11 November 2026
420-26

Approval report – Application A1349

Food derived from insect-protected corn line COR121

Food Standards Australia New Zealand (FSANZ) has assessed an application made by Corteva Agriscience Australia Pty Ltd to amend the Australia New Zealand Food Standards Code to permit the sale and use of food derived from insect-protected corn line COR121.

On 23 July 2026, FSANZ sought submissions on a draft variation and published an associated report. FSANZ received 3 submissions.

FSANZ approved the draft variation on 28 October 2026. The Food Ministers' Meeting[1] was notified of FSANZ's decision on 11 November 2026.

This Report is provided pursuant to paragraph 33(1)(b) of the *Food Standards Australia New Zealand Act 1991*.

[1] Formerly referred to as the Australia and New Zealand Ministerial Forum on Food Regulation

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Supporting documents

The following document which informed the assessment of this application is available on the A1349 page on the FSANZ website[2]:

- Supporting Document 1 (SD1) – Safety assessment report

The published submissions from the call for submissions can be found on the A1349 Consultation Hub page.

[2] A1349 webpage – https://www.foodstandards.gov.au/food-standards-code/applications/a1349-food-derived-insect-protected-corn-line-cor121

Executive summary

Food Standards Australia New Zealand (FSANZ) has assessed an application from Corteva Agriscience Australia Proprietary Limited seeking a variation of Schedule 26 in the Australia New Zealand Food Standards Code (the Code) to permit the sale and use of food derived from a new genetically modified (GM) food: corn line COR121. This corn line has been modified for protection from lepidopteran insect pests.

As stated in section 18 of the *Food Standards Australia New Zealand Act 1991*, the primary objective of FSANZ in developing or varying a food regulatory measure is the protection of public health and safety. Accordingly, a safety assessment is a critical part of the assessment and approval process for all GM food applications.

Our safety assessment for corn line COR121 is based on the best available scientific evidence. It found no potential public health and safety concerns. Food derived from corn line COR121 is as safe for human consumption as food derived from conventional non-GM corn cultivars.

Existing labelling requirements for GM food will apply to food derived from corn line COR121 in accordance with the Code.

Following assessment and the preparation of a draft variation, FSANZ called for submissions on 23 July 2026 and received three submissions in response. FSANZ has had regard to these submissions.

For reasons set out in this report, FSANZ has decided to approve the draft variation proposed at the call for submissions without change. The approved draft variation will amend Schedule 26 of the Code to include a new paragraph (zm) in item 2 of the table to subsection S26—3(4) containing a reference to ‘insect-protected corn line COR121’. The effect of the approved draft variation will be to permit the sale and use of food derived from this corn line in accordance with the Code.

1 Introduction

1.1 The applicant

Corteva Agriscience Australia Proprietary Limited is a member of the Corteva Agriscience group, a global agriculture company.

1.2 The application

Application A1349 was submitted on 9 February 2026. It seeks an amendment to the Australia New Zealand Food Standards Code (the Code) to permit the sale and use of food derived from a new genetically modified (GM) food: corn line COR121. This corn line has been modified for protection against lepidopteran insect pests.

Insect protection is conferred by expression of the *ipd083Cb.1* gene encoding the IPD083Cb protein. IPD083Cb is an insecticidal protein from the giant maidenhair fern, *Adiantum trapeziforme* var. *braziliense*. COR121 also expresses the phosphomannose isomerase (PMI) protein from *Escherichia coli* strain K-12, which was used as a selectable marker. FSANZ has previously assessed the IPD083Cb and PMI proteins.

Food derived from corn line COR121 may enter the Australian and New Zealand food supply as imported food products. These may include corn starch, grits, meal, flour, oil and sweetener products.

This is the seventh GM application assessed under the shared assessment process with Health Canada.[3]

1.3 The current Standard

Australian and New Zealand food laws require that food for sale must comply with the Code. The requirements in the Code relevant to this application are summarised below.

Pre-market approval

Standard 1.1.1 of the Code provides that, unless expressly permitted by the Code, a food for sale cannot be, or have as an ingredient or component, a GM food.[4] Standard 1.1.2 defines what is a 'genetically modified food' for this purpose.[5]

The above in effect requires pre-market approval of a GM food before it can enter the Australian and New Zealand food supply. GM foods are only approved after a comprehensive pre-market safety assessment.

Standard 1.5.2 sets out the permissions and conditions for sale of a food that is, or has as an ingredient, a GM food. Permitted GM foods are listed in Schedule 26 of the Code.

Labelling

Subsection 1.1.1—10(8) requires that food for sale must comply with all relevant labelling requirements imposed by the Code for that food.

[3] See https://www.foodstandards.gov.au/consumer/gmfood/health-canada-fsanz-shared-assessment-process for more information.
[4] See paragraphs 1.1.1—10(5)(c) and 1.1.1—10(6)(g).
[5] See definition in section 1.1.2—16.

Section 1.5.2—4 requires a food for sale that contains, or consists of, a *genetically modified food* that is listed in Schedule 26 to be labelled as 'genetically modified' in accordance with this section, where that GM food:

- contains novel DNA or novel protein, or
- is listed in section S26—3 as being subject to a condition that its labelling must comply with section 1.5.2—4.

Section 26—3 of Schedule 26 lists certain GM foods that are subject to the condition that their labelling must comply with section 1.5.2—4 (i.e. regardless of the presence of novel DNA or novel protein in the food). These GM foods are considered to have an altered characteristic, such as an altered composition or nutritional profile, when compared to the existing counterpart food that is not a GM food.

Section 1.5.2—4 also provides that its labelling requirements do not apply if the food for sale:

- contains a GM food that is unintentionally present in the food in an amount of no more than 10 g/kg (or 1%) of each ingredient, or
- is intended for immediate consumption and is prepared and sold from food premises, including restaurants, take away outlets, caterers, or self-catering institutions and vending vehicles.

The labelling requirements imposed by section 1.5.2—4 apply to the following in accordance with Standard 1.2.1:

- a food for retail sale. In the case where a food for retail sale is not required by the Code to bear a label and is not in a package, subsections 1.2.1—9(2) and (3) require labelling information prescribed in section 1.5.2—4 to accompany the food or be displayed in connection with the display of the food; or
- a food sold to a caterer. In the case where a food sold to a caterer is not required by the Code to bear a label, section 1.2.1—13 and paragraph 1.2.1—15(f) require information in section 1.5.2—4 to be provided to the caterer with the food.

The labelling information prescribed in section 1.5.2—4 is the statement 'genetically modified' used in conjunction with the name of the GM food (see subsection 1.5.2—4(3)).

1.4 Reasons for accepting application

The application was accepted for assessment because:

- it complied with the procedural requirements under subsection 22(2) of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act)
- it related to a matter that warranted the variation of a food regulatory measure
- it was not so similar to a previous application for the variation of a food regulatory measure that it ought to be rejected.

1.5 Procedure for assessment

The application was assessed under the General Procedure in accordance with the FSANZ Act.

1.6 Decision

For reasons set out in this report, the draft variation as proposed following assessment was approved without change. The variation takes effect on the date of gazettal. The approved draft variation is at Attachment A.

The related explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

2 Summary of the findings

2.1 Summary of issues raised in submissions

FSANZ called for submissions (CFS) on a proposed draft variation to the Code on 23 July 2026. The consultation period was 6 weeks.

A total of 3 submissions were received. The submissions are publicly available on the FSANZ website A1349 Consultation Hub page.[6] One submission from New Zealand Food Safety (NZFS) supported the draft variation and did not raise any issues. Two submissions, one from Gene Ethics (GE) and one from a private individual, did not support the draft variation and raised a number of issues. Responses to issues raised are provided in Table 1.

[6] A1349 Consultation Hub page – https://consultations.foodstandards.gov.au/fsanz/a1349-food-derived-from-insect-protected-corn-line/

Table 1: Summary of issues

Issue	Raised by	FSANZ response
Recent publication from Mexico's national science and technology council (CONAHCYT 2024) indicates that consumption of GM corn may pose adverse health risks, including adverse effects on fertility, immune function, liver and kidney health, and other physiological systems.	Private Individual (MR)	FSANZ notes the information in the CONAHCYT report referred to by the submitter relates to general safety concerns associated with GM corn and is not specific to corn line COR121. Several of the studies discussed in this report have previously been reviewed by FSANZ. These studies do not provide convincing evidence of adverse health effects from GM corn. Detailed responses to the issues raised in these studies are available on our website.[7] FSANZ's assessment of corn line COR121 was based on the best available scientific evidence and conducted in accordance with internationally accepted scientific principles and guidelines. Based on a comprehensive assessment of the evidence specific to corn line COR121, FSANZ concluded food from that corn line is as safe as food from conventional corn cultivars.
The publicly available molecular characterisation data is insufficient to support an independent assessment of COR121, particularly given the absence of a genome-wide analysis of potential CRISPR-related off-target effects, unintended genomic changes and tissue-culture-induced variations. The withholding of key molecular and bioinformatic information as commercially confidential information (CCI) also limits independent scrutiny and does not meet Codex expectations for comprehensive molecular characterisation.	GE	FSANZ's comprehensive and independent assessment of the full molecular characterisation dataset for corn line COR121 confirmed the new genetic material was inserted as expected. No unintended DNA changes were identified that would raise safety concerns. FSANZ does not consider additional genome-wide analyses are necessary to establish the safety of food derived from COR121. The molecular and bioinformatic information referred to is CCI for the purposes of the FSANZ Act. FSANZ's ability to disclose that information is restricted by that Act and other Australian laws. Importantly, this does not limit FSANZ's ability to evaluate and use that information as part of the scientific weight-of-evidence for this application.
The previous approval of corn line A1323, which expresses the same insecticidal protein as COR121, is not evidence for the safety, repeated or long-term consumption of food derived from COR121. The safety of COR121 should be demonstrated using event-specific	GE	In assessing the safety of a GM food, FSANZ applies a weight of evidence approach, having regard to scientific evidence from a variety of different studies. In the case of corn line COR121, the IPD083Cb insecticidal protein is

[7] https://www.foodstandards.gov.au/sites/default/files/2024-03/Table%20of%20studies_update_13Aug18.pdf

Issue	Raised by	FSANZ response
evidence rather than inferred from previous approvals.		identical to that assessed by FSANZ for A1323. There is no scientific basis to expect a different toxicological or allergenic profile for this protein. In addition, as described in Section 4.1.2 of the SD1, FSANZ reviewed updated bioinformatic analyses for this protein, which confirmed no changes in the evidence base since the protein was last assessed. This information, along with relevant event-specific information for COR121 (such as the molecular characterisation and compositional analysis) was used to reach a conclusion about the safety of the food.
A quantitative dietary exposure assessment has not been conducted for foods derived from COR121, including assessments for vulnerable population groups, high consumers and cumulative dietary exposure.	GE	FSANZ notes there were no significant differences in composition between COR121 and conventional non-GM corn. In the absence of any significant differences, a dietary exposure assessment would not yield any useful additional information relevant to the safety assessment and is therefore not warranted.
The omission of repeated-dose animal toxicity studies and whole-food feeding studies has not been adequately justified, and additional independent studies may be required to address uncertainty regarding potential unintended effects.	GE	Whole food animal toxicity studies are not routinely required for GM food assessments because a scientifically informed comparative assessment can generally identify any potential unintended effects resulting from the genetic modification that may require further evaluation. For COR121, the molecular characterisation, protein safety assessment, and compositional analysis did not identify any safety concerns requiring further investigation. Accordingly, additional animal toxicity or whole-food feeding studies were not warranted.
The allergenicity assessment is not sufficiently comprehensive to address uncertainties associated with newly created open reading frames (ORFs) and potential allergenicity risks arising from the genetic modification.	GE	FSANZ's assessment of potential allergenicity was based on the best available scientific evidence and conducted in accordance with internationally accepted scientific principles and guidelines. The applicant provided detailed information on potential ORFs as CCI, which FSANZ considered as part of its comprehensive assessment. No allergenicity concerns were identified. FSANZ notes the consideration of putative ORFs is at best a theoretical assessment, as there is no plausible basis for assuming such ORFs would be expressed within the plant. Please see Section 3.4.4 of the SD1 for further information.
The compositional analysis does not adequately address the reported compositional differences between COR121 and the	GE	FSANZ notes that differences in the composition of corn, whether GM or not, is consistent with natural biological variation, which can be influenced

Issue	Raised by	FSANZ response
conventional comparator, and additional multi-season field trial data may be required to support conclusions of compositional equivalence.		by many different environmental and genetic factors. While statistically significant differences between COR121 and the conventional comparator were identified for a small number of analytes, all values fell within the range of natural variation observed for conventional corn. They are therefore not biologically meaningful and do not require further investigation. The field trial design for COR121 was considered to meet FSANZ's data requirements under the Application Handbook and was sufficient to provide confidence in a conclusion of compositional equivalence. The field trials were conducted across eight sites representative of a range of commercial corn-growing environments. Additional growing seasons are generally only considered necessary where the number of field trial sites is limited.
Current GM food labelling requirements do not provide consumers with sufficient information to make informed choices about foods derived from COR121, and comprehensive process-based labelling should be required.	GE	The product-based labelling approach to GM foods reflects the policy intent set by Food Ministers in 2000 and reaffirmed in 2011 and is intended to provide meaningful information and maintain consumer trust.
Insufficient information has been provided on the event-specific detection method for COR121, raising concerns regarding detection, traceability, enforcement and post-market monitoring arrangements. The event-specific method, validation data and reference materials should be made publicly available.	GE	The development of event-specific detection methods, enforcement, validation data and reference materials is not a matter for FSANZ. FSANZ notes that, consistent with the outcome of the safety assessment, post-market monitoring is not considered necessary for food from corn line COR121. There are no traceability requirements for GM foods in the Code.
The conclusion that approval of COR121 would provide a net benefit has not been adequately demonstrated, as the costs and impacts on consumers, governments, importers and GM-free supply chains have not been fully assessed or quantified.	GE	Giving approval to a GM food that has been determined to be safe, is a minor change that is deregulatory in nature. A full economic or quantitative cost-benefit analysis is therefore not required. The cost-benefit analysis for this application therefore focused on the potential advantages and disadvantages of changing the status quo by allowing the sale and use of food derived from corn line COR121. The broader concerns raised regarding GM-free supply chains are beyond the scope of this application and were considered in detail under Proposal

Issue	Raised by	FSANZ response
		P1055.

2.2 Safety assessment

The safety assessment of corn line COR121 is provided in Supporting Document 1 (SD1) and included the following key elements:

- a characterisation of the transferred genetic material, its origin, function and stability in the corn genome
- characterisation of novel nucleic acids and protein in the whole food
- detailed compositional analyses
- evaluation of intended and unintended changes
- assessment of the potential for any newly expressed protein to be either allergenic or toxic in humans.

In conducting the safety assessment, FSANZ considered information from a variety of sources including, but not limited to, a data package provided by the applicant (application and study reports), the scientific literature and previous applications.

The assessment of corn line COR121 was restricted to human food safety and nutritional issues consistent with the statutory remit of FSANZ. This assessment therefore does not address any risks to the environment that may occur as the result of growing corn line COR121, or any risks to animals that may consume feed derived from corn line COR121.

Permission to cultivate corn line COR121 or to import viable seeds into Australia or New Zealand would require separate regulatory assessment and approval by the Gene Technology Regulator (GTR)[8] in Australia and from the Environmental Protection Authority (EPA)[9] and the Ministry for Primary Industries (MPI)[10] in New Zealand.

No public health and safety concerns have been identified.

Based on the data provided in the present application and other available information, food derived from corn line COR121 is as safe for human consumption as food derived from conventional non-GM corn cultivars.

2.3 Risk management

Following assessment, FSANZ prepared a draft variation of the Code and called for submissions on that draft variation.

The risk management options available to FSANZ following the call for submissions were to:

- approve the draft variation proposed following assessment, or
- approve that draft variation subject to such amendments as FSANZ considers necessary, or
- reject that draft variation.

Having regard to the submissions received and for the reasons set out in this report, FSANZ has decided to approve the draft variation proposed following assessment without change (see Attachment A).

[8] The Office of the Gene Technology Regulator (OGTR) provides administrative support to the Gene Technology Regulator in the performance of functions under the *Gene Technology Act 2000*.
[9] The Environmental Protection Authority implements and enforces the *Hazardous Substances and New Organisms (HSNO) Act 1996*.
[10] The Ministry of Primary Industries provides advice on biosecurity requirements in New Zealand.

Risk management considerations for this application relating to the regulatory approval, labelling and detection methodology are discussed below.

2.3.1 Regulatory approval

Corn line COR121 is a GM food for Code purposes as it is derived from 'an organism that contains novel DNA'. The approved draft variation lists corn line COR121 in the table to subsection S26—3(4). The amendment will effectively provide permission for the sale and use of food derived from corn line COR121 as a GM food in accordance with the Code.

2.3.2 Labelling

The applicant did not request any changes to existing labelling requirements in the Code. The approved draft variation does not change those requirements. Accordingly, the labelling requirements set out in section 1.3 of this report will therefore apply to food that contains, or consists of, food derived from corn line COR121 if it contains novel DNA or novel protein, unless an exemption applies. FSANZ has determined that food derived from corn line COR121 does not have altered characteristics (see sections 5.3 and 6 of SD1).

2.3.3 Detection methodology

An Expert Advisory Group (EAG) comprising laboratory personnel and representatives of Australian and New Zealand jurisdictions was formed by the Food Regulation Standing Committee's Implementation Sub-Committee[11] to identify and evaluate appropriate methods of analysis associated with all applications to FSANZ, including GM food applications.

The EAG indicated that for GM food applications, the full DNA sequence of the insert and adjacent genomic DNA are sufficient data to be provided for analytical purposes. Using this information, any DNA analytical laboratory would have the capability to develop a PCR[12] based detection method. This sequence information was supplied by the applicant for A1349.

2.4 Risk communication

2.4.1 Consultation

Consultation is a key part of FSANZ's standards development process.

The process by which FSANZ considers standards development matters is open, accountable, consultative and transparent. Public submissions were invited on a draft variation released for public comment between 23 July 2026 and 3 September 2026. The CFS was notified via the FSANZ Notification Circular, media release and Food Standards News. Subscribers and interested parties were also notified.

FSANZ acknowledges the time taken by individuals and organisations to make submissions on this application. All submissions are considered by FSANZ as part of the decision-making process. All comments are valued and contribute to the rigour of our assessment.

Documents relating to A1349, including the submission received, are available on the FSANZ website[13].

The draft variation was considered for approval by the FSANZ Board having regard to all

[11] Now known as the Implementation Subcommittee for Food Regulation.
[12] Polymerase Chain Reaction.
[13] A1349 consultation hub - https://consultations.foodstandards.gov.au/fsanz/a1349-food-derived-from-insect-protected-corn-line/

submissions made during the call for submissions period.

2.5 FSANZ Act assessment requirements

2.5.1 Section 29

When assessing this Application and the subsequent development of a food regulatory measure, FSANZ has had regard to the following matters in section 29 of the FSANZ Act:

2.5.1.1 Consideration of costs and benefits

FSANZ has assessed that a Regulation Impact Statement is not required for this application. This is because applications relating to permitting the use of GM foods that have been determined to be safe, such as with this application, are considered to be minor and deregulatory in nature given the use of the food will be voluntary if the draft variation concerned is approved.

FSANZ had regard to whether costs that would arise from the proposed measure outweigh the direct and indirect benefits to the community, government or industry that would arise from the proposed measure (as per paragraph 29(2)(a) of the FSANZ Act).

The consideration of the costs and benefits in this section is not intended to be an exhaustive, quantitative economic analysis of the proposed measures and, in fact, most of the effects that were considered cannot easily be assigned a dollar value. Rather, the assessment seeks to highlight the potential positives and negatives of moving away from the status quo by permitting the sale and use of corn line COR121.

FSANZ's conclusions regarding the costs and benefits of the proposed measure are set out below.

Costs and benefits of permitting the proposed use of corn line COR121

Food derived from corn line COR121 may enter the Australian and New Zealand food supply as imported food products. The sale and use of foods derived from corn line COR121 will be permitted under the Code allowing broader market access. Due to the voluntary nature of the permission, manufacturers and retailers will only engage with foods derived from corn line COR121 where they believe a net benefit exists for them. Part of any cost savings experienced by the food industry may be passed onto consumers.

For those food products derived from corn line COR121, existing GM labelling requirements would apply to assist consumers wishing to avoid these products.

There might be small and likely inconsequential costs of monitoring an additional GM food ingredient for regulators to ensure compliance with labelling requirements.

Conclusion of costs and benefits

FSANZ's assessment is that the direct and indirect benefits that would arise from permitting the sale and use of food derived from corn line COR121 as proposed are likely to outweigh the associated costs.

2.5.1.2 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure developed or varied as a result of the application.

2.5.1.3 Any relevant New Zealand standards

The relevant standards apply in both Australia and New Zealand. There are no relevant New Zealand only standards.

2.5.1.4 Any other relevant matters

The applicant submitted applications for regulatory approval of corn line COR121 to Canada, United States, Argentina and Brazil, as listed in Table 2.

Table 2. List of countries to whom applications for regulatory approval of corn line COR121 have been submitted.

Country	Authority	Type of approval sought	Status
Canada	Health Canada	Food	Submitted
United States	Food and Drug Administration	Food and feed	Completed, no questions
Argentina	National Advisory Commission on Agricultural Biotechnology	Environmental release	Approved
	National Service of Agrifood Health and Quality	Food and feed	Approved
Brazil	National Biosafety Technical Commission	Food, feed, and environmental release	Submitted

Other relevant matters are considered below.

2.5.2 Subsection 18(1)

FSANZ has also considered the three objectives in subsection 18(1) of the FSANZ Act during the assessment.

2.5.2.1 Protection of public health and safety

FSANZ's assessment did not identify any public health and safety concerns with food derived from corn line COR121. Based on the best available scientific evidence, including detailed studies provided by the applicant, FSANZ's assessment is that food derived from corn line COR121 is as safe for human consumption as food derived from other conventional non-GM corn cultivars.

2.5.2.2 The provision of adequate information relating to food to enable consumers to make informed choices

Existing labelling requirements for GM food will apply to food derived from corn line COR121 in accordance with the Code to enable informed consumer choice (see section 2.3.2).

2.5.2.3 The prevention of misleading or deceptive conduct

No issues relevant to this objective were identified for this application.

2.5.3 Subsection 18(2) considerations

FSANZ has also had regard to:

- **the need for standards to be based on risk analysis using the best available scientific evidence**

FSANZ's approach to the safety assessment of all GM foods applies concepts and principles outlined in the Codex Principles for the Risk Analysis of Foods derived from Biotechnology (Codex, 2009). Based on these principles, the risk analysis undertaken by FSANZ for corn line COR121 used the best scientific evidence available. The applicant submitted a comprehensive dossier of quality-assured raw experimental data. In addition, other available resource material including published scientific literature and general technical information was used by FSANZ in the safety assessment.

- **the promotion of consistency between domestic and international food standards**

There are no relevant international standards.

- **the desirability of an efficient and internationally competitive food industry**

The inclusion in the food supply of GM foods that are safe allows for innovation by product developers and a widening of the technological base for producing foods. Corn line COR121 is a new food crop designed to provide growers with an additional control option for lepidopteran insect pests.

- **the promotion of fair trading in food**

No issues relevant to this objective were identified for this application.

- **any written policy guidelines formulated by the Food Ministers' Meeting**

No specific policy guidelines have been developed.

3 References

Codex (2009) Principles for the risk analysis of foods derived from modern biotechnology. CAC/GL 44-2003. Codex Alimentarius Commission, Rome. http://www.fao.org/3/a1554e/a1554e00.htm

CONAHCYT (2024) Effects of GM corn on human health, the environment and biodiversity, including the biocultural richness of native corn in Mexico: Scientific dossier on genetically modified corn and its effects. Mexico's national science and technology council. Mexico. https://usrtk.org/wp-content/uploads/2024/11/DOSSIER-MAIZ-2024-ENGfinal-5.pdf

Attachments

A. Approved draft variation to the Australia New Zealand Food Standards Code
B. Explanatory Statement

Attachment A – Approved draft variation to the Australia New Zealand Food Standards Code

Food Standards (Application A1349 – Food derived from insect-protected corn line COR121) Variation

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The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the date specified in clause 3 of the variation.

Dated [To be completed by the delegate]

Matthew O'Mullane
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1349 – Food derived from insect-protected corn line COR121) Variation*.

2 Variation to a Standard in the *Australia New Zealand Food Standards Code*

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

3 Commencement

The variation commences on the date of gazettal.

Schedule

Schedule 26—Genetically modified food

[1] Subsection S26—3(4) (table item 2, column headed "*Food derived from*:")

Insert:

(zm) insect-protected corn line COR121

Attachment B – Explanatory Statement

EXPLANATORY STATEMENT

Food Standards Australia New Zealand Act 1991

Food Standards (Application A1349 – Food derived from insect-protected corn line COR121) Variation

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

The purpose of the Application A1349 was to amend the Code to permit the sale and use of food derived from a new genetically modified food – corn line COR121. Corn line COR121 has been genetically modified for protection against lepidopteran insect pests. The Authority considered the application in accordance with Division 1 of Part 3 and has approved a draft Variation – the *Food Standards (Application A1349 – Food derived from insect-protected corn line COR121) Variation* (the approved draft variation).

Following consideration by the Food Ministers' Meeting (FMM), section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the approved draft variation.

2. Variation is a legislative instrument

The approved draft variation is a legislative instrument for the purposes of the *Legislation Act 2003* (see section 94 of the FSANZ Act) and is publicly available on the Federal Register of Legislation (www.legislation.gov.au).

This instrument is not subject to the disallowance or sunsetting provisions of the *Legislation Act 2003.* Subsections 44(1) and 54(1) of that Act provide that a legislative instrument is not disallowable or subject to sunsetting if the enabling legislation for the instrument (in this case, the FSANZ Act): (a) facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more States; and (b) authorises the instrument to be made for the purposes of the scheme. Regulation 11 of the *Legislation (Exemptions and other Matters) Regulation 2015* also exempts from sunsetting legislative instruments a primary purpose of which is to give effect to an international obligation of Australia.

The FSANZ Act gives effect to an intergovernmental agreement (the Food Regulation Agreement) and facilitates the establishment or operation of an intergovernmental scheme (national uniform food regulation). That Act also gives effect to Australia's obligations under an international agreement between Australia and New Zealand. For these purposes, the Act establishes the Authority to develop food standards for consideration and endorsement by the FMM. The FMM is established under the Food Regulation Agreement and the international agreement between Australia and New Zealand, and consists of New Zealand,

Commonwealth and State/Territory members. If endorsed by the FMM, the food standards on gazettal and registration are incorporated into and become part of Commonwealth, State and Territory and New Zealand food laws. These standards or instruments are then administered, applied and enforced by these jurisdictions' regulators as part of those food laws.

3. Purpose

The Authority has approved a draft variation to amend the table to subsection S26—3(4) in Schedule 26 of the Code to permit the sale and use of food derived from corn line COR121, in accordance with the Code.

4. Documents incorporated by reference

The approved draft variation does not incorporate any documents by reference.

5. Consultation

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1349 included one round of public consultation following an assessment and the preparation of a draft variation and associated report. Submissions were called for on 23 July 2026 for a 6 week consultation period. Further details of the consultation process, the issues raised during consultation and by whom, and the Authority's response to these issues are available in an approval report published on the Authority's website at www.foodstandards.gov.au.

A regulation impact statement (RIS) has not been prepared. This is because applications relating to permitting the use of GM foods that have been determined to be safe are considered to be minor and deregulatory in nature, as their use will be voluntary if the draft variation relating to the application is approved. Therefore, the Authority's assessment is that a RIS is not required for this application.

6. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 44 of the *Legislation Act 2003*.

7. Variation

References to the 'variation' in this section are references to the approved draft variation.

Clause 1 of the variation provides that the name of the variation is the *Food Standards (Application A1349 – Food derived from insect-protected corn line COR121) Variation*.

Clause 2 of the variation provides that the Code is amended by the Schedule to the variation.

Clause 3 of the variation provides that the variation will commence on the date of gazettal of the instrument.

Item [1] of the Schedule to the variation amends Schedule 26 of the Code by inserting, in alphabetical order, new paragraph '(zm)' into the column headed '***Food derived from:***' for item 2 of the table to subsection S26—3(4) of the Code The name of the commodity in item [2] of this table is 'Corn'.

The new paragraph (zm) refers to 'insect-protected corn line COR121'.

The effect of the variation is to permit the sale and use of food derived from corn line COR121 in accordance with the Code.