

**MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL UNDER THE GMO ACT, 1997 HELD ON 21 JULY 2020, DAFF, HARVEST HOUSE, MICROSOFT TEAMS**

**PRESENT**

Dr J Jaftha (Chairperson)  
 Mr B Durham  
 Ms N Tshidada  
 Prof G Bouwer  
 Dr M Jugmohan-Naidu  
 Dr N Netnou-Nkoana  
 Ms W Mandivenyi  
 Ms T Ndukwana  
 Ms J Mhlophe  
 Dr M Matlala  
 Ms T Masilela  
 Ms P Campbell  
 Dr A Sigobodhla

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  
 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)  
 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 M Hlalele  
 Ms R Ngoepe  
 Ms A Madzivhandila  
 Ms N L Mkhonza

Department of Agriculture, Land Reform and Rural Development (DALRRD)  
 Department of Environmental Affairs (DEFF)  
 Department of Environmental Affairs (DEFF)  
 Department of Agriculture, Land Reform and Rural Development (DALRRD)  
 Department of Health (DoH)  
 Department of Agriculture, Land Reform and Rural Development (DALRRD)

NO.	SUBJECT	RESOLUTION	FOR ATTENTION
1.	OPENING AND WELCOME	The Chairperson welcomed those present at the EC meeting.	EC Chairperson
2.	ATTENDANCE REGISTER	(i) The OoR noted the attendance since this was a virtual meeting.	EC Chairperson

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	<b>AND APOLOGIES</b>	(ii) The DoH informed the EC that Ms Maryke Herbst has retired end of June 2020. The agenda was adopted with no additions.	DoH
3.	<b>ADDITIONS TO AND ADOPTION OF THE AGENDA</b>		All
4.	<b>APPROVAL OF THE RECORD OF PROCEEDINGS OF 11 FEBRUARY 2020</b>	The record of proceedings of 11 February 2020 was approved with amendments.	All
5.	<b>MATTERS ARISING FROM THE PROCEEDINGS</b>		
5.1	NBT concept note (AC Chairperson)	(i) The EC Chairperson reminded the EC that in the February 2020 meeting the EC had requested the AC Chairperson to draft a concept note with regard to further work that must be conducted by AC on NBTs. The concept note has subsequently been circulated to EC for deliberations at this meeting. (ii) The EC deliberated and approved the concept note and its proposed scheduled and requested the OoR to liaise with the AC Chairperson with regard to logistics.	EC
5.2	Silos/port visit (EC Chairperson)	(i) The EC Chairperson reminded the EC that at the February 2020 meeting the EC indicated that a port and silo visits are still needed. The EC Chairperson had then suggested to the EC that they can first visit the silos since there are JSE silos located in Gauteng and North West. (ii) The EC Chairperson had also undertaken to coordinate the port and silo visits. (iii) The EC Chairperson indicated that the visits can no longer happen due to COVID lockdown restrictions. The EC Chairperson then suggested that the information required by the EC can be requested online from the silo operators and port managers. (iv) The EC deliberated and concluded that the visit will take place after lockdown, however in the interim the EC may provide questions that they might have with regard to silo and ports operations.	EC

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		DEFF/EC
5.3	Update: protocol Chairperson/DEFF)	Supplementary (EC
	(i)	The EC chairperson reminded the EC that in the February 2020 meeting, he gave feedback on the discussions which were held in the December 2019 intergovernmental meeting between DALRRD, DEFF, DSI, the dtic and DIRCO.
	(ii)	The EC Chairperson informed the EC that the minutes are still outstanding, because he still needed to finalize a section on global developments. The EC Chairperson will finalize the minutes then circulate the final minutes to the EC.
	(iii)	The EC Chairperson also informed the EC that DEFF has circulated TOR's for a Supplementary Protocol study for EC's inputs.
	(iv)	The DEFF indicated the work that would be covered in the proposed study. The DEFF also informed the EC that the CBD Secretariat has commissioned a similar study focusing on issues around the financial mechanisms.
	(v)	The EC deliberated on the study and concluded that further inputs will be submitted to DEFF by 28 July 2020.
5.4	Update: National testing of socio-economics guidance document (DSI)	DSI/EC
	(i)	The DSI reminded the EC that socio-economic considerations forms part of article 26 of the Cartagena Protocol. Guidance on assessment of socio-economic consideration was developed by an AHTEG on socio-economic consideration and adopted by the COP-MOP.
	(ii)	The DSI informed the EC that they were planning a workshop on national testing of the socio-economics guidance focusing on the principles behind the socio economics assessment.
	(iii)	The DSI informed the EC that a proposed workshop agenda was circulated on 20 July 2020 to the EC.
	(iv)	The EC deliberated on the agenda and concluded that further inputs will be submitted to the DSI by end of July 2020.
5.5	Bayer's notification of change in the information of the holder of the permits and applications (EC Chairperson)	EC Chairperson
	(i)	The EC Chairperson reminded 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.
	(ii)	The EC Chairperson further reminded the EC that the legal opinion received on the matter indicated that there's a provision in the GMO Act

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		<p>for reissuance of permits, however DALRRD had to 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 Bayer has subsequently submitted Monsanto's board's resolution confirming that the regulatory affairs manager was authorised to bind the company.</p> <p>(iv) The EC Chairperson informed the EC that based on the confirmation received from Bayer, the Monsanto permits can be reissued under Bayer's name.</p>	EC
5.6	Monsanto/Bayer's general release annual reports for GM cotton MON88913 (OoR)	<p>(i) The OoR reminded the EC that in the February 2020 meeting, a notification from Bayer with regard to Monsanto's MON88913 cotton general release permit was discussed.</p> <p>(ii) The OoR further reminded the EC that the EC had then concluded that they needed to review all cotton annual reports submitted by Monsanto/Bayer before making a decision on the matter.</p> <p>(iii) The OoR informed the EC that the annual reports were circulated to EC for discussion in this meeting.</p> <p>(iv) The EC deliberated and concluded that they could not yet make a final decision on Bayer's request, because further work is still needed in this regard.</p>	OoR/EC
5.7	CapeBioPharms request to add genes and proteins in their contained use permit (OoR)	<p>(i) The OoR informed the EC that CapeBioPharms was granted a contained use extension in May 2020 and they are requesting to include the production of proteins for COVID 19 in their activities under the current permit for extension of contained use</p> <p>(ii) The EC deliberated and concluded that the applicant will have to submit a facility registration amendment application for assessment by the AC. Based on this assessment the AC would make a decision on whether the permit holder requests fall under the amendment facility registration or the proteins in question are substantially different and constitute separate activities which require a contained use permit.</p> <p>(iii) The OoR will communicate EC decision to the applicant.</p>	OoR/EC
5.8	Vacancy in the Advisory	(i) The OoR reminded the EC that this item was included in the November	OoR/EC

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	Committee (OoR)	<p>2019 meeting to discuss the AC vacancy due to a resignation of one member. The EC and AC had suggested three potential candidates and the OoR was then requested to check the availability of those candidates.</p> <p>(ii) The OoR informed the EC that the candidates have indicated their availability and submitted their CVs.</p> <p>(iii) The OoR also informed the EC about a recent vacancy due to a resignation of another member.</p> <p>(iv) The EC deliberated on the technical expertise that might be required at AC based on the recent vacancy. The EC Chairperson requested the EC to provide additional names to the OoR.</p> <p>(v) The EC indicated that the three candidates are suitable for the replacement of a member that has recently resigned. The EC concluded that they would conduct interviews with the three potential candidates and make recommendation to the Minister for their appointment to AC.</p>	Registrar
<b>6.</b>	<b>APPLICATIONS TO BE CONSIDERED BY EC (REGISTRAR)</b>		
	Time extensions, amendments to (existing) permits, import and exports		
6.1	Bayer-20/103 : trial release extension of GM maize MON 87460 x MON 810	The EC approved the Bayer-20/103 : trial release extension of GM maize MON 87460 x MON 810, subject to submission of additional information by the applicant.	EC
6.2	Bayer-20/104 : Import and trial extension of GM soybean MON 87701 x MON 89788	The EC approved the Bayer-20/104 : Import and trial extension of GM soybean MON 87701 x MON 89788, subject to submission of additional information by the applicant.	EC
6.3	Bayer - 20/112: Import and trial release extension of	The EC approved the Bayer - 20/112: Import and trial release extension of GM maize MON87427 x MON89034 x MIR162 x NK603, subject to submission of additional information by the applicant.	EC

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	GM maize MON87427 x MON89034 x MIR162 x NK603		
6.4	Dow Agro -20/047: Import and trial release extension of GM soybean DAS-44406-6	The EC approved the Dow Agro -20/047: Import and trial release extension of GM soybean DAS-44406-6.	EC
6.5	Dow Agro -20/048: Import and trial release extension of GM soybean DAS-81419-2 x DAS-44406-6	The EC approved the Dow Agro -20/048: Import and trial release extension of GM soybean DAS-81419-2 x DAS-44406-6, subject to submission of additional information by the applicant.	EC
6.6	Pioneer -20/1367: import and trial release extension of GM maize DP-056113-9	The EC approved the Pioneer -20/1367: import and trial release extension of GM maize DP-056113-9.	EC
6.7	Pioneer -20/1368: Import and trial release extension of GM maize TC1507 x MIR162 x NK603	The EC approved the Pioneer -20/1368: Import and trial release extension of GM maize TC1507 x MIR162 x NK603.	EC
6.8	Pioneer -20/1369: Import and trial release extension of GM maize MON89034xTC1507xMIR162 xNK603xDAS-40278-9	The EC approved the Pioneer -20/1369: Import and trial release extension of GM maize MON89034xTC1507xMIR162xNK603xDAS-40278-9	EC
	<b>New applications</b>		
	<b>Trial release and import and /or export</b>		

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6.9	BASF-20-004: Import and trial release of GM Cotton GL x LL	The EC approved the BASF-20-004: Import and trial release of GM Cotton GL x LL, subject to submission of additional information by the applicant.	EC
	<b>Contained use and import and/or export</b>	None	
	<b>Commodity Clearance</b>	None	
	<b>General Release</b>		
6.10	BASF-19/002: General release of GM cotton GHB614 X LLCOTTON25 (GTxLL) (response to EC)	The EC did not approve the BASF-19/002: General release of GM cotton GHB614 X LLCOTTON25 (GTxLL).	EC
6.11	Bayer - 19/076: General Release of GM maize MON87427 x MON89034 x MIR162 x NK603	The EC's decision on Bayer - 19/076: General Release of GM maize MON87427 x MON89034 x MIR162 x NK603 is pending submission of additional information by the applicant.	EC
<b>7.</b>	<b>Applications considered by EC in May and June 2020 (intersessional)</b>		
	<u>Time extension</u> 7.1 CapeBioPharms-20/002: Extension of Contained use of transient proteins		
	<u>Trial release and import and/or export</u> 7.2 Triclinium - 19/109: Import and trial release of MVA-CMDR HIV-1 Vaccine 7.3 AERAS Global - 20/002: Import & Trial Release of VPM1002 vaccine	The EC noted that the four applications reviewed during the intersessional period (May and June 2020) were all approved by the EC.	EC





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	<p>site and MON87427xMON89034xMIR162xNK603 at two trial sites.</p> <ul style="list-style-type: none"> <li>• Four for Dow AgroSciences maize events DAS40278-9, NK603xDAS40278-9, MON89034xTC1507xNK603 and MON89034xTC1507xNK603xDAS40278-9 at one trial site.</li> <li>• Two for Bayer soybean event MON87701xMON89788 at two trial sites.</li> </ul> <p>The following pre-flowering inspections were conducted:</p> <ul style="list-style-type: none"> <li>• Nine for Pioneer maize events TC1507xMIR162xNK603, MON89034xTC1507xMIR162xNK603xDAS40278-9 and DP056113-9 at three trial sites.</li> <li>• One for Syngenta maize event BT11xMIR162xMON89034xGA21 at one trial site.</li> <li>• Two for Monsanto maize event MON87460xMON810 and MON87460xMON89034xMIR162xNK603 at one trial site.</li> <li>• One for Monsanto maize event MON87460xMON89034xMIR162xNK603 at one trial site.</li> <li>• Two for Dow Agrosciences soybean events DAS4406 and DAS44406-6xDAS81419-2 at one trial site.</li> <li>• One for Monsanto soybean event MON87701xMON8978 at one trial site.</li> </ul> <p>The following flowering inspections were conducted:</p> <ul style="list-style-type: none"> <li>• Four for Pioneer soybean events DAS44406-6 and DAS44406-6 x DAS81419-2 at two trial sites.</li> </ul> <p>The following harvest and destruction inspections were conducted:</p> <ul style="list-style-type: none"> <li>• Three for Pioneer maize event DP056113-9 at four trial sites.</li> <li>• Two for Monsanto maize events MON87460xMON810 and MON87427xMON89034xMIR162xNK603 at one trial site.</li> <li>• Three for Syngenta maize events MIR162, Bt11xMIR162xGA21 and Bt11xMIR162xMON89034xGA21 at one trial site and one for MIR162 at one trial site.</li> </ul> <p>All inspected trials were compliant to the permit conditions. b. Annual Reports</p>
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		<p>(ii) The OoR also informed the EC that one annual report from Syngenta for general release of Bt11, GA21 and Bt11xGA21 maize events was assessed. A summary of the annual report assessment was circulated to EC. The permit holder was compliant in terms of the permit conditions.</p> <p>(iii) The OoR also informed the EC that reports were received from Bayer and Klein Karoo; however the permit holders/licensees did not use the correct template. The permit holders/licensees were informed that they need to submit using the annual report template. These annual reports might be tabled at the next EC meeting.</p>	
<p><b>9.</b></p> <p><b>9.1</b></p>	<p><b>General</b></p> <p>SANSOR: Proposed conditions for conducting field trials with higher-order stack(s) that are approved for commodity clearance and/or general release</p>	<p>(i) The OoR informed the EC that this item is related to hybrid seed production using sub-stacks. The OoR reminded the EC that in 2019, the EC had concluded that the seed production using sub-stacks not intended for commercialisation will be handled as a field trial and the duration of the trial permit will be three years.</p> <p>(ii) The OoR informed the EC that in response to EC's 2019 decision SANSOR has submitted a document, proposing amendment of permit conditions for seed production activities.</p> <p>(iii) SANSOR's proposal as well as the current field trial permit conditions was circulated to EC for inputs.</p> <p>(iv) The EC requested more time to review SANSOR's proposal. The EC agreed that the inputs should be submitted to OoR by end of August 2020.</p>	
<p><b>9.2</b></p>	<p>Feedback introductory meeting (EC Chairperson)</p> <p>Croplife SA (EC Chairperson)</p>	<p>(i) The EC Chairperson informed the EC that on 08 June 2020, DALRRD had a meeting with Croplife SA. The purpose of the meeting was to introduce Croplife's lead for Plant Biotechnology, Ms Chantel Arendse, and also to clarify Croplife's activities. Croplife SA represents the technology developers: BASF, Bayer, Pioneer/Corteva and Syngenta.</p> <p>(ii) The EC Chairperson indicated that Croplife requested to have meetings prior to every EC meeting and he did not agree to that request. The EC Chairperson informed the EC that he however agreed on engaging Croplife on identified issues; however they needed to agree on those</p>	

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		issues. The EC Chairperson also informed the EC that Croplife SA has submitted official communication, dated 17 July 2020, indicating that Croplife International have separated from AfricaBio and Croplife SA will now be representing the four technology companies.	
<b>10.</b>	Date of the next meeting	(iii) Ms Mandivenyi informed the EC that she has resigned from DEFF and will be starting a new position with the office of the CBD Secretariat as of 01 August 2020. The EC congratulated Ms Mandivenyi and wished her well on her new position. (ii) The EC noted that the date of the next EC meeting is scheduled for 01 September 2020. The EC meeting is likely to be a virtual meeting via MS teams.	All
<b>11.</b>	Closure	The meeting was concluded at 14:00.	All

Approved by Chairperson

Dr J Jaftha

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Signature

Approved by Registrar

Ms NL Mkhonza

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Signature