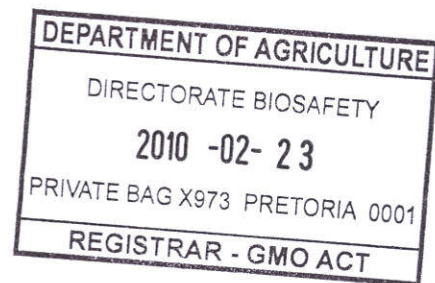




**agriculture,  
forestry & fisheries**

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA



Directorate Biosafety, Private Bag X973, PRETORIA, 0001  
Harvest House Room 422, 30 Hamilton Street, Arcadia, Pretoria, 0002

**From: Ms G Christians**

**Tel:** (012) 319 6382. **Fax:** (012) 319 6329 . **E-mail:** GillianC@daff.gov.za

**Enquiries:** Ms. G Christians **Ref: 39/R**

Dear Client

**RE: SOUTH AFRICAN REQUIREMENTS FOR THE IMPORT AND EXPORT OF GM  
COMMODITIES FOR FOOD, FEED OR PROCESSING**

This letter serves to confirm the requirements in terms of GMO Act that is applicable to the import/export of GM Commodities.

As a Party of the Cartagena Protocol on Biosafety, to which we have acceded in 2003, we are legally bound by its provisions. Parties may either have acceded to the Protocol or ratified it. By definition of the Cartagena Protocol the definitions for these actions are as follows:

*Ratification: when a State has signed the Protocol within the time period in which the Protocol was open for signature, then the State can proceed to ratify the Protocol.*

*Accession: if a State did not sign the Protocol during the time in which the Protocol was open for signature, then the State can only accede to the Protocol.*

*Article 36 states that the Protocol was open for signature from 15 June 26 May 2000 at the UN Office in Nairobi and from 5 June 2000 to 4 June 2001 at the UN Headquarters in New York.*

*SA therefore had to submit an "instrument of accession" (through the DFA), which was done on 21 July 2003*

Since our accession, our legislation had to be amended to include the provisions of the Protocol. This GMO Amendment Act was approved by the President in 2007 and the establishing of the accompanying Regulations have been in progress since. We are currently waiting for final approval of the Regulations where after the Amendment Act will come into effect.

Currently, in the absence of a functional BCH, the South African government requires confirmation from the Importing Party with regard to acceptance or rejection of a GM commodity consignment originating from South Africa, or the import of GM Commodities into South Africa, the requirement is for either the country of export or import to provide the requested information, as per the respective application forms, to the importer or exporter. In terms of the Protocol any Party may request any additional information as part of their decision making process. AIA on LMO-FFP may be exempted from reporting in terms of the BCH but Article 11 (4) in the explanatory guide to the Protocol states the following "...Thus although LMO-FFPs are outside the scope of the Protocol's AIA procedure, in their domestic regulatory framework Parties may still choose to require advance notification and approval of a proposed transboundary movement of LMO-FFPs.....".

Therefore the requirements as per application forms will remain effective as it had been since the category of activity had been determined. Should any entity in South Africa involved in GM activities, choose to deviate from prescripts, the necessary action will be taken to find an appropriate solution to this problem. The rules and requirements are applicable to all entities involved in the trade of GM commodities.

The Office of the Registrar would like to request your co-operation in this regard. We would not want to discourage trade but compliance with all legislative requirements is imperative and no concessions will be made to any entity found to transgress any of the requirements of either the importing or exporting Party.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'G Christians', written in a cursive style.

**Ms G Christians**  
**Registrar for Genetically Modified Organisms (GMO Act no 15 of 1997)**