

29 June 2017

Position Paper "Ohne Gentechnik"

EFFCA position on the German EGenTDurchfG (EC Genetic Engineering Implementation act) concerning the Classification of Food Culture preparations.

The following provisions (as described in the law review below) apply for the labeling of foods produced "Ohne Gentechnik" in Germany.

§3a Article 3 of the EGenTDurchfG

It is **not** allowed to use **foods or food ingredients** that fall into the scope of Regulation (EC) No 1829/2003 and 1830/2003; also where these regulations exempt from labelling the foods containing unavoidable traces of GMOs.

This means the 0.9% exemption for conventional food does not apply for food labelled "Ohne Gentechnik". Instead a technical zero applies. In general, adventitious or technically unavoidable traces of genetically modified material are tolerated by VLOG up to a threshold of at most 0,1% per ingredient.

§3a Article 4 of the EGenTDurchfG

In the case of **foods or food ingredients** of animal origin, the animal from which the food was produced must not have been fed on feed which has to be labelled as genetically modified in accordance with Regulation (EC) No 1829/2003 or Regulation (EC) No 1830/2003.

§3a Article 5 of the EGenTDurchfG

For preparation, handling, treating and mixing of a **food or food ingredient** it is not allowed to use food, food ingredients and processing aids that have been produced by a GMO, with the exception of the substances produced by GMOs that have been specifically approved for organic production via an application to the European Commission.

- "Produced by a GMO" means derived by using a GMO as the last living organism in the production process, but not containing or consisting of GMOs nor produced from GMOs;

Self-cloned microorganisms are not considered as a GMO in Germany. **Currently**, the VLOG does not disagree with this interpretation.

Food culture preparations are formulations consisting of concentrates of one or more live and active species of food cultures, including unavoidable residues of components carried over from the cultivation media and components necessary for their survival during processing and storage, e.g. cryoprotectants and carriers. Food culture preparations, for example those used for dairy applications, are added in amounts corresponding to 0.01-0.02 % of the volume of milk.

The raw materials and processing aids used in the fermentation process of the food culture preparation are consumed by the culture and are almost completely removed by centrifugation, meaning only technically unavoidable residues of these substances remain in the finished culture product. These raw materials, used prior to cryopreservation, would fall into the definition of processing aids and should therefore be excluded from the scope of §3a EGenTDurchfG.

Processing aids are by definition considered residues in accordance with the processing aid definition given in Regulation (EC) No 834/2007 Art. 2¹.

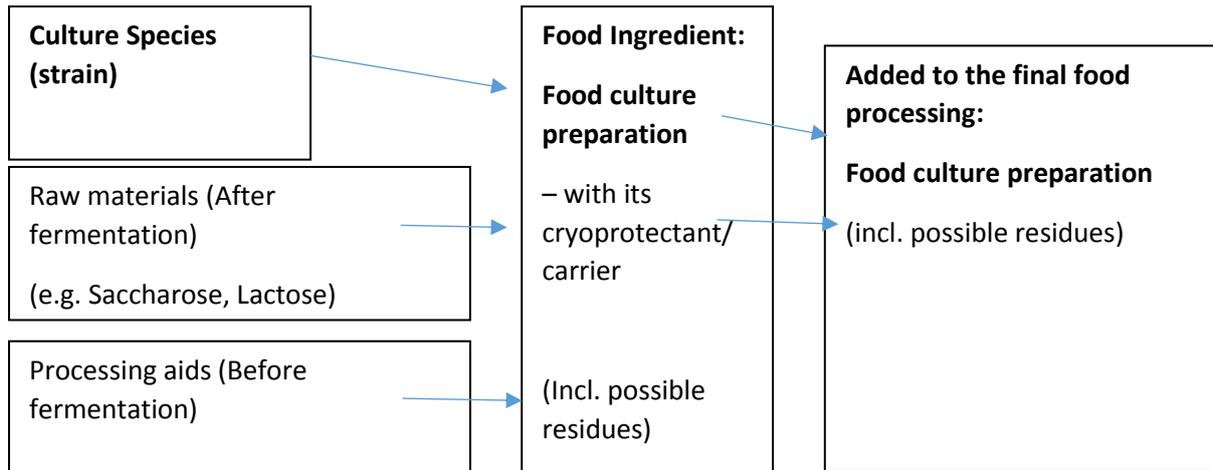
When the food culture preparation with its ingredients, processing aids and residues is added to the fermentation process of the final food product, the ingredients become residues of the final food, except for the culture species itself. The cryoprotectants and carriers used in the food culture preparations during freezing do not fulfill a technological purpose in the final food and should therefore not be considered 'ingredients' of the final food in accordance with the ingredient definition given in Regulation (EC) 1169/2011 Art. 1².

It is therefore EFFCA's interpretation that culture ingredients, processing aids and residues - with the exception of the culture species itself - carried over to the final food do not have to comply with EGenTDurchfG §3a Art. 3, 4 and 5.

For ingredients derived from a substance or product listed in Annex II which may cause allergies or intolerance, indication on the label shall be mandatory as required by Regulation (EC) 1169/2011 Art. 9. However, it is EFFCA's interpretation that the labelling requirement does not automatically make these substances ingredients of the final food.

¹y) 'processing aid' means any substance not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product;

²(f) 'ingredient' means any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as 'ingredients';



Annex 1: VLOG [opinion](#)

Annex 2: ALS opinion