



INTERNATIONAL GRAIN TRADE COALITION

15th July 2009

Notice to Trade # 8

Reminder: Documentation Requirements of the Cartagena Protocol on Biosafety

The International Grain Trade Coalition (IGTC) is an unincorporated coalition of 22 national and international non-profit trade associations and councils involving more than 8000 members operating in more than 80 countries. The IGTC's purpose is to convene significant expertise and representation to provide advice to governments from a global perspective on the commercial requirements and economics of the world's food, feed and processing industries, including but not limited to implementation of the Cartagena Protocol on Biosafety. The IGTC recognizes its existence is based on the goal of avoiding disruptions in the international trade of grain, oilseeds, pulses and derived products. To do so the IGTC endeavors to provide for the establishment of policies to provide for a regulatory environment supportive of such international trade.

The following information is a reminder to the global grain industry of the documentation requirements for the transboundary movement of living modified organisms (LMOs) for food, feed or for processing that were taken at COP/MOP-3 in Curitiba, Brazil in 2006. Parties to the Cartagena Protocol on Biosafety must report on how they are implementing Article 18.2(a) documentation requirements at COP/MOP-5 in Japan in October 2010. As a result many countries are expected to implement these recommendations over the coming months. While industry does not need to be compliant with COP/MOP-3 decisions, the 156 countries that have ratified the Protocol must be compliant. Industry is advised therefore to have discussions with their respective governments to ensure that new laws and/or regulations pertaining to the transboundary movement of LMOs do not create trade barriers or generate unnecessary costs. Bulk shipments of corn, soybeans and canola will be the first impacted, as there is significant global LMO production of these commodities.

The trade should not change current documentation until advised by Parties or requested by importers following discussions with their respective governments. The following is not intended as legal advice or opinion. However, if the biosafety laws or regulations in either exporting or importing countries are changed or created, those entities that are impacted by the Biosafety Protocol (those that are engaged in the international movement of products that may contain living modified organisms derived from modern biotechnology) are strongly recommended to contact their legal counsel and regulatory affairs

Grain Trade
Australia

Hungarian
Grain and Feed
Association

National
Grain and Feed
Association (USA)

National
Corn Growers
Association (USA)

North American
Export Grain
Association

Paraguayan
Chamber of
Cereals &
Oilseeds
Exporters
(CAPECO)

Russian Grain
Union

Solvent
Extractors'
Association
of India

Soybean
Processors
Association
of India

US Grains Council

US Wheat
Associates

ANIAME
(Mexico)

APPAMEX
(Mexico)

Associação
Brasileira das
Indústrias de
Óleos Vegetais

Associação
Nacional dos
Exportadores de
Cereais (Brazil)

Canada Grains
Council

Centro de
Exportadores
de Cereais
(Argentina)

China Chamber of
Commerce of
Import and Export
of Foodstuffs,
Native Produce &
Animal By-
Products

China National
Association of
Grain Sector

COCERAL
(Europe)

Corn Refiners
Association Inc.
(United States)

Grain and Feed
Trade Association

representatives for further information in order to make necessary decisions concerning the matters in this overview.

The following documentation decisions pertaining to the transboundary movement of LMOs were taken at COP/MOP-3 and are to be reported on at COP/MOP-5 next year. This information is presented to the trade to facilitate discussions with your respective governments on the decisions identified below to determine whether or not your government will be changing or establishing new biosafety laws/regulations:

- All transboundary shipments of commodities that may contain LMOs (currently maize/corn, soybeans and canola are produced with LMOs and therefore may contain LMOs) must carry the following documentation:
 - That the LMOs that may be contained in the commodity are not intended for intentional introduction into the environment.
 - The common, scientific and, where available, commercial names of the LMOs.
 - The transformation event code of the LMOs or, where available, its unique identifier code. (This information may be found on the Biosafety Clearing House at <http://bch.cbd.int/database/organisms/>)
 - Contact point for further information (e.g. importer/exporter)
 - Internet address of the Biosafety Clearing House (<http://bch.cbd.int/>)
- In cases where the identity of the LMOs is known through means such as identity preservation systems, the documentation should state that the commodity in the shipment **contains** LMOs that are intended for direct use as food or feed, or for processing.
- In cases where the identity of the LMOs is not known through means such as identity preservation systems, the documentation should state that the commodity in the shipment **may contain** one or more LMOs that are intended for direct use as food or feed, or for processing (meaning bulk, break bulk or container shipments of corn, soybeans and canola).
- Acknowledges that the expression **may contain** does not require a listing of LMOs of species other than those that constitute the mixture of the commodity shipped.
- It is very important that the above **information** is included on the commercial invoice unless instructed otherwise by the importing government. Placing of this information on other shipping documentation could cause problems.
- Transboundary movements **of LMOs** between Parties (156 countries that have ratified the Protocol) and non-Parties (countries

that have not ratified the Protocol such as Argentina, Australia, Canada and the United States) shall be consistent with the objective of the Protocol, and the specific requirements set out above do not apply to such movements.

Conclusions:

- 1. Industry should not provide detailed documentation requirements identified above until requested by governments. (Supplying detailed documentation requirements on shipping documentation may cause unnecessary delays if government export/import officials do not expect the information).**
- 2. Rather than placing the general information described above on the invoice, industry should determine the specific wording desired by the countries involved in the transaction. For example, the specific wording to be placed on the invoice required by European Union countries is different than Mexican requirements.**
- 3. As Parties may enter into arrangements with Parties or non-Parties containing documentation requirements different than identified above (such as are contained within the Mexico / United States / Canada Trilateral Arrangement), industry should not provide detailed documentation requirements until the requirements have been agreed upon bilaterally or regionally.**
- 4. Countries may use the COP/MOP-3 decisions to establish or change their biosafety regulations. Regulations may differ between countries. Industry should have discussions with their respective governments to determine if changes are being contemplated to their biosafety laws governing the export/import of LMOs. It is important for both exporters and importers to understand the biosafety documentation requirements of the countries to which shipments are being made in order to avoid costly delays.**
- 5. If changes in export/import / laws/regulations are being contemplated in any country, the trade is asked to advise the IGTC secretariat at dstephens@canadagrainscouncil.ca and further information will be supplied concerning possible trade impact of different documentation implementation options that you may wish to bring to the attention of your respective government.**