ANDROULLA VASSILIOU
MEMBER OF THE EUROPEAN COMMISSION

STAVROS DIMAS
MEMBER OF THE EUROPEAN COMMISSION

Brussels, 08. 04. 2009
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Dear Minister,

We refer to your letter dated 11 February 2009 in which you stress the importance to duly consider in the evaluation of the EU legislation on GMOs the consequences of placing GMOs containing ARM genes on the market, as well as the phasing out process to ensure the removal of ARM genes which may have adverse effects on human health and the environment from the market.

In this context, it is worth mentioning that there are only two ARM genes (namely, *nptII* and *aad*) which are presently being used in products which have been authorised or for which an application has been submitted.

In terms of cultivation, MON810 maize is the only authorised GMO commercially cultivated in the EU and it does not contain such a gene. Therefore, our experience in terms of the cultivation of GMOs containing ARM genes is limited to field trials carried out under Part B of Directive 2001/18/EC. In accordance with Article 4(2) of Directive 2001/18/EC, ARM genes which may have adverse effects on human health and the environment should have been phased out by 31 December 2004 in the case of GMOs placed on the market under Part C of Directive 2001/18/EC and by 31 December 2008 in the case of GMOs authorised under Part B.

Similarly, the number of GM food and feed products containing ARM genes, which can be placed on the market, are limited to maize MON863 and 4 GM cotton plants.

As indicated to Member States' experts in the SCFCAH meeting of 16 December 2008, the evaluation exercise will be made up of two co-ordinated evaluations with defined scopes. The evaluations will certainly provide an assessment to ensure that the objectives of the legislation and in particular the assurance that a high level of protection for human life and health, animal health, and the environment has been achieved.

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Mrs E. Kjer Hansen, Minister
Ministry for Food, Agriculture and Fisheries
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In addition, provisions for risk management, including monitoring, and the implementation of Part B of Directive 2001/18/EC will be included in the scope of this exercise. It is clear that the use and phasing out of ARM genes will have to be considered in the context of these aspects of the evaluation. In this context, the consolidated EFSA opinion on the use of ARM genes in GM plants, which is expected to be adopted in the coming days, will be a valuable source of information.

Yours sincerely,

Androulla Vassiliou

Stavros Dimas