

**MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL UNDER THE GMO ACT, 1997 HELD ON
15 MARCH 2011, HARVEST HOUSE, ROOM 332, PRETORIA**

PRESENT

Dr J Jaffha (Chairperson)
Mr B Durham
Ms W P Mandivenyi
Mr A Pretorius
Dr G Bouwer

Department of Agriculture, Forestry and Fisheries (DAFF)
Department of Science and Technology (DST)
Department of Environmental Affairs (DEA)
Department of Health (DoH)
Chairperson of the Advisory Committee (AC) under the GMO Act, 1997

APOLOGIES

Ms J Mhlophe
Ms E Koekemoer
Ms I Muedi
Mr S Mokhothu

Department of Labour (DoL)
Department of Trade and Industry (**the dti**)
Department of Agriculture, Forestry and Fisheries (DAFF)
Department of Agriculture, Forestry and Fisheries (DAFF)

IN ATTENDANCE

Ms C Arendse
Ms E Janjies
Ms A Madzivhandila
Ms R Chanda
Ms L Segooa
Mr Tshifhiwa Madima

Department of Agriculture, Forestry and Fisheries (DAFF)
Department of Agriculture, Forestry and Fisheries (DAFF)
Department of Agriculture, Forestry and Fisheries (secretariat) (DAFF)
Department of Health (DoH)
Department of Science and Technology (DST)
Department of Trade and Industry (**the dti**)

NO.	SUBJECT	RESOLUTION	FOR ATTENTION
1.	OPENING AND WELCOME	The Chairperson welcomed those present at the EC meeting.	EC Chairperson
2.	ATTENDANCE REGISTER AND APOLOGIES	The attendance register was circulated to everyone present for signature.	EC Chairperson
3.	ADDITIONS TO AND ADOPTION OF THE AGENDA	The agenda was adopted with the following additions: 5.9 Monsanto Research Agreement 7.2 GEF funding	

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4.	APPROVAL OF THE RECORD OF PROCEEDINGS OF 25 JANUARY 2011	The record of proceedings of the meeting held on 25 January 2011 were amended and approved.	
5.	MATTERS ARISING FROM THE PROCEEDINGS		
5.1	Feedback on appeals lodged under the GMO Act (DAFF)	(i) The EC members were informed that in terms of the GMO potato appeal, an Appeal board telecom meeting was held on the 8 February 2011. The appeal board agreed to release the appeal documentation of the Agricultural Research Council (ARC) to the African Centre for Biosafety (ACB) for comment.	DAFF
5.2	Commodities (Registrar) (a) SABS standard	(i) The EC noted that the closing date to submit comments on the SABS standards document was 28 February 2011. The SABS incorporated the comments into the final standard which was published on 11 March 2011.	OoR, DAFF
	(b) Asynchronous approvals	(i) There was no discussion	OoR

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	(c) Permit conditions	(i) The EC were informed that DST's amendments to the different types of commodity permits would be forwarded to the OoR. The OoR was also requested to also include a reference to the SABS standard in the permits.	OoR
	(d) Responses from applicants regarding why GM events contained in commodity applications are not being considered for general release in SA.	(i) The EC noted the commodity clearance matrix of pending applications which was circulated by the OoR. (ii) The EC agreed that commodity clearance application forms should be amended to request applicants to address why they are not considering general release applications for the specific GM events.	EC (all members) OoR
5.3	Pioneer 17/3/1-Pioneer - 09/383: Commodity clearance of maize 98140 (DoH, AC Chair)	(i) The EC was informed of the status of review of the additional information provided by the applicant. (ii) The EC did not approve the application Pioneer-09/383: Commodity clearance of maize 98140.	AC Chair, DoH, OoR
5.4	GM threshold vs. adventitious presence (DoH, Acting Registrar)	(i) The EC noted that work regarding this issue is ongoing.	OoR, DoH
5.5	MON810 insect resistance in SA (Industry response)	(i) The EC noted Monsanto's response to the MON810 insect resistance issues that was circulated by the OoR. After some deliberation on the matter, the EC decided on the following: (ii) > The AC in collaboration with DEA review the information / data generated from the SANBI/ Norway project. > DEA will circulate peer reviewed articles on MON810 resistance that have	OoR DEA, AC Chair

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		been published by Dr Johnnie van den Berg.	
5.6	Departmental representation (Acting Registrar)	(i) The EC noted that a response is still pending. (ii) Following outstanding confirmations on EC representation by DoH and DEA, it was recommended that requests for representation on the EC be resubmitted to the Minister of DoH and DEA.	OoR
5.7	Dual permits: Monsanto and Dow Agro sciences combined application (Registrar)	(i) For noting.	OoR
5.8	Terms of Reference for the Advisory Committee (Acting Registrar)	(i) For noting. (ii) The EC recommended that a meeting be scheduled with Legal Services to follow up on the outstanding legal opinions.	EC Chair, OoR
5.9	Monsanto Research agreement	(i) The EC was informed that a legal opinion regarding Monsanto's research agreement is still outstanding. (ii) The EC suggested that this item be retained on the agenda until a formal response is received on this matter.	DEA
6.	Applications to be considered by EC (Registrar) Time extensions, amendments to (existing) permits, import and exports		
6.1	Pioneer's 4/10/333 maize event PHP 36824 and 4/10/337 maize event PHP	(i) The EC noted Pioneer's request for time extension of two existing trial release permits due to the shortage of planting material. The EC was informed that the permit is valid until 17 November 2011 and that the seeds are anticipated to be	OoR

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	37049: Extension for trial release	(ii) available in October 2011. The EC approved Pioneer's request for time extension of two existing trial release permits.	
6.2	Syngenta's request to amend GR permit conditions for maize events GA21 (5/10/374) and stacked Bt11xGA21 (5/10/375)	<p>(i) The EC noted the request from Syngenta to reconsider some of the general release permit conditions for maize events GA21 and stacked Bt11XGA21.</p> <p>(ii) The EC agreed to the following amendments and offered the following clarification:</p> <ul style="list-style-type: none"> ➤ Permit condition 5c in the Bt11xGA21 permit and condition 2c in the GA21 permit could be amended. ➤ Permit condition 6 in the Bt11xGA21 permit: the DEA will provide a response to Syngenta regarding who to collaborate with for planning the trials. Syngenta will be requested to provide reasons for the unavailability of isogenic counterparts. ➤ Permit condition 7 in the Bt11xGA21 permit and condition 4 in the GA21 permit: information on both seed planted and production volumes are required from the applicant ➤ Permit condition 11 in the Bt11xGA21 permit and condition 8 in the GA21 permit: the annual seed purchases of only GMO hybrids (i.e. Bt11xGA21 and GA21) need to be submitted by the applicant to the OoR. ➤ Permit condition 14 in the Bt11xGA21 permit and condition 11 in the GA21 permit: Syngenta should be requested to provide information on the list of countries where applications have been submitted and where the events have been approved. 	OoR
	New Applications	(i) None	
	Extension of trial release (and import and/or export)		
	Contained use (including import and /or export)		
6.3	ARC- VOPI-11/042: Extension for contained use	(i) The EC noted the ARC-VOPI's request for extension for contained use for another season.	EC

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		(ii) The EC approved the application for ARC-VOPI-11/042: Extension for contained use by one year subject to a meeting between the applicant, DAFF and DEA.	OoR, DEA
6.4	Trial release (including import and / or export) Pioneer-10/478: Import & Trial Release of maize event PHP37050	(i) The EC noted Pioneer's import and trial release application of maize event PHP37050. (ii) The EC approved the application for Pioneer-10/478: Import & Trial Release of maize event PHP37050 subject to the applicant providing information on its strategy for the screening of lines in South Africa with new events and the submission of the outstanding written recommendation by the dti.	EC OoR, the dti
	General Release	(i) None	OoR
	Commodity clearance	(i) None	OoR
7.	General Standing Matters		
7.1	Regulatory and policy development	(i) The EC noted that the Consumer Protection Act, 2008 will be implemented on 1 April 2011 and that the Consumer Commission guidelines were circulated to the EC by the OoR.	EC (all members)

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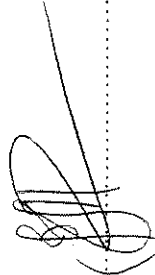
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7.2	COP-MOP5	<p>(i) The EC was informed that the COP-MOP-5 report is available online and will be circulated to members after the meeting. DEA suggested that stakeholders be engaged in order to solicit inputs which will provide an indication of the work that needs to be commissioned. National consultation with stakeholders will take place and the need to commission an impact study prior ratification of the Protocol will be considered</p>	DEA
	GEF funding	<p>(ii) The EC was informed that the GEF funding allocation for SA is US\$ 22 million and of the allocation, US\$2 million will be ring fenced for implementation of the Cartagena Protocol on Biosafety. The DEA informed the meeting that a project proposal needs to be drafted with the assistance of UNEP in Nairobi and that the proposal should include research projects for global good. It was reported that the project partners are DEA, DAFF, DST - PUB, SANBI, Biosafety SA and UNEP. DEA indicated that the project will be divided into three focal areas: risk assessment and risk management; socio-economics; and public information and awareness. The permanent coordinator and permanent focal point for the project still needs to be identified. In terms of timelines, it was reported that the project proposal documentation needs to be ready for submission at the GEF meeting in November 2011. The DEA requested that the concept note be circulated amongst EC members.</p>	DEA, DAFF
7.3	South Africa / Argentina Joint Regional Biosafety Workshop and seminar – Report back on meeting (DAFF)	<p>(i) The EC noted the feedback provided on the South Africa/Argentina Joint Regional Biosafety Workshop and seminar. Appreciation was extended to all those who participated and assisted as resource personnel.</p> <p>(ii) The EC noted that the workshop discussion for the sorghum case study raised several important issues that will assist in future applications of this crop. Furthermore, the workshop facilitated engagements with regulators e.g. Egypt as well as promoted networking and cooperation with counterparts from other</p>	DAFF

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7.4	Non-compliance (OoR)	(i) countries. A workshop report will be compiled and circulated to the EC. (i) The EC noted that there were no reports of non-compliance	OoR
	Other		
7.5	Questions related to commodity import (Letter from Syngenta)	(i) The EC indicated that GM sugar products falls outside the scope of the GMO Act and is therefore not within the mandate of the EC. (ii) The EC suggested that Syngenta should refer their questions to the DoH and the dti as the products may impact on trade and be subject to labelling requirements.	EC
7.6	Commercial deregulation of a post-patent expired event (Letter from Syngenta)	(i) The EC recommended that the matter be referred back to Syngenta and that the applicant needs to provide clarification on the issues raised in their letter.	EC
8.	Date of the next meeting	(i) The date for the next meeting is scheduled for 17 May 2011.	All
9.	Closure	(i) The meeting was concluded at 12:40	All

Approved by Chairperson

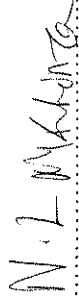
Dr. J. Jaftha



Signature

Approved by Registrar

Ms NL Mkhonza



Signature