



Pre-market Safety Assessment of Genetically Modified Food - Proposed Scope of the Scheme

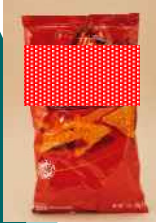
Trade Consultation Forum
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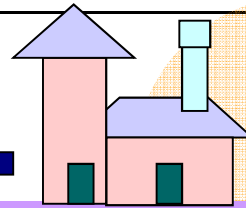
Background

- Administration proposed to introduce a mandatory **pre-market safety assessment scheme (PMSAS)** for genetically modified (GM) ingredients in March 2013
- The proposal of PMSAS was introduced in Trade Consultation Forum

Proposed GM Food Approval Process



**Manufacturers for
e.g. corn chips**



**Biotech company
(Producer)**



GM corn

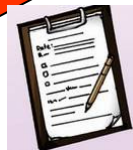
- Product details
- Safety assessment
- Detection methods



**Pre-market safety
assessment**

Approved

**Local
traders**



Ensure!

Consumers



List of Approved GM Food





Roles of Traders

- GM food developers (mostly biotechnology companies; but also include universities)
 - Submit the data to the food safety regulatory authority for assessment
- Food traders, including importers, retailers, and manufacturers etc.
 - They should ensure that the products they put on the market contain approved GM food only, if any



Impact to Small and Medium Size Retailers

- Concerns have been raised on practical difficulties to comply with the proposed PMSAS
 - For example, small vendors may not aware of selling unauthorised GM food
 - There may be significant impact to small and medium size retailers
- The possibility of applying the PMSAS to *importers* only is now under consideration by the Administration

Different Responsibilities of Traders

- If the PMSAS only applies to **importers** only
 - Importer should ensure the imported products contain approved GM food only, if any
- Other food traders, including **retailers**, **manufacturers**, etc.
 - Food Safety Ordinance requires keeping transaction records of the business from which it acquired the food and the business to which it supplied the food, for food source tracing



Responsibility of Importers

- Ensure that the imported food products they put on the market contain approved GM ingredients only, if any
- May be proven by requesting supplier's confirmation, including in the product specification, conducting laboratory tests, etc.
- These processes can be documented to show that traders have exercised their effort in ensuring their products contain only approved GM food (Plea warranty under sections 70 and 71 of Cap 132)

Statutory Defence

Section 71 of Cap. 132 stipulates conditions under which warranty may be pleaded by the defendant as defence in any proceedings for an offence under the relevant part of the Ordinance

Section 70 of Cap.132 provides that if the defendant could prove that the contravention was due to the act or default of some other person, and that he has used all due diligence to secure that the provisions in question were complied with, he may plead this as a defence



Advice sought

- Members are invited to comment on applying the PMSAS to importers only



~ Thank you ~