

EXECUTIVE DIRECTOR

Parma, 28 April 2009  
Ref RM/PB/EW(2009) – out - 3911089

Prof. John D. Collins, Chair BIOHAZ Panel  
Prof. Harry A. Kuiper, Chair GMO Panel  
Prof. Vittorio Silano, Chair of the Joint WG

**Subject: EFSA reply to the mandate for a consolidated opinion on use of antibiotic resistant marker (ARM) genes used as marker genes in genetically modified plants (EFSA Mandate No M-2008-0411)**

Dear Chairs of the GMO Panel, BIOHAZ Panel and the Joint Working Group,

In 2008, EFSA received a mandate from the European Commission (DG SANCO and DG ENV) to prepare a consolidated scientific opinion on the use of antibiotic marker genes in GM plants (Ref SANCO/E1/SP/pm(2008)D/510274).

The Terms of Reference were:

- (1) to prepare a consolidated scientific opinion on the use of antibiotic marker genes in GM plants intended or already authorized to be placed on the market;
- (2) to indicate the possible consequences of this consolidated opinion on the previous EFSA assessments on individual GMOs containing antibiotic resistance marker genes.

I would like to thank the joint Working Group and both of the Scientific Panels for the scientific work in preparing the opinion.

The joint opinion adopted by the GMO and BIOHAZ Panels includes the minority opinions of two members of the BIOHAZ Panel with respect to possible adverse effects of Antibiotic Resistance Marker Genes on human health and the environment. However, these were not discussed as minority opinions by both Panels during the adoption of the opinion.

Therefore, in order to conclude the process, I would ask both the BIOHAZ and the GMO Panels to consider the following questions:

1. Do any of the issues raised in the minority opinions require further clarification of the current joint scientific opinion?
2. If yes, can this be done without further scientific work?
3. If further work is required, what might the nature of this work be?

In addressing these questions, the two Panels will be supported by EFSA staff and the Joint WG which could meet in the coming weeks. Since both the GMO and BIOHAZ Panels have their plenary meetings in Parma on 27-28 May 2009, a joint discussion with both Panels can also be organised.

Yours sincerely,

Catherine Geslain-Lanéelle

Cc: Mr Robert Madelin, Director General, DG Health and Consumers  
Mr Karl Falkenberg, Director General, DG Environment