



INTERNATIONAL GRAIN TRADE COALITION

ANIAME

APPAMEX

AWB Limited

Canada Grains
Council

Centro de
Exportadores
de Cereals

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
Association
of India

US Grains Council

US Wheat
Associates

Wheat Export
Trade Education
Committee

Notice to Trade # 2

The Governments of the United States, Mexico and Canada have entered into a Trilateral Arrangement to define documentation requirements under Article 18.2(a) of the Cartagena Protocol on Biosafety for shipments of LMOs for food, feed or for processing.

Article 24 of the Protocol enables bilateral or regional arrangements among Parties and Non-Parties. The arrangement (see below) is designed to fulfill the Protocol's objectives without necessarily disrupting international commodity trade. The document incorporates many of the recommendations of the International Grain Trade Coalition (IGTC) and confirms that adventitious presence of LMOs in a non-LMO shipment should not be considered a trigger for the "may contain" documentation.

As of 21 November 2003, 73 countries have ratified the Protocol. Importers in countries that have ratified the Protocol should discuss with their respective governments the desirability of entering into similar agreements 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 contain the required documentation. Arrangements such as the United States / Mexico / Canada arrangement should minimize such disruptions as the shipments will be carrying the required documentation under the Protocol as agreed to by the appropriate governments.

If any organization has questions concerning the arrangement please contact a member of the International Grain Trade Coalition listed on the Notice to Trade. The text of the arrangement is as follows:

Documentation Requirements for Living Modified Organisms for Food or Feed, or for Processing (LMO/FFP's)

The purpose of this document is to articulate an understanding among the United States, Canada, and Mexico, hereinafter also referred to as the "Participants," with respect to the documentation requirements of the Cartagena Protocol on Biosafety (CPB) pertaining to living modified organisms intended for direct use as food or feed, or for processing (LMO/FFP's). Specifically, the objective of this arrangement is to clarify documentation requirements such that they fulfill the objectives of the CPB without unnecessarily disrupting commodity trade.

The United States and Canada are not Parties to the CPB at this time. However, Article 24 states that transboundary movements of living modified organisms

between Parties and non-Parties shall be consistent with the objectives of the CPB, and that Parties and non-Parties may enter into arrangements, such as this, regarding such transboundary movements. This arrangement also meets the requirements in Article 14 of the CPB to accommodate the eventuality of either the United States or Canada becoming a Party to the CPB.

Article 18.2(a) of the CPB states:

“Each Party shall take measures to require that documentation accompanying living modified organisms that are intended for direct use as food or feed, or for processing, clearly identifies that they “may contain” living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for further information.

“The Conference of the Parties serving as the meeting of the Parties to this Protocol shall take a decision on the detailed requirements for this purpose, including specification of their identity and any unique identification, no later than two years after the date of entry into force of this Protocol.”

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.

Mexico (as a Party), Canada and the United States (currently as non-Parties) affirm that exporters and importers trading commodities with documentation according to these provisions have fulfilled both the objectives and the current requirements of Article 18.2(a) of the CPB.

The Participants hereby intend to maintain a continuous exchange of scientific information and to address issues on agricultural biotechnology that may arise among the three nations utilizing the expertise of scientific personnel. The Participants will elaborate on the subjects and mechanisms for information exchange.

This arrangement does not affect a Participant’s decision on the import of LMO/FFPs under its domestic regulatory framework or according to a risk assessment, pursuant to Article 11 of the CPB.

Whenever in the judgment of a Participant issues of concern arise that would require further consultation on the interpretation or implementation of this document, including relevant decisions of the Meeting of Parties to the CPB, the Participants may jointly decide to make the necessary modifications and/or updates.

This document will have effect for a period of two years, starting at the date of its signature. It can remain in effect beyond two years with mutual consent of all Participants.

Participant Signatures:

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

SIGNED

Date: OCTOBER 29, 2003

Victor Manuel Villalobos Arámbula
Coordinator of International Affairs
Office of the Secretary
Secretary of Agriculture, Livestock, Rural Development, Fisheries and Food of
Mexico (SAGARPA)

SIGNED

Date: October 23, 2003

J.B. Penn
Under Secretary
Farm and Foreign Agricultural Services
U.S. Department of Agriculture

SIGNED

Date: OCTOBER 20, 2003

Andrew Marsland
Assistant Deputy Minister
Market and Industry Services Branch
Agriculture and Agri-Food Canada