



DEPARTMENT OF AGRICULTURE

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POLICY ON GMO CONSIGNMENTS IN TRANSIT

Compiled by

Executive Council for Genetically Modified Organisms

Within the framework of the Genetically Modified Organisms Act, 1997
(Act No. 15 of 1997)

PURPOSE OF THE POLICY

The policy shall serve as a framework to promote the safe transit of genetically modified organisms through South Africa.

CONSIGNMENTS INCLUDED IN THE POLICY

Transit consignments of the following nature –

- Containing GMOs (raw) that have been approved for commercial use in SA.
- Containing more than 1% processed GMOs. Consignments containing less than 1% processed GMOs are exempted from transboundary requirements prescribed in this policy.
- Containing GMOs (raw or processed) that have not been approved for commercial use in South Africa.

BACKGROUND

As the beginning of 1992, all activities with genetically modified organisms in South Africa were conducted under an amendment of the Agricultural Pest Act, 1983 (Act No. 36 of 1983). Since implementation of the Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997) in December 1999, several genetically modified (GM) crops have been approved for commercial use in South Africa. These crops may thus be imported into and used/planted in South Africa.

Other countries such as the USA, Argentina and China, have developed and produced a wider variety of GM crop events than what has been approved in SA. In that regard, consignments originating from these countries will therefore contain events that are not permitted to enter SA.

During periods of disaster, the demand for food exceeds the available supply (e.g. drought, floods, etc.). When a disaster occurs within the Southern

African sub-region, SA is often utilised for logistic and shipment of such food consignments. Similarly, the geographical and infrastructure of SA are utilised for transit purposes of such food consignments.

Consignments destined for disaster relief may contain GMOs and could transit through SA. Therefore the Council must take precautionary measures to minimise or eliminate risks to biological diversity and human health, as indicated in this document.

PROCEDURES FOR TRANSIT CONSIGNMENTS

Entities wishing to transit consignments that contain GMOs, or may inadvertently contain GMOs, must submit the following information/documentation to the Registrar for GMOs prior to commencement of the activity:

Evaluation of requests for transit consignments are based on a case-by-case approach and therefore a separate application must be submitted for each transit shipment of food aid destined to Southern Africa.

Transit consignments containing GMOs (raw or processed) that have not been approved for commercial use in South Africa, must be, in addition to the documentation outlined below, accompanied by a declaration from the exporting country, in the absence of a clearing house, regarding safety of the GMOs present in the consignment to human health.

- (a) A notification letter of the proposed transit, that contains at a minimum, the following information:
 - (i) Name, address and contact details of the exporter.
 - (ii) Name, address and contact details of the importer.
 - (iii) Name of and address within the receiving country.
 - (iv) Name and identity of the genetically modified organisms that might be present.

- (v) Intended date or dates of the proposed import into and export from SA.
 - (vi) Intended use of the produce in the consignment in the receiving country.
 - (vii) Quantity or volume of the consignment.
 - (viii) Manner in which the consignment will be transferred from the port of entry to the port of exit.
 - (ix) Suggested methods for the safe handling, storage, transport and use, including packaging, labelling, documentation, disposal and contingency procedures, where appropriate.
 - (x) A declaration that the above-mentioned information is factually correct.
- (b) A letter by the designated national authority within the receiving country, addressed to the Department of Agriculture, SA, to accept receipt of the whole consignment knowing that it may contain GMO material. The letter must mention the tonnage and the country of origin involved.
- (c) Alternatively to the letter mentioned in paragraph (b) above, a copy of the import permit issued by the receiving country indicating the tonnage involved, the country of origin and that the consignment may contain GMO material.
- (d) A completed undertaking as prescribed in this policy.

HANDLING AND PACKAGING

The following procedures and measures apply during transit of consignments (raw material or already processed material):

- (a) At the port of entry, transfer the material directly onto railway or road trucks for immediate distribution to the receiving country OR to a

dedicated silo/storage facility at the port of entry for extended detention before distribution to the receiving country.

- (b) Clearly seal and mark each truck
- (c) Keep written record of the number of trucks, content/volume per truck, and seal numbers of trucks and bags (if applicable).
- (d) Clean the surrounding area at the port of entry and at the loading site of any material that is related to the consignment.

PROCESSING OF TRANSIT CONSIGNMENTS

Once the material of any imported transit consignment is processed in any manner, such a consignment is no longer considered in transit.

The Registrar reserves the right to lay down conditions for disposal of GMO waste or by-products.

If a transit consignment is destined for milling at the port of entry prior to transportation to the receiving country, the following shall apply:

The applicant shall -

- a) submit completed application forms for the importation and exportation of GMOs into and from SA;
- b) submit the applicable fees;
- c) mill the consignment at a mill near the coast, close to the port of entry or alternatively; at a mill closest to the port of exit to the receiving country;
- d) clearly bag and seal the milled product before transporting it to the receiving country;
- e) clearly indicate what the fate of the by-product from milling of the consignment will be and request approval for use of the by-product in SA;
- (f) keep written record of the number of trucks, content/volume per truck, and seal numbers (if applicable);

- (g) clean the surrounding area at the mill and the loading site of any material that is related to the consignment;
- (h) notify the Registrar in writing of the dates when transportation to the receiving country will commence, as well as the estimated date of arrival at the port of exit;
- (i) take the necessary precautionary measures to prevent spillage during transport of the material to the miller, during milling and bagging, and transport of the material to the port of exit;
- (j) submit a copy of the import permit (stating that the consignment may contain GMO's), issued by the receiving country or a letter of confirmation of receipt by the national authority within the receiving country stating the vessel name, tonnage and that it may contain GMO's.
- (k) Submit the completed undertaking as prescribed in this policy.

UNDERTAKING BY THE APPLICANT

Any individual or company wishing to transit any consignment through the Republic of South Africa must, in addition to the documentation that is required in transit consignments, submit the following undertaking to the Registrar.

I, the undersigned, _____.(full name and surname)
with ID number _____, in anticipation to transit a
consignment through the Republic of SA, hereby –

- (a) undertake to take the necessary procedures to prevent the indiscriminate release and theft of any material related to the consignment;
- (b) adhere to the packaging and handling requirements as prescribed in the policy on transit consignments;
- (c) takes responsibility for the cleaning of any spillage and costs related thereto, resulting from any unforeseen accident related to the consignment;
- (d) will not give any material of the consignment to any other individual unless authorised to do so by the Registrar; and
- (e) will not use any material of the consignment in SA, unless authorised to do so by the Registrar.

Signed at _____ on this _____ day
of _____.

Signature

Witnesses:

1. _____

2. _____