



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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MINISTER' S FINAL DECISION ON THE APPEAL LODGED BY SYNGENTA SA (PTY) LIMITED UNDER THE GMO ACT, 1997

Minister of Agriculture, Forestry and Fisheries has made a final decision on the appeal lodged by Syngenta SA against the decision taken by the Executive Council regarding the commodity clearance application of a genetically modified maize event 3272 x Bt11x MIR604 x GA21. The maize is genetically modified to express a thermostable alpha-amylase enzyme in the grain. This enzyme degrades the starch and enhances bio-ethanol production.

The Executive Council took a decision to refuse Syngenta's application for commodity clearance of a genetically modified maize event 3272 x Bt11 x MIR604 x GA21 and the reason for the refusal was mainly based on the fact that the Biofuels Industrial Strategy excludes maize for production of bio-ethanol on the bases of food security. Syngenta lodged an appeal against the EC's refusal of their commodity clearance maize event 3272 x Bt11 x MIR604 x GA21 on 03 September 2014. The grounds for the appeal included the following:

- Syngenta concurs that the Biofuels Industrial Strategy prohibits the use of maize for ethanol production as this may have an impact on food security;
- Although the GMO maize is used in the production of ethanol in other jurisdictions, it will not be for the generation of ethanol/biofuels in South Africa. No maize product that is imported for the purpose of food, feed and processing, can be used for bio-ethanol production in South Africa since there are no maize bio-ethanol factories in the country.

The matter was referred to the appeal board appointed by the Minister of Agriculture, Forestry and Fisheries in terms of Section 19 of the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997). The Appeal Board deliberated on the matter and upheld the appeal. The reasons for the appeal board's decision included the following:

- The Executive Council did not have safety concerns associated with the application for commodity clearance of the GMO maize

- Syngenta indicated that it would not use the GMO maize to produce biofuels
- It is evident that the reason for the application is premised on ensuring compliance with the Genetically Modified Organisms Act, 1997-
 - a) In the limited circumstances where low-levels of the GMO maize grain may incidentally enter South Africa in commodity maize grain consignments used for food or feed
 - b) In the case of the GMO maize co-products of the dry-grind ethanol process such as Dry Distillers Grains and Soluble (DDGS); and
 - c) In the use of the GMO maize in processed food or feed products imported into South Africa;

On 05 July 2016 the Minister made a final decision and upheld the Appeal Board's decision and referred the matter back to the Executive Council for reconsideration.

For further information please contact the Registrar of the GMO Act at the following contact details:

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