



INTERNATIONAL GRAIN TRADE COALITION

ANIAME

APPAMEX

AWB Limited

Canada Grains
Council

Centro de
Exportadores
de Cereales

COCERAL

Grain and Feed
Trade Association

Hungarian
Grain and Feed
Association

National
Grain and Feed
Association

North American
Export Grain
Association

National
Corn Growers
Association

Solvent Extractors'
Association
of India

Soybean
Processors
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of India

US Grains Council

US Wheat
Associates

Russian Grain
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Wheat Export
Trade Education
Committee

Notice to Trade # 4

Re: Documentation Requirements of the Cartagena Protocol on Biosafety

The following information addresses actions that impact the documentation requirements for the transboundary movement of living modified organisms (LMOs) for food, feed or for processing that were taken at the recent meeting of countries that are Parties to the Cartagena Protocol on Biosafety, -- an international agreement on biodiversity.

The actions recommended below are based upon the best information known to date and the advice provided by the International Grain Trade Coalition (IGTC) to government on how to implement the Protocol to meet the needs of the world's food, feed and processing industry.

The following is not intended as legal advice or opinion. Entities 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 representatives for further information in order to make necessary decisions concerning the matters in this overview.

The Meeting of the Parties to the Cartagena Protocol on Biosafety recently confirmed that transboundary shipments of living modified organisms for food, feed or for processing must be accompanied by documentation stating that the shipment may contain LMOs for direct use as food, feed or for processing and that the shipment is not intended for intentional introduction into the environment.

Unfortunately no clear or single option emerged on how the documentation requirements of Article 18.2(a) should be managed or when the documentation should be used.

As of May 4, 2004, more than 90 countries have ratified the Protocol and therefore are obligated to follow the Protocol's requirements.

The International Grain Trade Coalition (IGTC) recommends that industry check the Biosafety Clearing House at <http://bch.biodiv.org/> before exporting to determine whether or not the country of destination has ratified the Protocol and if so, whether or not the the country has adopted domestic regulations defining documentation requirements for LMO imports.

In order to avoid trade disruptions and promote consistency in the implementation of the Protocol in international commerce, the IGTC recommends the provisions of the Trilateral Arrangement negotiated by Mexico, United States and Canada be the basis for commercial transactions between exporters and importers in all LMO shipments for food, feed or for processing to all Parties, unless domestic regulations of the importing country demand otherwise.

The Trilateral Arrangement states that Article 18.2(a) of the CPB will be implemented as follows:

1. The “may contain” language, when included as per section 4 below, should appear on the commercial invoice as provided by the exporter. The importer is responsible for receiving the invoice and maintaining it after entry.
2. The “may contain” language, when included, should state:

“Cartagena Biosafety Protocol Provision: This shipment may contain living modified organisms intended for direct use as food or feed, or for processing, that are not intended for intentional introduction into the environment.”
3. The last exporter prior to the transboundary movement and the first importer after the transboundary movement are to be named on the invoice and are the contact points for further information.
4. Applicability:
 - a. The “may contain” documentation will be used for all transboundary movements of commodities intended for food or feed, or for processing, where an LMO of that commodity species is authorized¹ in, or sold from, a country of export, except:
 - (i) Shipments for which the exporting country does not have in commerce any LMO of that species; or
 - (ii) When the exporter and importer have contractually defined a “non-LMO shipment;” provided, that such a shipment achieves a minimum of 95 percent non-LMO content, and that such definition does not conflict with regulations of the importing country.
 - b. Adventitious presence of LMOs in a non-LMO shipment should not be considered a trigger for the “may contain” documentation.

¹ Approved for unconfined release (Canada), deregulated (United States), or approved (Mexico), noting that the Biosafety Clearing House is an important reference tool.

This arrangement is designed to fulfill the Protocol's objectives without unnecessarily disrupting international commodity trade. The Trilateral Arrangement incorporates many of the recommendations of the IGTC, including the recommendation that adventitious presence of LMOs in a non-LMO shipment should not be considered a trigger for the "may contain" documentation. It also exempts shipments from documentation requirements "when the exporter and importer have contractually defined a 'non-LMO shipment;' provided, that such a shipment achieves a minimum of 95 per cent non-LMO content, and that such definition does not conflict with regulations of the importing country."

Importers in countries that have ratified the Protocol should discuss with their respective governments the desirability of entering into similar arrangements with the governments of major exporters. Some disruptions to international trade have occurred since the Protocol came into force on 11 September 2003 as NGOs picketed ships claiming that the shipments did not have the required documentation.

However, even without formal arrangements among governments, such disruptions may be minimized by following the procedures discussed above, as the Trilateral Arrangement is designed to meet the required documentation under the Protocol, unless the importing country's domestic regulations as outlined on the Biosafety Clearing House say otherwise.

If any organization has questions concerning these recommendations please contact a member of the International Grain Trade Coalition listed below:

International Grain Trade Coalition Members and Contact Points

The Grain and Feed Trade Association (GAFTA): GAFTA is the only worldwide trade association representing the interests of members, who trade in grains, feeding stuffs, pulses and rice internationally, with over 800 members in 80 countries. **Contact Point:** Pamela Kirby Johnson, Director General, GAFTA House, 6 Chapel Place, Rivington Street, London, EC2A 3SH, United Kingdom, Tel: 44 20 7814 9666, Fax: 44 20 7814 8383 Email: PamelaKirbyJohnson@gafta.com

The North American Export Grain Association (NAEGA): NAEGA is comprised of grain and oilseed exporters and interested parties whose purpose is to promote and sustain the development of commercial export grain and oilseed trade from the United States. NAEGA members include 35 private and publicly owned companies and cooperatives domiciled in the United States and Canada. **Contact Point:** Gary C. Martin, President and CEO, North American Export Grain Association, Incorporated, Suite 1003, 1250 Eye Street NW, Washington, D.C. 20005, Tel: 202 682 4030, Fax: 202 682 4033, Email: gcmartin@naega.org

COCERAL: COCERAL is the representation of the European trade in cereals, feedstuffs, oilseeds, olive oil, vegetable oil and agrosupply. It comprises the trade

organizations in 15 EU member states, that for their part represent collectors, distributors, exporters, importers and storekeepers of the above-mentioned commodities. Furthermore COCERAL has associated members in Hungary, Poland and Switzerland. **Contact Point:** Klaus Schumacher, Chairman, or Chantal Fauth, Secretary General, COCERAL, 18 Square de Meeus, B 1050 Brussels, Belgium, Tel 02 502 08 08, Fax 02 502 60 30, Email: secretariat@coceral.com

Canada Grains Council (CGC): CGC has a membership of about 30 organizations involved in Canada's grains, oilseeds, pulses and special crops industry including producers, handlers, transporters, processors, exporters, banks and provincial and federal governments and their agencies. **Contact Point:** Dale Adolphe, Chairman Biosafety Committee, or Patty Rosher, Member, Biosafety Committee or Dennis Stephens, Consultant, Canada Grains Council, 1215-220 Portage Avenue, Winnipeg, MB, R3C 0A5, Canada Tel 204 925 2133, Fax 204 925 2132, Email: dstephens@canadagrainscouncil.ca

AWB Limited (Australian Wheat Board): AWB Limited is Australia's major national grain marketing organization and is one of the world's largest wheat management and marketing companies. It is involved in the management and marketing of wheat (for which it is the nation's exclusive bulk exporter) as well as other grains including barley, sorghum, oilseeds and pulses. **Contact Point:** James Molan or Mathew Foran; Ceres House, 528 Lonsdale Street, Melbourne 3000, Victoria, Australia Tel 61 3 9209 2555; mobile 61 407 920 911; email jmolan@awb.com.au. or mforan@awb.com.au

National Grain and Feed Association (NGFA): NGFA consists of 1,000 grain, feed, processing and grain related companies that operate about 5,000 facilities that store, handle, merchandise, mill, process and export more than two-thirds of all US grains and oilseeds. About 70% of NGFA member firms are small businesses — country elevators and feed mills. Also affiliated with NGFA are 36 state and regional grain and feed associations. **Contact Point:** Mr. Tom O'Connor, Director of Technical Services, National Grain and Feed Association, Suite 1003, 1250 Eye Street NW, Washington, D.C. 20005. Email toconnor@ngfa.org

Soybean Processors Association of India (SOPA): SOPA is an all India based association having a membership of 600 members representing processing industries, exporters, buyers, brokers, surveyors, analysts as well as farmers. The Association members are actively involved in trading soybean meal for food and feed purposes. **Contact Point:** Mr. D. R. Kalra, Executive Director, Soybean Processors Association of India, Scheme No. 53, Bear Malviya Nagar, A. B. Road, Indore 452 008, India, Email sopain@bom4.vsnl.net.in

ANIAME: ANIAME is the Association of Oilseed (including soya, canola and sunseeds) Processors in Mexico. **Contact Point:** Lic Amadeo Ibarra, Director General, ANIAME, Praga 39 Piso 3, Col. Juarez, C. P. 06600, Mexico, D.F., Mexico, Email aibarra@aniame.com

Hungarian Grain and Feed Association: The Hungarian Grain and Feed Association represents 80 –90% of the companies involved in Hungary’s milling, grain-export, soymeal-import and feed milling industry. **Contact Point:** Mr. George Makay, General Secretary, Hungarian Grain and Feed Trade Association, Alkotmany U.16.11.9, H-1054 Budapest, Hungary, Email gabonaszov@mail.datanet.hu

The Solvent Extractors’ Association of India: The Solvent Extractors’ Association of India was formed in 1963 to help and foster the development and growth of India’s solvent extraction industry. At present the Association has about 900 members including about 550 solvent extraction plants having a combined oilcake/oilseed processing capacity of about 30 million tonnes. **Contact Point:** Mr. B.V. Mehta, Executive Director, 142 Jolly Maker Chambers No 2, 14th Floor, 225, Nariman Point, Mumbai-400 021 India, Email solvent@vsnl.com

National Corn Growers Association (NCGA): NCGA is a coalition of 27 affiliated state organizations and represents the interests of 350,000 corn producers in the United States. **Contact Point:** Mr. Fred Yoder, Chairman, National Corn Growers Association, Email seedman@netwalk.com or Hayden Milberg, e-mail: milberg@dc.ncga.com

APPAMEX: The Mexican Association of Providers of Agricultural Products represents organizations involved in the trade of imported and exported agricultural commodities in Mexico. **Contact Point:** Ricardo Calderon, Director, Durango 245 Desp. 203, Col. Roma, 06700 Mexico D.F, phone (5255) 5533-4339, fax (5255) 5525-2776 Email appamex@prodigy.net.mx

US Wheat Associates: US Wheat Associates is the market development arm of the US wheat industry. **Contact Point:** Nelson Denlinger, US Wheat Associates, Suite 801, 1620 I Street, N.W., Washington, D.C. 20006-4005, Email: ndenlinger@uswheat.org

Centro de Exportadores de Cereales (Chamber of Grain Exporters of the Argentinean Republic: The Chamber was formed in 1944 and includes the 12 largest grain exporters, marketing approximately 30 million tonnes per year. **Contact Point:** Ciro Echesortu, President, or Gabriel Gilges, General Manager, or Alberto Rodriguez, Bouchard 454 7th floor, C1106ABF, Buenos Aires, Argentina, phone 54 11 4311 1697, fax: 54 11 4311 7767, Email: Cerex@datamarkets.com.ar

Wheat Export Trade Education Committee: WETEC is responsible for carrying out activities that advance and help formulate the trade policies of the U.S. wheat industry. **Contact Point:** Barbara Spangler, Executive Director, 415 Second Street, N.E., Suite 300, Washington, D.C. 20002. Tel 202-547-2004, Fax 202-546-2638, e-mail: Spangler@USWheat.org.

US Grains Council: The U.S. Grains Council builds global markets and serves international customers for U.S. grains through a unique partnership of U.S.

producers, agribusiness and the public sector. **Contact Point:** David McGuire, Director of Biotechnology, 1400 K Street NW, Suite 1200 Washington, DC 20005, phone: (202) 789-0789, fax: (202) 326-0660, Email: dmcguire@grains.org; Web site: <http://www.grains.org>

Russian Grain Union: Contact Point: Arkady Zlochevsky, President: 107139, Îñêàà, Îġèèêî ãġåóëêê, 1/11, îòñ 576, 821: òå: (095) 207-8256, 207-8285, 207-8345, 207-5279 ôêñ: (095) 207-8379, 207-5344; [E-mail: rgumsk@dol.ru](mailto:rgumsk@dol.ru)