence and shape attitude, belief or behaviour in order to promote directly or indirectly the sale of GMO-free products.

- j) "Presentation": in particular the form or appearance of the food or its packaging, the packaging material used, the manner of its arrangement as well as the environment in which it is sold.
- k) "Control body": an independent third party carrying out inspection and certification in the field of GMO-free production in accordance with the provisions of this Guideline.
- l) "Plant protection products": the definition given in the Plant Protection Act [Pflanzenschutzmittelgesetz] of 1997 shall apply. For plant protection products, only the agents for the assessment of a non-use of GMOs and produced from or by GMOs are used.
- m) "Genetically modified organism (GMO)": the definition given in Council Regulation (EC) No 1829/2003 shall apply.
- n) "Produced from GMOs": derived in whole or in part from GMOs, but not containing or consisting of GMOs.
- o) "Produced by GMOs": derived by using a GMO as the last living organism in the production process, but not consisting of, containing or produced from GMOs.
- p) "Organisation": a group of companies from the same or different sectors of GMO-free production.

## **4. PRODUCTION REGULATIONS**

### **4.1 Principles**

#### **4.1.1**

GMOs and products produced from or by GMOs shall not be used as food, animal feed, additive or processing aid for food and animal feed, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms and livestock in GMO-free production. The prohibition on use shall not apply to veterinary medicinal products.

#### **4.1.2**

For the purpose of the compliance with the principle of non-use of GMOs or products produced from or by GMOs in connection with food and animal feed as well as seeds, vegetative propagating material, micro-organisms or livestock, operators may rely on the labels accompanying a product or any other accompanying document affixed to or provided with the product pursuant to the Gene Technology Act [Gentechnikgesetz] BGBl. [Austrian Federal Law Gazette] No 510/1994, the Ordinance on Labelling of Products that contain GMOs [Gentechnik-Kennzeichnungsverordnung] BGBl. [Austrian Federal Law Gazette] II No 5/2006, the Regulation (EC) No 1829/2003 of the European Parliament and the Council, the Regulation (EC) No 1830/2003 of the European Parliament and the Council or the Ordinance on Genetically Modified Seed [Saatgut-Gentechnikverordnung] BGBl. [Austrian Federal Law Gazette] II No 478/2001.

### **4.1.3**

An operator may assume that no GMOs or products produced from GMOs have been used in the manufacture of purchased food and animal feed, when they are not labelled or accompanied by a document pursuant to the mentioned legal provisions, unless the operator has obtained other information indicating that labelling of the concerned product is not in conformity with the mentioned legal provisions.

### **4.1.4**

For the purpose of the proof of non-use of GMOs or products produced from GMOs with regard to products other than food and animal feed or products produced by GMOs, operators shall require the vendor to provide a confirmation that the products supplied have not been produced from or by GMOs, if they purchase or use such non-GMO-free products from third parties. Such confirmation shall not be required for products, for which according to the latest state of knowledge no methods used in practice are known indicating that the products are GMOs, contain GMOs or are produced from or by GMOs. This currently applies for example to pure minerals, mineral fertilisers, chemically synthesised agents of plant protection products or certain plant or animal species as well as micro-organisms.

## **4.2. General requirements**

### **4.2.1**

The entire farm shall be managed in compliance with these rules of GMO-free production.

- a) However, a farm may be split up into clearly separated units or for aquaculture in production sites, which are not all managed according to the provisions for GMO-free production. As regards livestock production, these must be distinguishable as different production sectors. As regards aquaculture, the same species may be involved, provided that there is adequate separation between the production sites. As regards plants, different, easily distinguishable varieties shall be used.
- b) Where in accordance with section a) not all units of the farm are managed in compliance with the rules for GMO-free production, the operator shall keep the area, livestock and products used for, or produced by, the GMO-free units separate from the area, livestock and products not used for, or produced by GMO-free units and keep adequate records to show the separation.

### **4.2.2**

Processing plants shall meet the following requirements:

The production of processed, GMO-free food or animal feed suitable for the production of GMO-free food shall be kept separate in space or time from the production of processed, non-GMO-free food or animal feed not suitable for the production of GMO-free food.

### **4.3. Special requirements for food**

#### **4.3.1**

The product shall be produced mainly from ingredients of agricultural origin; in order to determine whether a product is produced mainly from ingredients of agricultural origin, added water and cooking salt shall not be taken into account.

#### **4.3.2**

For the production of food, only plant ingredients of agricultural origin shall be used, of which the seeds or vegetative propagating material are no GMOs and for which there is no risk of a presence of GMOs contrary to this Guideline for the harvested material.

#### **4.3.3**

For the production of food, only livestock ingredients of agricultural origin, including aquaculture, shall be used, which originate from livestock that are no GMOs and were bred using input products in line with this Guideline since birth or, in case of mammals, at least following weaning.

As regards poultry for egg production and for meat production, the chicks may not be older than 3 days.

GMO-free aquaculture must be based on the rearing of young stock originating from GMO-free broodstock.

#### **4.3.4**

Livestock that has not been bred in compliance with this Guideline since birth or, in case of mammals, at least following weaning, must pass through the following conversion periods until a product produced from or with such livestock can be placed on the market:

- 12 months for cattle and equidae for meat production;
- the entire fattening period for pigs;
- 2 weeks for livestock for milk production;
- 6 weeks for poultry for egg production;
- the entire fattening period for aquaculture animals.

These exemptions may be applied for 5 years after the Guideline has come into force. They shall in any case be evaluated to reassess their need prior to the expiry of this term.

#### **4.3.5**

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 GMO-free quality pursuant to this Guideline, that their use is necessary, that they comply with the criteria under section 5 and this has been verified by an experts group as set out in section 8.

#### **4.3.6**

As an exception and subject to the approval of the Codex Committee, vitamins may be used, if it can be proven that they are not available on a continuous basis in GMO-free quality pursuant to this Guideline, that their use is necessary on the grounds of legal provisions of the Community or Austrian legal provisions, that they comply with the criteria under section 5 and this has been verified by an experts group as set out in section 8.

### ***4.4 Special requirements for animal feed***

#### **4.4.1**

Compound animal feed, feed materials and animal feed additives used in GMO-free production shall not be GMOs, not consist of GMOs, not contain any GMOs and not be produced from or by GMOs.

#### **4.4.2**

As an exception and subject to the approval of the Codex Committee, animal feed additives may be used, if it can be proven that they are not available on a continuous basis in GMO-free quality pursuant to this Guideline, that their use is necessary, that they comply with the criteria under section 5 and this is verified by an experts group as set out in section 8.

## **5. PREREQUISITES FOR EXEMPTIONS FROM THE SPECIAL REQUIREMENTS FOR FOOD AND ANIMAL FEED**

Pursuant to section 4.3.5 and 4.3.6 as well as section 4.4.2, certain substances may be used, if it can be proven that they are not available on a continuous basis in GMO-free quality (based on origin, production process, quantity and analysis). The experts group for GMO-free production (as set out in section 8) shall support the process to reach a decision as to which substances, for which it can be proven that they are not available on a continuous basis in GMO-free quality pursuant to this Guideline and which are produced by GMOs, may be used. Such exemptions shall be limited to a minimum and a time limit shall be imposed, if necessary; they shall only be granted, if

- a) they are necessary for an adequate care to be given to the livestock for animal health and protection reasons and the products produced by GMOs cannot be replaced with any alternative products or methods, or
- b) without them the production of food is not possible and the products produced by GMOs cannot be replaced with any alternative products or methods, or
- c) their use in food or animal feed is necessary on the grounds of legal provisions of the Community or of Austrian legal provisions and the products produced by GMOs cannot be replaced with any alternative products or methods.

## **6. PROOF OF NON-USE OF GMOs**

### **6.1**

Operators and/or organisations that place food with descriptions as defined by this Guideline on the market, shall provide adequate traceable proof that the requirements of this Guideline are met. They shall have their activity controlled by a control body accredited as certification body.

### **6.2**

The compliance with this Guideline shall be controlled at all stages of production, processing and marketing. The control of proper production, processing and labelling shall be based on self-controls and external controls.

### **6.3**

Self-controls shall be continuously carried out under the responsibility of the operator and/or the organisation. Tools for the documentation and performance of self-controls shall be used. External controls and the certification shall be carried out on a continuous basis by a company accredited for this Guideline and pursuant to EN 45011. The controls shall be done on a risk basis. The risk ratings and controls shall be done systematically and so that they can be traced.

### **6.4**

The adventitious and technically unavoidable presence of GMOs, products from and by GMOs shall not be taken into consideration, if the compliance with the given rules can be demonstrated through the control. The goal is to keep the presence of GMOs in GMO-free products as low as possible. The existing labelling thresholds pursuant to the Gene Technology Act [Gentechnikgesetz] BGBl. [Austrian Federal Law Gazette] No 510/1994, the Ordinance on Labelling of Products that contain GMOs [Gentechnik-Kennzeichnungverordnung] BGBl. [Austrian Federal Law Gazette] II No 5/2006, the Regulation (EC) No 1829/2003 of the European Parliament and the Council, the Regulation (EC) No 1830/2003 of the European Parliament and the Council or the Ordinance on Genetically Modified Seed [Saatgut – Gentechnikverordnung] BGBl. [Austrian Federal Law Gazette] II No 478/2001, represent ceilings which are exclusively linked to the adventitious and technically unavoidable presence of GMOs.

### **6.5**

An analytical evidence of GMOs or products produced from or by GMOs below existing labelling thresholds must be regarded as indication to control the effectiveness of the measures in the context of production. This shall also apply to evidence from process controls for GMOs or products produced from or by GMOs.

### **6.6**

Terms for labelling and advertising as laid down by this Guideline shall not be used, if these evidences are not kept or if justified doubts as to the compliance with the requirements of this Guideline cannot be dispelled.



## **7. LABELLING, PRESENTATION AND ADVERTISING**

### **7.1**

Food is considered labelled as defined by this Guideline, if the labelling, presentation, advertising or business documents evoke the impression that the product has been produced according to the rules of this Guideline.

### **7.2**

Descriptions indicating that food originates from GMO-free production may only be used in the labelling and advertising of food, if all ingredients of such products have been produced in accordance with the rules set out in this Guideline.

### **7.3**

Terms, including terms used in trademarks, as well as labelling, presentation and advertising practices liable to mislead consumers or users by suggesting that the concerned food or the ingredients used for its production comply with the rules set out in this Guideline, shall not be used.

### **7.4**

The terms referred to in section 7.1 shall not be used for products, for which it has to be indicated according to Community provisions that they contain GMOs, consist of GMOs or have been produced from GMOs.

### **7.5**

Labelling and advertising for food produced according to the provisions of this Guideline shall contain a clear reference to GMO-free production in accordance with this Guideline (GMO-free product pursuant to Codex Guideline xxx of xxx).

### **7.6**

The labelling must specify the name of the control body of the operator or organisation, which has carried out the last preparation step or processing. The indications referred to in section 7.5 and 6 must be easy to understand and shall be marked in a conspicuous place in the same visual field in such a way as to be easily visible, clearly legible and indelible.

### **7.7**

Input products that pursuant to section 4.1.1 of this Guideline are subject to the prohibition on the use of GMOs may be voluntarily marked with a reference to their suitability for use in GMO-free production as permitted by law in accordance with this Guideline.

### **7.8**

The following labelling is used for animal feed: "suitable for the production of GMO-free food".

## **8. EXPERTS GROUP FOR GMO-FREE PRODUCTION**

### **8.1**

The Codex Committee is supported by an experts group for GMO-free production.

### **8.2**

This comprises one expert each of

- the Austrian Agency for Health and Food Safety [Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH]
- the Environment Agency Austria [Umweltbundesamt]
- the Austrian Federal Chamber of Labour
- the Austrian Association for Consumer Information [Verein für Konsumenteninformation]
- the Austrian Chamber of Agriculture
- the Austrian Chamber of Commerce
- the Austrian Platform for GMO-free food [ARGE Gentechnik-frei]

and a maximum of four other food and animal feed experts called in by the chairperson.

### **8.3**

The experts group supports the Codex Committee particularly in the preparation of guidelines, with the aid of which the non-availability according to section 5 can be determined, and prepares recommendations for the Codex Committee regarding the determination and, if necessary, time and space limits of exemptions pursuant to section 5.

## **9. COMING INTO FORCE AND TRANSITION PERIODS**

### **9.1**

This Guideline shall enter into force three months after its publication. At that point in time, the Codex Guideline on the definition of GMO-free products [Codexrichtlinie zur Definition der Gentechnikfreiheit], BKA GZ 32.048/5 - VI/B/1b/12/98 of 28 April 1998 shall cease to have effect.

### **9.2**

The proof of non-use of GMOs shall be given in accordance to this Guideline at the latest after 6 months following publication.

### **9.3**

Products which were produced in accordance with the Codex Guideline on the definition of GMO-free products [Codexrichtlinie zur Definition der „Gentechnikfreiheit“] may be placed on the market in line with this Guideline until they are depleted.

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