MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL UNDER GMO ACT, 1997 HELD ON 30 JANUARY 2007, HARVEST HOUSE, ROOM 332, PRETORIA

PRESENT

Dr J Jaftha (Chairperson)	Department of Agriculture (DoA)
Mr B Durham	Department of Science and Technology (DST)
Dr G Bouwer	University of the Witwatersrand
Ms L Sello	Department of Environmental Affairs and Tourism (DEAT)
Mr D Pretorius	Department of Health (DoH)
Ms E Koekemoer	Department of Trade and Industry (**the dti**)
Ms M Vosges	Department of Agriculture (Registrar)
Ms E L Marshall (Secretariat)	Department of Agriculture

IN ATTENDANCE

Ms SMG Zwane	Department of Science and Technology
Ms WP Mandivenyi	Department of Environmental Affairs and Tourism
Ms T Magagula	Department of Environmental Affairs and Tourism
Ms D C Kershaw	Department of Environmental Affairs and Tourism
Mr S Mokhothu	Department of Agriculture
Ms E Jantjies	Department of Agriculture
Ms MI Molepo	Department of Agriculture
Ms R Chanda	Department of Health
Ms S M Molefe	Department of Health

NO.	SUBJECT	RESOLUTION	FOR ATTENTION
1.	**OPENING AND WELCOME**	Dr Jaftha welcomed all present at the meeting and especially Dr G Bouwer as the newly appointed Chairperson of the Advisory Committee under the GMO	

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NO.	SUBJECT	RESOLUTION	FOR ATTENTION
		Act.	
2.	**ATTENDANCE REGISTER**	The attendance register was circulated to everyone present for signature and no apologies were presented.	
3.	**ADOPTION OF THE AGENDA**	The agenda was adopted with the following additions: 7.1 Publication of EC decisions 9.1 Briefing on the Status of the Workshop on Liability and Redress 9.2 Bio-safety Research Strategy Workshop 9.3 Update on GMO Amendment Bill	
4.	**APPROVAL OF MINUTES**	The minutes of the meeting of 20 November 2006 was approved after the following amendments: p.2, point 3: Insert “building” after “Capacity” in 9.1. p.4, point 5.4: Change “analise” to “analyse”.	
5.	**MATTERS ARISING FROM THE MINUTES OF THE MEETING OF 20 NOVEMBER 2006**		

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5.1	Risk assessment of stacked plant biotechnology products and Ecological Risk Assessment (DEAT)	(i) The Council noted that although DEAT had hoped to submit a working draft containing the consolidated comments of the relevant stakeholders, consensus could not be reached on the area around the technical triggers for when an Environmental Impact Assessment (EIA) should be conducted. (ii) DEAT indicated that the way forward in this regard would be to consult with technical and environmental experts and requested the Council's approval for the GMO Advisory Committee and possibly other experts to assist in setting in place a more acceptable mechanism to determine the technical triggers for and EIA. (iii) The Council stressed that a guideline to facilitate the use of an EIA will be a useful tool. However, Council will consider every application on a case by case basis. (iv) The Council **decided** that DEAT, the Office of the Registrar, the Advisory Committee and a sub-committee (should that experience be required) will, as a matter of urgency collaborate in an endeavour to determine technical triggers and keep the Council informed on when the discussion will take place.	DEAT, Registrar and Chairperson of the Advisory Committee
5.2	Visit to Argentina to benchmark SA trade implications (DoA)	(i) The Registrar proposed 5-9 March, 12-16 March or 16-20 April 2007 as possible dates for the visit to Argentina to benchmark S A trade implications and Council was **requested** to diarise the possible dates and inform the Registrar of the most suitable not later than 2 February 2007. (ii) In keeping with a previous decision, the Office of the Registrar will provide DoH with a copy of the Cabinet Memorandum which will be tabled at the first possible Cabinet meeting and which indicates the	Council & Registrar

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		trade implications and relates to the broader biotechnology issues.	
		(iii) It was again confirmed that individual departments will have to carry the cost of their respective officials who will participate in the visit.	Council
		(iv) The participation of Dr G Bouwer as the scientific representative on the team is preferable and the cost in this regard has to be discussed with the Office of the Registrar.	Registrar & Dr Bouwer
5.3	Guideline for classification of GMO facilities (Registrar)	(i) The Council **noted** that the Guideline for the Classification of GMO Facilities (both greenhouses and laboratories) is ready for circulation by the Office of the Registrar to the Advisory Committee by 2 February 2007.	Registrar
		(ii) Once the proposed guidelines have been approved, they will be posted on the DoA website and perhaps even sent to registered GMO facilities and other relevant institutions in order to contribute to public awareness and to promote understanding.	Registrar
5.4	Study by dti (DoA**)**	(i) The Council **noted** that the University of the Free State has indicated that the study to assist in determining the impact of different scenarios regarding trade implications on GMOs has been completed. The results however are awaited.	
		(ii) The Council **decided** that as soon as the information is available, the Office of the Registrar will convene a meeting at which opportunity a presentation on the model will be done. Should the complete Council not be able to attend the presentation, **the dti** as the experts on trade and officials from the Directorate: Trade of the DoA are required to attend to provide assistance on the analysis and assessment of the data and how this tool can contribute to an	Registrar

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		understanding of the market and how the Council's decisions might impact on the local market. (iii) The Council **noted** that due to the backlog of applications for commodity authorisations, a special meeting of the Council will have to be scheduled after the presentation, to deal with these applications.	Registrar
5.5	Monsanto-04/205: General release of maize MON810xNK603	The Council **approved** the application of Monsanto-04/205: General release of maize MON810XNK603.	Registrar
5.6	Monsanto-05/276: General release of cotton, RR-Flex	The Council **approved** the application of Monsanto-05/276: General release of cotton, RR-Flex.	Registrar
5.7	Monsanto-06/297: Field trials with abiotic stress maize	The Council **approved** the application of Monsanto-06/297: Field trials with Abiotic Stress Maize.	Registrar
5.8	ARC:IIC-06/001: Contained Use of GM Cassava	The Council **decided** to defer a decision on the ARC: IIC-06/001: Contained Use of GM Cassava application subject to the availability of additional information.	Registrar
6.	**NEW APPLICATIONS TO BE CONSIDERED BY EC:**		

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NO.	SUBJECT	RESOLUTION	FOR ATTENTION
6.1	ARC:IIC-06/002: Trial release of GM Cassava	The Council **decided** to defer a decision on the ARC: IIC-06/002: Trial release of GM Cassava application subject to the availability of more information.	Registrar
6.2	CSIR-06/005: Contained Use of GM Sorghum	(i) After an in depth discussion the Council concluded that there is little new science to be developed, equally as a result there is now real benefit. Despite the containment level, the impact of any escape of the material from the facility will be major. Considering these two factors the Council therefore **does not approve** the application for CSIR-06/005: Contained Use of GM Sorghum.	
		(ii) However, in deliberating upon the matter the Council also considered the potential field trial release and concluded that it is unlikely that such an application would have been favourably considered.	Registrar
6.3	Monsanto-06/320: Commodity Clearance of Triple stacked maize (MON863xMON810xNK 603)	(i) The Council **did not approve** the application for Monsanto-06/320: Commodity Clearance of Triple stacked maize (MON863xMON810XNK603) pending the outcome of **the dti**/DoA study and the provision by the applicant on the detection method.	Registrar
6.4	Pioneer-06/277: Contained Use (Storage) of stacked maize (MON810xNK603)	The Council did **not approve** the application of Pioneer-06/277: Contained Use (Storage) of stacked maize (MON810xNK603). The reasons are that importation and storage of an event which has not been approved for general release or use in a specific contained use or trial release activity, poses unnecessary risks.	Registrar

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6.5	Triclinium-06/005: Importation and Clinical Trials with TB (AERAS 402) Vaccine	The Council recommends **approval** of the Triclinium-06/005: Importation and Clinical Trials with TB (AERAS 402) Vaccine subject to the concerns raised, being shared with the MCC for their consideration.	Registrar
6.6	Triclinium-06/006: Importation and Clinical Trials with HIV VIR201 vaccine	A decision on this application will be pending the Medicines' Control Council (MCC) and the relevant ethics committee approval of the vaccine and the trial.	Registrar Registrar
7.	**NEW MATTERS**		
7.1	Publication of EC decisions	(i) The Council noted the viewpoint of Mr Durham that the publication of their decisions will contribute to public participation and transparency in the GMO debate in S A and his suggestion that the capacity within the Office of the Registrar be developed to allow for comprehensive decisions (not confidential information) to be made available. (ii) The Council **requested** Mr Durham to submit proposal at the **meeting of the Council on 13 March 2007** on how to engage in and establish a process to this end. (iii) DoA will obtain a formal legal opinion as to the requirement of the Executive Council as a body to have a constitution to inform the procedures of the Council.	
8.	**STANDING MATTERS:**		
8.1	Copy of permits issues since last meeting	The Executive Council noted the list of permits issued since their last meeting.	

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8.2	Report on current trials	(i) The Council **noted** the Summary of GMO Trials Planted in Growing Season 2006-2007.	Registrar
		(ii) The Registrar **noted** that should the dates for inspection of trials be made available, it will allow for DEAT to accompany such an inspection.	Registrar
		(iii) The Council **noted** that DEAT uses these reports to digitally pin on a GIS map of South Africa where trials are undertaken and will at the Council **meeting of 13 March 2007** demonstrate how this is done.	
9.	**GENERAL**		
9.1	Workshop of Liability and Redress	(i) The Council **noted** that **the dti** has spent time on unpacking the issues around liability and redress and have made their inputs into the draft operational text available and that discussions have been held on international level. Caution must therefore be taken not to contradict oneself or to make statements that have not been endorsed through the appropriate structures.	
		(ii) The Council **noted** DEAT's concern that they may not be the best driver for the process around the discussions on liability and redress as the issues are not around the environment but rather around trade and socio-economics.	
		(iii) The Council **noted** the need to address the development of a country position and that DEAT will be having a stakeholder consultation on liability and redress.	DEAT
9.2	Bio-safety Research	(i) The Council **noted** that the workshop's aim was to determine a	

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	Strategy Workshop	process on how to move forward with defining the research priorities that will enhance decision making from an environmental bio-safety component. (ii) The Council **noted** that the report on the outcome of the workshop will be made available to Council members as well as the presentation done by Directorate: Genetic Resources.	
9.3	Update on the GMO Amendment Bill	The Council **noted** that the second Afrikaans translation has been linguistically reviewed by the Chairperson of the Council and the Registrar (as most of the officials at the Directorate Legal Services are English speaking) and referred back to the latter to review the proposals from a legal point of view.	
10.	**DATE OF NEXT MEETING**	The next Executive Council meeting will take place on 13 March 2007.	
11.	**CLOSURE**	The meeting was concluded at 11:45.	

Approved by Council on13 March 2007.