



USDA Foreign Agricultural Service

# GAIN Report

Global Agriculture Information Network

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## EU-25

### Oilseeds and Products

### Imports of GM rapeseed and rapeseed oil for Biodiesel

### 2005

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**Report Highlights:**

Imports of Genetically Modified (GM) organisms and products of GM organisms are strictly regulated in the European Union (EU).

However, the biotech regulations for food and feed do not apply for products used for direct technical use, such as biofuels.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Brussels USEU [BE2]  
[E3]

Imports to the European Union of genetically modified (GM) rapeseed to produce rapeseed oil for the production of biofuels are possible. However, the import and transformation of rapeseed and all the products that go into the food and feed chain are subject to the GM regulations.

The GM rapeseed varieties, that can be imported and processed and which products can go into feed use with the proper labeling are Topas 19/2, MS1/RF1, MS1/RF2 and GT73. Only refined oil can go into food use.

All other GM rapeseeds are currently considered to be unauthorized varieties with a zero tolerance. According to the EU Oil and Protein industry (Fediol), EU rules and regulations stipulate that the presence of even a small amount of non-authorized GM rapeseed in a cargo will result in rejection of the entire shipment.

It is possible to import rapeseed oil produced from GM rapeseed varieties into the European Union. The biotech regulations for food and feed do not apply for direct technical use, such as biofuels. Though, the keyword here is "direct".

This would mean that it is possible to import GM rapeseed oil for biofuels, as it does not fall under the food and feed regulations. However any byproduct of the transformation process of rapeseed oil into biofuel, such as for example glycerin, that would go into the food and feed chain would have to be governed by the GM food and feed regulation. This includes labeling rules, non-authorized varieties etc.

There is currently no specific customs classification for biodiesel imported to the EU. Therefore the classification and hence the import conditions may vary. For biodiesel in the form of FAME (fatty acid methyl ester) classified in CN code 3824 90 99 in the case of the USA, currently a third country duty of 6.5 percent applies. There are no quantitative restrictions.

According to the European Commission it is possible and advisable to apply for a Binding Tariff Information (BTI), which is issued by customs authorities. A BTI ensures uniform treatment of the respective product in all EU Member States. More about BTI and how to apply for them can be found at:

[http://europa.eu.int/comm/taxation\\_customs/common/databases/ebti/index\\_en.htm](http://europa.eu.int/comm/taxation_customs/common/databases/ebti/index_en.htm)

The related regulations for imports of GM into the EU are:

Regulation (EC) No [258/1997 Novel Food Regulation](#)

Directive [2001/18/EC](#) on the deliberate release of genetically modified organisms into the environment

Regulation (EC) no [1829/2003](#) Regulation on GM food and feed

Regulation (EC) No [1830/2003](#) Regulation concerning traceability and labeling of GMOs and food and feed products produced from GMOs

**Visit our website:** our website [www.useu.be/agri/usda.html](http://www.useu.be/agri/usda.html) provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information.

E-mail: [AgUSEUBrussels@usda.gov](mailto:AgUSEUBrussels@usda.gov)

**Related reports from USEU Brussels:**

Report Number	Title	Date Released
E35172	European Commission Forecasts on Oilseeds and Biofuels	08/31/05
E35158	GMO warnings issued to three Member States	08/05/05
E35126	Environment Council votes no to lifting biotech bans	06/29/05
E35118	Oilseeds Annual	06/20/05
E35101	Conditions for importing biodiesel to the EU from the US.	05/25/05
E35091	Annual Biotech Report	05/13/05
E35085	Strong Growth anticipated for EU Biodiesel Production	05/03/05
<p>These reports can be accessed through our website <a href="http://www.useu.be/agri">www.useu.be/agri</a> or through the FAS website <a href="http://www.fas.usda.gov/scripts/attacherep/default.asp">http://www.fas.usda.gov/scripts/attacherep/default.asp</a>.</p>		