



July 30, 2015

China SPS Notification Authority and Enquiry Point
Research Center for International Inspection and Quarantine
Standards and Technical Regulations
General Administration of Quality Supervision, Inspection and Quarantine, P.R. China (AQSIQ)
No. 18, Xibahe Dongli, Chaoyang District
Beijing, China

To whom it may concern:

Re: Canadian Industry Comments on Proposed Amendments to the Implementation Regulations (Implementation Regulations) on Safety Assessment of Agricultural Genetically Modified Organisms (Proposed Amendments) (Notification G/SPS/N/CHN/881)

The undersigned organizations, representing a broad section of the Canadian food and agricultural industry, appreciate the opportunity to provide comments on the draft Amendment to the GMO Safety Assessment Measures (draft Measures) proposed by China's Ministry of Agriculture's (MoA) which were released for comment on 2 June 2015 through the World Trade Organization (WTO) Committee on Sanitary and Phytosanitary Measures (G/SPS/N/CHN/881). These comments are a follow up to the preliminary comments provided by the Canadian industry on June 3rd directly to the MoA.

The Canadian industry respects China's efforts to strengthen its administration of the safety evaluation of genetically modified organisms (GMOs) and appreciates MOA's transparency and openness to public input on such a critical issue. However, we would like to express our concerns with some of the proposed provisions, specifically articles 16 and 22, that if implemented as currently drafted, would have a negative impact on the timeliness, predictability and transparency of China's agricultural biotechnology approval system as well as on international trade and innovation (Annex A).

Canadian farmers have fulfilled Chinese import demands with the support of innovative technologies, including canola and soybeans created through genetic modification. For the supply of Canadian grain to remain reliable, innovation by farmers and the Canadian industry must continue and this includes the adoption of new genetically modified technologies. Continued access to new and innovative technologies is only possible when

international markets implement science-based regulatory frameworks with transparent processes and timely, predictable approval timelines.

Canada and China both depend on a predictable and transparent global trading regime for agricultural products, including those derived from biotechnology. This environment is critical to facilitating continued investment in innovation and the development of new and safe technologies that support global food security.

In the context of the current review, the Canadian industry encourages China to develop and implement transparent, science-based, and predictable biotech regulatory approval measures, in compliance with its obligations under the WTO Sanitary and Phytosanitary Agreement and the Technical Barriers to Trade Agreement.

Sincerely



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Flax Council of Canada
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Annex A – Comments on Specific Provisions

Chapter 3: Application, Examination and Approval

Article 16 – “The accepted applications shall be handed over to National Biosafety Committee (NBC) for safety assessment. After the Minister of Agriculture receives the assessment result, a decision on the application shall be made according to the Administrative License Law of People’s Republic of China and the Regulations on Administration of Agricultural Genetically Modified Organism Safety (promulgated by State Council Decree no. 304 in 2001), with scientific, economic and social factors being comprehensively taken into consideration.”

The Canadian agricultural industry is concerned that this proposed amendment: 1) removes specific submission windows (March 31 and September 30); 2) does not provide a time frame for safety reviews; 3) does not provide time frames for the Ministry of Agriculture (MOA) to respond to product applications or to make final decisions; and 4) adds economic and social factors which are not science-based into the review process.

With respect to the removal of timelines for conducting safety assessments at any stage of the process, the Canadian agricultural industry would like to know if the removal of specific submission windows means that developers may submit applications to Chinese authorities at any time during the year. Canadian industry would be supportive of this change if China also sets out time frames within which the Ministry of Agriculture is obligated to follow up on a product application or to make final process decisions.

If this is not the case, we respectfully request that China provides guidance on when the Ministry of Agriculture will be receiving applications, and on what measures will be taken to ensure the timeliness of application reviews. The Canadian agricultural industry is concerned that if these particular amendments are implemented without reference to specific time frames and milestones within which the review process should be completed, the predictability, transparency, and timeliness of China’s safety assessment process will be undermined.

The Canadian agricultural industry also respectfully requests that China remove references to the use of “economic and social factors” in the amendments currently under consideration. . The inclusion of non-science based considerations in the regulatory decision making process runs contrary to obligations contained in the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), which requires that any sanitary or phytosanitary measure be based on scientific principles, including a valid risk assessment. In addition, the Canadian agricultural industry requests clarification on how China would define “economic and social factors” as criteria evaluated in the safety assessment of products of biotechnology, how they would consistently apply these to all applications, and how each of these factors would influence whether an application is approved or not.

Articles 22, 23 and 25 – The Canadian agricultural industry requests that MOA take this opportunity to revise their standing regulations by establishing distinct provisions that are appropriate to each type of application. This approach is consistent with the Cartagena Protocol on Biosafety, to which China is a signatory. The proposed articles do not distinguish between which provisions apply to cultivation and those applying to imports for food, feed and processing. Establishing a distinction will bring clarity to both the foreign applicant and risk assessor in China to ensure the relevant provisions are being applied to the appropriate type of application. Should China proceed with Articles 22, 23 and 25 in their current form, the Canadian agricultural industry would appreciate more information on how China plans to ensure this distinction is applied between the application of different procedures for products for import for food and feed versus cultivation.