MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL UNDER THE GMO ACT, 1997 HELD ON 2 MARCH 2010, HARVEST HOUSE, ROOM 332, PRETORIA

PRESENT

Dr J Jaftha (Chairperson)	Department of Agriculture, Forestry and Fisheries (DAFF)
Mr B Durham	Department of Science and Technology (DST)
Dr G Bouwer	Chairperson of the Advisory Committee (AC) under the GMO Act, 1997
Ms W P Mandivenyi	Department of Environmental Affairs (DEA)
Mr A Pretorius	Department of Health (DoH)
Ms E Koekemoer	Department of Trade and Industry (**thedti**)
VACANT	Department of Labour

IN ATTENDANCE

Ms C Arendse	Department of Agriculture, Forestry and Fisheries
Ms G Christians	Department of Agriculture, Forestry and Fisheries
Mr S Mokhothu	Department of Agriculture, Forestry and Fisheries (secretariat)
Ms E Jantjies	Department of Agriculture, Forestry and Fisheries (secretariat)
Ms R Chanda	Department of Health
Ms L Segooa	Department of Science and Technology
Ms P Kershaw	Department of Environmental Affairs

NO.	SUBJECT	RESOLUTION	FOR ATTENTION
1.	OPENING AND WELCOME	The Chairperson welcomed those present at the final meeting of the EC for financial year 2009/2010.	EC Chair
2.	ATTENDANCE REGISTER AND APOLOGIES	The attendance register was circulated to everyone present for signature.	EC Chair
3.	ADDITIONS TO AND ADOPTION OF THE AGENDA	The agenda was adopted with no additions:	

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NO.	SUBJECT	RESOLUTION	FOR ATTENTION
4.	APPROVAL OF THE RECORD OF PROCEEDINGS OF 26 JANUARY 2010	Minutes were amended and approved.	
5.	MATTERS ARISING FROM THE PROCEEDINGS		

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NO.	SUBJECT	RESOLUTION	FOR ATTENTION
5.1	Feedback on appeals lodged under the GMO Act (DAFF)	(i) The EC **noted** that for cassava, additional information was on route to the Minister of Agriculture, Forestry and Fisheries. (ii) The EC **noted** that the appeal board for the GM potato SpuntaG2 had been appointed but one member had to resign due to illness. The vacancy would have to be filled before the appeal can proceed.	DAFF DAFF
5.2	Commodities (Registrar)		
	(a) SABS standard	(i) The EC **noted** that inputs were received from Biosafety. **The dti** submitted inputs directly to SABS. The document will be finalised at the SABS meeting on 8 March 2010. The document will be circulated, comments incorporated and published after approval by the Standards Committee.	All
	(b) Asynchronous approvals of commodities	(ii) The EC **noted** that the risk assessment documents requested from Brazil and Argentina is still being awaited.	OoR
		(iii) The EC **discussed** the implication of possible synchronous approval of commodities between South Africa and suitably identified countries..	EC
		(iv) The EC **noted** that a bilateral had been established between **the dti** and DAFF.	**thedti**, DAFF
	(c) Permit conditions	(v) The EC **noted** that that the permit conditions have been circulated for the commodity clearance, commodity import and commodity use activities. **thedti** indicated that they would like to compare import conditions with the SABS standard.	OoR, EC
5.3	Pioneer 17/3/1-Pioneer-09/383: Commodity clearance of maize 98140	(i) The decision on this application is still pending.	OoR, AC Chair, DoH

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	(DoH and Registrar)		
5.4	GM threshold/ adventitious presence workshop (DoH, DEA and Registrar)	(i) The EC **noted** that no further progress has been made in terms of the proposed workshop. The OoR, DEA and DoH must convene and establish the framework for the workshop.	OoR, DEA, DoH
5.5	Monsanto -09/470 :Introgression of event MON89034 and MON 89304xNK603 (Pannar and Linkseed) research and development (R & D) Agreement (Registrar)	(i) The EC **noted** that the OoR has also requested a legal opinion. Legal Services have forwarded concerns raised to the State Attorney for an opinion.	OoR
5.6	SASRI-09 013: Trial release of GM Sugarcane (pASNI); SASRI-09 014: Trial release of GM Sugarcane (pSVPPase); SASRI-09 013: Trial release of GM Sugarcane (pAUGdf510/p HAN-UGD) (Registrar)	(i) The EC **approved** the trial for an additional 2 years upon submission of annual reports.	OoR
5.7	Non-GM vaccines (Registrar)	(i) The EC **noted** that additional information should be requested from the two companies to clarify methods employed to induce inactivation. This information should also be provided to the AC member who provided the initial opinion.	AC member, OoR
5.8	Isolation distance workshop (AC Chair, DEA and Registrar)	(i) The EC **noted** that the status remained the same as for other workshops. The framework for the workshop will be compiled by the OoR, DEA and AC Chair.	OoR, DEA, AC Chair

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5.9	Risk assessment guideline for stacked events (Registrar, AC chair)	(i) The EC **has noted** the document, and indicated they require more time to review it before approval. All guideline documents in terms of the GMO Act must be approved by the EC. However, the guideline document will serve as an internal document for the time being until it is aligned with the application form.	EC
5.10	Monsanto-09/673: Import and Trial release of Canola (RT73) (Registrar)	(i) The EC **noted** that inputs were received and more detailed information was required from the applicant. The consolidated info will be sent to the applicant.	OoR
5.11	Dual permits (Registrar)	(i) The EC **noted** that Monsanto and Dow AgroScience will be applying for a dual permit.	OoR
5.13	ARC-VOPI 09/041:Extension permit, Ornithigalum lines A2:1 and A2:4 (Registrar)	(i) The EC **noted** the report from ARC-VOPI as requested at the previous EC meeting had been circulated amongst members. (ii) The EC **provided** final approval for the extension application.	OoR
6	**Application to be considered by EC Time extensions and amendment to existing permits (registrar)**		
6.1	ARC-IIC 10/003 (extension of cassava field trial-appeal still pending)	(i) The EC **noted** that ARC-IIC applied for an extension to conduct contained use trials with GM Cassava. No progress was made since the ARC is still awaiting the outcome of the GM Cassava appeal. (ii) The EC **approved** the extension, subject that the applicant pays the tariff fee for the application.	OoR
6.2	Triclinium (import of additional vials)	(i) The EC **approved** the import of additional vials for clinical trial conducted by Triclinium	OoR
6.3	Bayer (4 exports for current	(i) The EC **approved** the four export applications to export seed harvested from	OoR

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	trials concluded in March)	field trials generated during 2009/2010 and therefore permits may be issued.	
	New applications		
6.4	Triclinium-09/026: Import and Trial release of TB Vaccine MVA85A/AERAS-485	(i) The EC **approved** the application of Triclinium-09/026: Import and Trial release of TB Vaccine MVA85A/AERAS-485 application subject to MCC and relevant ethics committee approval.	OoR
6.5	Triclinium-09/027: Import and Trial release of TB Vaccine VPM1002	(i) The EC **approved** the application of Triclinium-09/027: Import and Trial release of TB Vaccine VPM1002 subject to MCC and relevant ethics committee approval.	OoR
6.6	Triclinium-09/028: Import and Trial release of TB Vaccine AERAS-402 (C-029-402)	(i) The EC **approved** the application of Triclinium-09/028: Import and Trial release of TB Vaccine AERAS-402 (C-029-402) subject to MCC and relevant ethics committee approval.	OoR
6.7	Triclinium-09/029: Import and Trial release of TB Vaccine AERAS-402 (C-017-402)	(i) The EC **approved** the application of Triclinium-09/029: Import and Trial release of TB Vaccine AERAS-402 (C-017-402) subject to MCC and relevant ethics committee approval.	OoR
7.	**General**		
7.1	Regulatory and policy development (ALL)	(i) The EC **noted** that the Consumer Protection Workshop for GM product labelling had been attended by DoH. The interest groups in attendance advocated for a GM threshold limit of 0.9%. They also proposed this as the limit to be implemented by **thedti**. Although it was supposed to be a GM workshop, Section 24(6) of the Consumer Protection Act, 2008, was not up for discussion. The EC **proposed** that **thedti** continues internal discussions with	DoH, **thedti**

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		the Consumer Protection Unit.	
		(ii) The EC **noted** that the GMO Amendment Act and Regulations have been proclaimed and published in the government gazette. It was noted that all departments represented on the Council should be requested to confirm EC representatives as well as alternate members to be represented at EC meetings.	DAFF, EC
		(iii) The EC **noted** that DEA initiated the compilation of a risk assessment guideline for GM fish.	DEA
7.2	COP MOP V (All)	(i) The EC **noted** that discussions at the Liability and Redress meeting focused on the adoption of the Supplementary Protocol. Documents from the meeting will be circulated to all EC members.	DEA
		(ii) The EC **noted** that a follow up meeting for finalising the Supplementary Protocol is scheduled for June in Montreal as all the key issues had not been resolved. From an operational side only two chairs are allocated per country for negotiation purposes.	All
		(iii) The EC **noted** additional measures to consider namely; the critical issues be addressed in terms of NEMA which pertains to damage. Other key content issues pertinent to South Africa include "imminent threat of damage", critical text with regard to "products and products thereof" and the definition of "operator".	All
		(iv) The EC **noted** that the NGOs in attendance were all in favour of a civil liability clause. It was requested that text of the supplementary protocol be cross referenced to relevant national legislation. Since **thedti** views are divergent from the DEA as the focal point, it was proposed that **thedti** be represented at the Montreal negotiations. It is imperative that DEA, DAFF, **thedti,** DOJ should consult and ensure that all information is tabled to inform various positions.	All
7.3	Non-compliance (Registrar)	(i) The EC **noted** that specific trials were destroyed due to non-compliance to stipulated permit conditions. The destruction process had however been delayed due to bad weather impeding the process.	OoR

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7.4	Biosafety SA presentation and Q &A session (DST)	(i) Presentation from Biosafety SA is included as part of the addendum.	OoR
7.5	Appointment of EC member from Department of Labour (Registrar)	(i) The EC **noted** that the OoR received confirmation from the Department of Labour with regard to the nomination of the EC member to represent Labour on the Council. (ii) The EC **requested** the nominee be invited to the next EC meeting as observer until the appointment is confirmed by the Minister.	 OoR, Labour
7.6	Decision document for BCH (Registrar)	(i) The EC **noted** that the Biosafety Clearing House (BCH) should be functional shortly. One of the requirements is a decision document to be made available on the website for public scrutiny. The EC should decide on a format of the document and also indicate the information and level of details of information that will be reflected.	EC, OoR
8.	Date of the next meeting	The date for the next meeting is scheduled for 11 May 2010	
9.	Closure	The meeting was concluded at 12:55	

Approved by Chairperson

Dr J Jaftha
Name

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Signature

Approved by Registrar

Ms G Christians
Name

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Signature