

**MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL UNDER THE GMO ACT, 1997 HELD ON 31 AUGUST 2021, MICROSOFT TEAMS**

**PRESENT**

Dr J Jaffha (Chairperson)  
 Ms N Tshidada  
 Prof. G Bouwer  
 Dr N Netnou-Nkoana  
 Ms T Masilela  
 Ms T Ndukwana  
 Dr A Sigobodhla  
 Mr B Durham  
 Ms J Mhlophe

Department of Agriculture, Land Reform and Rural Development (DALRRD)  
 Department of Forestry, Fisheries and the Environment (DFFE)  
 Chairperson of the Advisory Committee (AC) under the GMO Act, 1997  
 Department of Agriculture, Land Reform and Rural Development (DALRRD)  
 Department of Water & Sanitation (DWS)  
 Department of Trade, Industry and Competition (the dtic)  
 Department of Health (DoH)  
 Department of Science and Innovation (DSI)  
 Department of Employment and Labour (DEL)

**APOLOGIES**

Dr M Jugmohan-Naidu  
 Dr M Matlala  
 Ms P Campbell

Department of Science and Innovation (DSI)  
 Department of Water & Sanitation (DWS)  
 Department of Health (DoH)

**IN ATTENDANCE**

Ms A Madzivhandila  
 Ms T Mogapi  
 Ms R Ngoepe  
 Mr S Mokhothu  
 Ms B Mahlangu  
 Ms N.L Mkhonza

Department of Health (DoH)  
 Department of Forestry, Fisheries and the Environment (DFFE)  
 Department of Agriculture, Land Reform and Rural Development (DALRRD)  
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<b>NO.</b>	<b>SUBJECT</b>	<b>RESOLUTION</b>	<b>FOR ATTENTION</b>
<b>1.</b>	<b>OPENING AND WELCOME</b>	The EC Chairperson welcomed those present at the EC meeting.	EC Chairperson
<b>2.</b>	<b>ATTENDANCE REGISTER AND APOLOGIES</b>	The OoR noted the attendance since this was a virtual meeting.	EC Chairperson
<b>3.</b>	<b>ADDITIONS TO AND ADOPTION OF THE AGENDA</b>	The agenda was adopted with additions:	All
<b>4.</b>	<b>APPROVAL OF THE RECORD OF PROCEEDINGS OF 06</b>	The record of proceedings of 06 July 2021 was approved with amendments.	All

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JULY 2021			
MATTERS ARISING FROM THE PROCEEDINGS			
5.1	Update: Vacancy in the Advisory Committee (OoR)	(i)	The OoR informed the EC that the Minister has approved the AC appointment of two AC members. The EC noted the feedback from the OoR.
5.2	Update: IRM (EC Chairperson)	(i)	The EC Chairperson reminded the EC that at the July 2021 meeting he was tasked with organising an offline engagement between DALRRD, DSI and DFFE to further discuss a way forward on the overall framework.
		(ii)	The EC Chairperson informed the EC that the meeting is still outstanding and it will be organised in the next two weeks (September 2021). The EC Chairperson will update the EC accordingly.
5.3	Update: NBT Chairperson/DSI)	(i)	The EC Chairperson informed the EC that a submission requesting Minister's intervention on the NBT matter has been approved. However, the EC Chairperson is still awaiting guidance on how the Minister would proceed with this matter.
		(ii)	The EC Chairperson reminded the EC that at the July 2021 meeting it was noted that the NBT framework including the revised application form templates provided by the AC was generally supported by the EC except for the DSI. The DSI had then given an indication that they would further discuss their position internally and inform the EC accordingly. The EC Chairperson informed the EC that the DSI has subsequently submitted a response in this regard.
		(iii)	The DSI informed the EC that they requested and received a legal opinion from DSI's legal services regarding the regulation of genome-edited products. The legal opinion states that genome-edited products will be considered as genetically modified organisms, and will therefore have to be labelled as required by the Consumer Protection Act.
		(iv)	The DSI also informed the EC that their revised position is that the process as outlined in the AC recommendation can continue. However, the DSI is still of the view that this process will undermine the
			OoR EC EC Chairperson  EC Chairperson/DFFE/DSI  EC Chairperson  EC Chairperson  DSI

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		<p>Bioeconomy Strategy, which talks to using biotech to advance the socio-economic and socio-technical interests for South Africa. Therefore, there is a need to find a risk proportionate approach to regulating genome-edited products. The DSI further indicated that there is still a need to consult relevant stakeholders.</p> <p>The EC deliberated and concluded that:</p> <ul style="list-style-type: none"> <li>• The EC confirms its initial decision that, NBTs fall within the scope of the GMO Act and endorses the implementation of the revised GMO application templates.</li> <li>• The OoR will draft a notice and circulate to the EC for further input.</li> <li>• The OoR will circulate the notice to stakeholders and publish it on the DALRRD website.</li> </ul>	<p>DSI</p> <p>EC</p> <p>OoR</p>
<p><b>6. Compliance/Non-compliance</b></p>		<p>a. <u>Inspections</u> The OoR informed the EC that no inspections were conducted in August 2021.</p> <p>b. <u>Annual Reports</u> The OoR informed the EC that no annual reports were received in August 2021.</p> <p>c. <u>Request by Pioneer and Dow AgroSciences to transfer general release and commodity clearance permits to Corteva Agriscience</u></p> <p>(i) The OoR informed the EC that a request to transfer the commodity clearance/general release permits and facility certificates under Pioneer and Dow AgroSciences into the name of Corteva Agriscience was submitted on 17 August 2021. The request and supporting documents were circulated to the EC.</p> <p>(ii) The EC deliberated and based on the information received from Corteva Agriscience, the EC approved that the Pioneer and DowAgroSciences permits and facility certificates can be reissued under Corteva's name. The OoR will reissue the permit.</p>	<p>OoR</p> <p>OoR</p> <p>OoR</p> <p>OoR</p> <p>EC</p> <p>OoR</p>

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		<p>d. <u>Request by Syngenta/Sensako to transfer permits to Bioceres</u> The OoR informed the EC that a request to transfer the trial release permits under Syngenta/Sensako into the name of Bioceres was submitted on 30 August 2021. The OoR will circulate the documents to the EC.</p> <p>e. <u>Request by Bayer for an amendment of general release permit conditions 8a, b, 10 and 14b for MON87701 x MON89788 soybean</u> (i) The OoR informed the EC that a request to amend general release permit conditions for MON87701 x MON89788 soybean was submitted by Bayer on 30 August 2021. (ii) The OoR will circulate Bayer's request for EC's inputs.</p>	OoR/EC
7.	<b>APPLICATIONS TO BE CONSIDERED BY EC (REGISTRAR)</b>		OoR/EC Registrar
	<b>Time extensions, amendments to (existing) permits, import and exports</b>	None	
7.1	Dow Agro Sciences -21/049: Import and trial release extension for DAS-44406-6 soybean	The EC approved the Dow Agro Sciences -21/049: Import and trial release extension application for DAS-44406-6 soybean.	EC
7.2	Dow Agro Sciences -21/050: Import and trial release extension for DAS-81419-2 x DAS-44406-6 soybean	The EC approved the Dow Agro Sciences -21/050: Import and trial release extension application for DAS-81419-2 x DAS-44406-6 soybean.	EC
7.3	Corteva- 21/052: Import and trial release extension for DP-056113 maize	The EC approved the Corteva- 21/052: Import and trial release extension application for DP-056113 maize.	EC
7.4	Corteva- 21/053: Import and trial release extension for TC1507 x MIR162 x NK603	The EC approved the Corteva- 21/053: Import and trial release extension application for TC1507 x MIR162 x NK603 maize.	EC

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	maize		
7.5	Corteva 21.054: Import and trial release extension for NK603 x T25 x DAS-40278-9 maize	The EC approved the Corteva 21.054: Import and trial release extension application for NK603 x T25 x DAS-40278-9 maize.	EC
7.6	Corteva – 21/055: Import and trial release extension for MON89034 x TC1507 x MIR162 x NK603 x DAS-40278-9 maize	The EC approved the Corteva – 21/055: Import and trial release extension application for MON89034 x TC1507 x MIR162 x NK603 x DAS-40278-9 maize.	EC
	<b>New applications</b>		
	<b>Contained use and import and/or export</b>		
7.7	Bayer-20/148: Import and contained use for ZM_S21152921 maize	The EC approved the Bayer-20/148: Import and contained use application for ZM_S21152921 maize.	EC
7.8	Bayer-20/149: Import and contained use for ZM_S20843999 maize	The EC approved the Bayer-20/149: Import and contained use application for ZM_S20843999 maize.	EC
7.9	Bayer-20/150: Import and contained use for MON 95379 maize	The EC approved the Bayer-20/150: Import and contained use application for MON 95379 maize.	EC
	<b>Trial release and import and /or export</b>		
7.10	Triclinium - 21/115: Import and trial release for AdC6-HIVgp 140/AdC7-HIVgp140 HIV vaccine	The EC approved the Triclinium - 21/115: Import and trial release application for AdC6-HIVgp 140/AdC7-HIVgp140 HIV vaccine. The applicant has received SAHPRA's approval.	EC
	<b>Commodity clearance</b>	None	
	<b>Trial release and import and /or export</b>		
	<b>General release</b>	None	

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8.	Applications considered by EC in July/August 2021 (intersessional)		
	Trial release and import and/or export		
8.1	Bayer - 20/118: Import and trial release for MON87427 x MON89034 x MIR162 maize	The EC noted that the trial release permit conditions for seed production were finalised and a permit was issued in August 2021.	EC/OoR
8.2	Pioneer - 20/1371: Import and trial release for TC-1507xNK603 maize	The EC noted that the trial release permit conditions for seed production were finalised and a permit was issued in August 2021.	EC/OoR
	<b>General release</b>		
8.4	Syngenta - 20/171: General release for Bt11xMIR162xMON89034xG A21 maize	The EC approved the Syngenta-20/171: General release application for Bt11xMIR162xMON89034xGA21 maize and a permit was issued in July 2021.	EC/OoR
8.5	Syngenta - 20/172: General release for Bt11xMIR162xGA21 maize	The EC approved the Syngenta-20/172: General release application for Bt11xMIR162xGA21 maize and a permit was issued in July 2021.	EC/OoR
8.6	Bayer - 20/127: General release for MON87701 x MON89788 soybean	The EC approved the Bayer-20/127: General release for MON87701 x MON89788 soybean and a permit was issued in July 2021.	EC/OoR
<b>9</b>	<b>Standing matters</b>		
9.1	Regulatory and policy developments (All)	None	
9.2	Cartagena Protocol (All)	(i) The DFFE informed the EC that they are currently participating in the third meeting of the Open-ended working group scheduled from 23 August to 3 September 2021. The open-ended working group is tasked with advancing preparations for the development of the post-2020	DFFE

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		global biodiversity framework. DFFE will provide feedback to the EC on discussions relating to target 17 of the global biodiversity framework. The DFFE also informed the EC that the virtual opening session of the COP will be held on 11 - 15 October 2021; however substantive issues will be dealt with in April 2022. DFFE will send letters requesting the respective departments to nominate representatives to attend the COP.	
<b>10.</b>	General		
<b>10.1</b>	AGBIZ request for clarity on the regulation of plant breeding innovations	(i) The EC Chairperson informed the EC that AGBIZ submitted a letter requesting the EC to confirm the scope of GMOs as per the definition in the Act (ii) The EC noted the request from AGBIZ and concluded that a response will be sent to AGBIZ after EC's notice on NBTs has been communicated.	EC
<b>11.</b>	Date of the next meeting	The EC noted that the date of the next EC meeting is scheduled for 02 November 2021. The EC meeting is likely to be a virtual meeting via MS teams.	All
<b>12.</b>	Closure	The meeting was concluded at 10:50am.	All

Approved by Chairperson  
Dr. J. Jaftha



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Signature

Approved by Registrar  
Ms NL Mkhonza



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Signature