



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - Public distribution

Date: 10/30/2008

GAIN Report Number: IN8129

India

FAIRS Product Specific

GOI Further Extends GEAC Approval for Processed Food Derived from Living Modified Organisms

2008

Approved by:

Holly Higgins
U.S. Embassy

Prepared by:

A. Govindan

Report Highlights:

On October 3, 2008, the Ministry of Environment and Forests issued a Gazette notification further extending the requirement for an approval from the Genetic Engineering Approval Committee (GEAC) for production, marketing, importation and use of processed food products from living modified organisms (LMO), when the end-product is not an LMO. This has been done for a period six months up to March 31, 2009, or until further notification by the Ministry of Health and Family Welfare regarding the regulation of genetically modified (GM) processed food by the Food Safety and Standards Authority, whichever is earlier.

Includes PSD Changes: No
Includes Trade Matrix: No
Trade Report
New Delhi [IN1]
[IN]

Introduction: This report summarizes the Ministry of Environment and Forest (MOEF) Gazette Notification S.O. 2519 (E) dated October 3, 2008, which further extends the requirement for an approval from the Genetic Engineering Approval Committee (GEAC) for production, marketing, importation and use of processed food products from living modified organisms (LMO), when the end product is not an LMO.

Disclaimer: This summary is based on an initial review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural exports to India.

Type of Regulation: Final rule regarding approval of processed food products derived from LMOs wherein the end product is not an LMO, for production, marketing, importation, and consumption into India.

Important Dates:

- **Ministry of Environment and Forests Notification:** October 3, 2008
- **Notification to the WTO:** Not notified to date.
- **Effective Date:** Date of the publication

Products Affected: Processed food products, ingredients and additives derived from LMO's, but where the end product is not an LMO.

Agency in Charge: Ministry of Environment and Forest, Government of India (GOI).

Major Changes

Find below the extracted portion of the notification:

Begin Quote

"Notification No. S.O. 1519(E), dated 23-8-2007 is kept in abeyance for a further period of six months, i.e. upto 31-3-2009 or until issue of further notification by the Ministry of Health and Family Welfare regarding regulation of GM processed foods by the Food Safety and Standards Authority, whichever is earlier."

End quote

Background & Post Comments:

The GOI Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Microorganism/Genetically Engineered Organisms or Cells, 1989 (also called 1989 Rules) are applicable to genetically engineered organisms/micro-organisms/cells and any substance or products including food products (<http://www.envfor.nic.in/divisions/csurv/geac/rules1989.html>). Rule 11 (1989) states that 'Food stuff, ingredients in food and additives including processing aids containing or consisting of genetically engineered organism or cells, shall not be produced, sold, imported or used except with the approval of the Genetic Engineering Approval Committee.'

On August 23, 2007, the Ministry of Environment and Forest issued a notification in the official Gazette of India that exempts processed foods derived from LMOs where the end

product is not an LMO as per the 1989 Rule 11, (i.e., need for approval from GEAC for production, marketing, importation and consumption). (See IN7089).

However, on February 25, 2008, the Ministry of Environment and Forests issued a notification that kept in abeyance its August 23, 2007 order that exempted processed food products derived from living modified organisms (LMOs) from seeking approval from the Genetic Engineering Approval Committee (GEAC) for production, marketing, importation and use in India (See Gain IN8023). This was done for a period of six months from the date of notification or until the issuance of a further notification by the Ministry of Health and Family Welfare on processed GM food products, whichever comes first. The current notification has further extended this requirement until March 31, 2009, or until the issuance of a further notification by the Ministry of Health and Family Welfare on processed GM food products, whichever comes first. Consequently, importers of processed food products which may be derived from biotech products, such as bio-engineered soybean and corn will have to continue to seek approval from GEAC.