

**MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL UNDER THE GMO ACT, 1997 HELD ON 11 FEBRUARY 2020, DALRRD, HARVEST HOUSE, ROOM 332, PRETORIA**

**PRESENT**

Dr J Jaffha (Chairperson)  
Mr B Durham  
Ms N Tshidada  
Prof G Bouwer

Department of Agriculture, Land Reform and Rural Development (DALRRD)  
Department of Science and Innovation (DSI)  
Department of Environment, Forestry and Fisheries (DEFF)  
Chairperson of the Advisory Committee (AC) under the GMO Act, 1997

Dr M Jugmohan-Naidu  
Dr N Netnou-Nkoana  
Ms W Mandivenyi  
Ms T Ndukwana

Department of Science and Innovation (DSI)  
Department of Agriculture, Land Reform and Rural Development (DALRRD)  
Department of Environment, Forestry and Fisheries (DEFF)  
Department of Trade, Industry and Competition (**the dtic**)

**APOLOGIES**

Ms J Mhlophe  
Mr M Matlala  
Ms T Mthombeni  
Ms P Campbell  
Dr A Sigobodhla

Department of Labour (DoL)  
Department of Water & Sanitation (DWS)  
Department of Water & Sanitation (DWS)  
Department of Health (DoH)  
Department of Health (DoH)

**IN ATTENDANCE**

Mr S Mokhothu  
Ms T Mogapi  
Ms R Ngoepe  
Ms A Madzivhandila  
Ms M Herbst  
Ms N L Mkhonza

Department of Agriculture, Land Reform and Rural Development (DALRRD)  
Department of Environment, Forestry and Fisheries (DEFF)  
Department of Agriculture, Land Reform and Rural Development (DALRRD)  
Department of Health (DoH)  
Department of Health (DoH)  
Department of Agriculture, Land Reform and Rural Development (DALRRD)

<b>NO.</b>	<b>SUBJECT</b>	<b>RESOLUTION</b>	<b>FOR ATTENTION</b>
1.	<b>OPENING AND WELCOME</b>	The Chairperson welcomed those present at the EC meeting.	EC Chairperson

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	<b>ATTENDANCE REGISTER AND APOLOGIES</b>	The attendance register was circulated to everyone present for signature and apologies were noted.	EC Chairperson
<b>3.</b>	<b>ADDITIONS TO AND ADOPTION OF THE AGENDA</b>	The agenda was adopted with no additions.	All
<b>4.</b>	<b>APPROVAL OF THE RECORD OF PROCEEDINGS OF 19 NOVEMBER 2019</b>	The record of proceedings of 19 November 2019 was approved with amendments.	All
<b>5.</b>	<b>MATTERS ARISING FROM THE PROCEEDINGS</b>		
5.1	NBTs (EC Chairperson)	The EC noted that the submission requesting the Minister of Agriculture to convene an Inter-Ministerial Committee (IMC) was approved and the EC Chairperson is following up on the procedure required for the IMC to convene.	EC
5.2	Silos visit (EC Chairperson)	<p>(i) The EC Chairperson reminded the EC that this agenda item was initially a port visit but then a need to visit silos was also identified. The EC Chairperson also reminded the EC that in the November 2019 meeting it was agreed that a visit to one port would be sufficient, and such a visit can take place even if there is no vessel being discharged at the time of the visit.</p> <p>(ii) The EC confirmed that there is a still need to visit both the port and silos in order to inform discussions on liability and redress.</p> <p>(iii) The EC Chairperson suggested to the EC that they can first visit the silos since there are JSE silos located in Gauteng and North West. The EC Chairperson will coordinate the silo visit and circulate dates to EC.</p>	EC
5.3	Feedback Economic/Supplementary protocol (EC Chairperson)	<p>(i) The EC chairperson reminded the EC that in the November 2019 meeting the EC concluded that a interdepartmental meeting be scheduled between DALRRD, DEFF, DSI, DIRCO and the dti to discuss the supplementary protocol and socio-economic considerations.</p> <p>(ii) The EC Chairperson informed the EC that the meeting took place on 06 December 2019.</p> <p>(iii) The EC Chairperson informed the EC that he will circulate the minutes of</p>	EC

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		the meeting to EC and also that he will follow up on status of the activities allocated to the respective departments in the interdepartmental meeting.	
5.4	Bayer's response: Databases used in the assessment of compositional analyses [OECD VS ILSIJ] (OoR)	<p>(i) The EC Chairperson reminded the EC that in the July 2019 meeting the EC decided that Bayer should be requested to indicate why they are no longer using OECD databases in the assessment of compositional analyses.</p> <p>(ii) The EC noted Bayer's response with regard to the databases used in assessment of compositional analyses and indicated that based on Bayer's response there are additional questions for clarification that should be sent to Bayer.</p>	EC
5.5	Bayer's notification of change in the information of the holder of the permits and applications (EC Chairperson)	<p>(i) The EC Chairperson informed the EC that a notification from Bayer was received in September 2019. In the notification, Bayer was requesting that all permits issued to Monsanto be reissued under Bayer's name by 01 October 2019.</p> <p>(ii) The EC Chairperson informed the EC that a legal opinion was requested in this regard. The legal opinion indicated that there's a provision in the GMO Act to reissue the permits, however DALRRD must request confirmation from Bayer that the signatory to the notification of change of information of holder of the permits was authorized to bind the company in this type of matter.</p> <p>(iii) The EC Chairperson informed the EC that a letter requesting confirmation was sent to Bayer and the OoR is still awaiting a response.</p>	EC
6.	<b>APPLICATIONS TO BE CONSIDERED BY EC (REGISTRAR)</b>		Registrar
	Time extensions, amendments to (existing) permits, import and exports	None	
	New applications		

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	<b>Trial release and import and /or export</b>		
6.1	Pioneer-19/1305: Import and trial release of GM maize NK603 x T25 x DAS-40278-9	The EC approved the Pioneer-19/1305: Import and trial release of GM maize NK603 x T25 x DAS-40278-9.	EC
	<b>Contained use and import and/or export</b>	None	
	<b>Commodity Clearance</b>		
6.2	Monsanto-19/1844: Commodity Clearance of Maize MON87427 x NK603 (responses to public comments)	The EC approved the Monsanto-19/1844: Commodity Clearance of Maize MON87427 x MON87419 x NK603.	EC
6.3	Monsanto-19/1845: Commodity Clearance of Maize MON87427 x MON89034 x MIR162 x NK603 (responses to public comments)	The EC approved the Monsanto-19/1845: Commodity Clearance of Maize MON87427 x MON89034 x MIR162 x MON87419 x NK603.	EC
6.4	Monsanto-19/1846: Commodity Clearance of MON87427 x MON89034 x MON810 x MIR162 x MON87411 x MON87419 (responses to public comments)	The EC approved the Monsanto-19/1846: Commodity Clearance of MON87427 x MON89034 x MON810 x MIR162 x MON87411 x MON87419.	EC
	<b>General Release</b>	None	
7.	<b>General</b>		All
	<b>Standing matters</b>		

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7.1	Regulatory and policy developments (All)	<p>a. <u>Request for SAHPRA representatives to be appointed as independent EC members (DoH)</u></p> <p>(i) The EC Chairperson informed the EC that the DoH submitted a letter requesting that SAHPRA be appointed as an independent EC member in terms of section 3(2)(c) of the GMO Act.</p> <p>(ii) The EC deliberated and requested the DoH to find a way of coordinating its recommendations.</p>	EC
7.2	Cartagena Protocol (All)	<p>a. <u>Feedback Socio-economics considerations</u></p> <p>(i) The DSI informed the EC that an AHTEG meeting on Socio-economic considerations was held in December 2019, the focus of the meeting was to further refine the "Guidance on the Assessment of Socio-Economic Considerations in the Context of Article 26 of the Cartagena Protocol on Biosafety".</p> <p>(ii) Country submissions/experiences were reviewed based on the guidelines on Socio-Economic Considerations. The experiences submitted by countries were however not associated with the biodiversity impacts as required by article 26, and as such the Guidance document could not be further refined.</p> <p>(iii) The report of the AHTEG meeting will be considered at the next COP-MOP meeting.</p> <p>b. <u>Implementation plan for Post 2020 for the Convention on Biological Diversity (CBD)</u></p> <p>(i) The DEFF reminded the EC that the implementation plan is currently undergoing a review process by Parties, other Governments and relevant stakeholders. The DEFF also reminded the EC that in 2019 they circulated a notification for inputs on the implementation plan for Post 2020.</p> <p>(ii) The DEFF indicated that inputs were received from stakeholders and the consolidated inputs were submitted to the Secretariat.</p> <p>(iii) The DEFF informed the EC that once the review process is completed, the draft plan will be considered at the third meeting of the Subsidiary Body on Implementation (SBI) to be held in May 2020.</p>	DEFF

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7.3	Compliance/Non-compliance	<p>c. <u>Third BCH workshop</u> The DEFF informed the EC that a third BCH workshop is scheduled for the 11 March 2020 in Pretoria. The workshop aims to train the country key stakeholders on how the information available on the BCH can best be utilized.</p> <p>a. <u>Inspections</u></p> <p>(i) The OoR informed the EC about the inspections that were conducted in January 2020. Six post plant inspections were conducted:</p> <ul style="list-style-type: none"> <li>• Four for Dow AgroSciences' DAS-44406-6 and DAS-44406-6xDAS-81419-2 soybean events.</li> <li>• One for Monsanto's MON87701 x MON89788 soybean event.</li> <li>• One for BASF's GHB614 x LL cotton event</li> <li>• All trials were compliant to the permit conditions</li> </ul> <p>(ii) The EC noted Syngenta's notification with regard to the planting of a trial release of BT11xMIR162xGA21. The EC deliberated on the matter and approved the continuation of the trial subject to submission of additional information.</p> <p>b. <u>Annual Reports</u></p> <p>(i) The OoR informed the EC that one annual report for a trial release was received from PSI-CRO South Africa; the report is still under review.</p> <p>(ii) The OoR also informed the EC that a notification with regard to Monsanto's MON8913 cotton general release permit was received from Bayer in December 2019.</p> <p>(iii) The EC concluded that they need to review all cotton annual reports submitted by Monsanto/Bayer before making a decision on the matter. The OoR will circulate the reports to EC.</p> <p>c. <u>Notification on discontinuation of vaccination (ALVAC HIV-Protocol HVTN 702)</u></p> <p>(i) The OoR informed the EC that a notification from Triclinium was received on 3 February 2020. The notification was with regard to the discontinuation of the clinical trial that has been going on for three years. Triclinium indicated that the discontinuation of the vaccination of</p>	OoR
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		participants was due to the fact that the vaccine did not show any efficacy. Triclinium has also communicated the discontinuation of the trial to their partners as well as to the individuals who participated in the trial. (ii) The EC noted the notification from Triclinium as well as the feedback by the OoR on annual reports.	
<b>8.</b>	Date of the next meeting	The EC noted that the date of the next EC meeting was scheduled for 05 May 2020; however the EC agreed that an ad hoc meeting may take place on 17 March 2020. The OoR will confirm the meeting of 17 March 2020.	All
<b>9.</b>	Closure	The meeting was concluded at 12:30.	All

Approved by Chairperson

Dr J Jaftha



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Signature

Approved by Registrar

Ms NL Mkhonza



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Signature

