

## **UK RESPONSE – DECISION BS-VII/13**

Please find below the UK response to Decision BS-VII/13 in which Parties are invited to submit views and comments on the 'Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations' contained in the annex to the report of the first meeting of the Ad Hoc Technical Expert Group on Socio-economic Considerations.

We are providing comments on the document in response to CBD Notification 2015-007. This exercise should not pre-empt the outputs of forthcoming evidence generating activities set out in Decision BS-VII/13.

### **General comments on the Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations (SECs)**

As a 'framework' the document lacks conceptual clarity with respect to important principles. The relationship between national SEC assessments and formal risk assessments needs to be more clearly and robustly defined. Within the EU, the principle of collective EU-wide assessment and decision making must be up-held, otherwise we are likely to experience conflicting and contradictory situations. SEC assessments are voluntary and a very different process from risk assessments; they do not serve to fill gaps in the risk assessment process. SEC assessments must remain separate so as not to undermine the risk assessment and cause confusion. This issue will be further addressed in the online discussions and we will provide further comment at that stage.

The issue of uncertainty needs to be put in context in order to be useful, and the need to review decisions needs to be more fully reflected in the document. Firstly, it should be recognised that in practice it will not be possible to have complete, detailed information on all the potential impacts of an LMO, and therefore there will always be some apparent uncertainty with a socio-economic evaluation. However such uncertainties may be relatively unimportant when put in context, especially when set against identified potential benefits. As a general principle, therefore, it should be established that a Party will only be justified in taking a decision to prohibit an LMO based on an identified uncertainty if it is significant in nature and not outweighed by other factors which have been considered as part of a balanced SEC assessment (i.e., where, based on the information available, there are reasonable grounds to conclude overall that the LMO may have a serious, net, adverse socio-economic impact).

Further, the document needs to also stress that decisions taken in relation to uncertainty must be proportionate. A decision to prohibit the import and/or use of an LMO should not be taken if the uncertainty can be addressed by pragmatic means. For example, if there is a concern about the impact on consumers and producers, it might be resolved by implementing LMO labelling rules and measures to segregate LMO and non-LMO production. Another option may be to permit use of the LMO but undertake monitoring, to

clarify any residual uncertainty about its impact. Where concerns about uncertainty are a key factor in reaching a decision not to allow the import and/or use of an LMO, it should be open to review if further relevant information becomes available which may alter the balance of the SEC assessment. Similarly, periodically reviewing the effects of authorised LMOs will determine whether they are being maintained or have diminished over time. As another general principle, therefore, decisions based on SECs must be kept under review. The document should reflect that decisions must be based on sound evidence gathered by appropriate experts and also reviewed by appropriate experts.

As many of the issues in the current draft are expected to be discussed in the online forum, it would be helpful for Parties to have a chance to review this draft again in light of those discussions.

### **Detailed comments on the Elements of a Framework for Conceptual Clarity on Socio-Economic Considerations**

#### *Objectives*

The purpose of this document is unclear compared to the expected guidance. As a 'framework', the document includes too much detail; details appropriate to a guidance document. Also, the details in the document pre-empt the outputs of evidence generating activities still to come. In order to make the document more useful, it would be helpful to shorten it and focus on providing conceptual clarity which will form the basis of further work. The Framework should contain agreed, self-explanatory elements.

#### *Principles*

The voluntary SECs in the Framework must be in-line with the essential characteristics of the Cartagena Protocol. The UK recognises the following as significant principles of the Protocol and for the Framework:

- SECs should focus on the impact of the living modified organism (LMO) on the sustainable use and conservation of biological diversity, as set out in Article 26;
- SECs need to remain voluntary; this will ensure that there is no conflict with national level regulation, legislation or policy;
- the SECs must be distinct from factors considered as part of the risk assessment process;
- decisions should consider the SEC cost of not allowing the import and use of the LMO as well as the SEC benefit of import and use;
- all SECs must be balanced, transparent and based on sound evidence.

The comments below apply these principles to the framework document prepared by the AHTEG.

#### *Methodological considerations - scope*

The scope here is for socio-economic assessments of a range of parameters. It is incorrect to include ecological and human-health related considerations as part of the SECs without clearly defining their relationship with the risk assessment. The risk assessment will consider the safety aspects of the LMO in question and the SECs, if used, examine the non-safety aspects. The European Socio-Economics Bureau's (ESEB) paper provides examples of a number of appropriate, potential impacts that are in scope of the Cartagena Protocol to replace the 'issues' in the current draft.

#### *Methodological considerations – methodological approaches*

It is important that impacts are comparable over time and between Parties. When considering quantitative and qualitative data the former is more reliable for comparative purposes. Quantitative data may not capture impacts that are more sensitive to social differences these are better captured as qualitative narrative. As a framework, the document should provide clarity with respect to the circumstances in which a particular methodological approach is appropriate.

#### *Methodological considerations – factors affecting methodological approaches*

The UK recognises that Parties must be able to use methodological approaches appropriate to their national conditions. It may be helpful to add a statement that the methods used must fulfil the needs of the decision-makers and are appropriate to the nature of the organism, its trait and intended use and highlight that a variety of methodological approaches are available.

#### *Points to consider*

Details here are inappropriate in a Framework document, but appropriate in the expected guidance if the separate relationship between SECs and risk assessments is clearly defined.

#### **On-line forum**

The UK will participate in the forthcoming on-line forum and will, of course, enter into more detail on the following topics at that time. However, in order to facilitate preparation for discussion, these are the UK's views on SECs in the context of:

- *international obligations that may be relevant to SECs* – the safe use of LMOs has an important role in delivering international benefits and addressing challenging global issues including food security and climate change. Food security requires the sustainable use of natural resources. A proportionate approach to the use and

regulation of LMOs is vital to support these at the national level and to also facilitate international trade. The UK awaits the Secretariat's report on international agreements that may have relevance to SEC.

- *SEC considerations and the value of biological diversity to indigenous and local communities* – the UK respects the value of biological diversity to indigenous and local communities and recognises that they are often reliant on biological diversity to meet food, health and other livelihood needs. The UK also recognises that traditional knowledge gained from the experience of many generations has an important contribution to sustainable biodiversity. However, we must also be aware of issues of food security where LMOs could be of benefit. Any SEC consideration should take both risks and benefits into account in order to provide a balanced view of potential impacts.
- *Environment-related aspects of SEC as well as the relationship, if any, with risk assessment and human-health issues* – the UK is committed to a proportionate and robust evidence-based analysis to support decisions on the use and/or import of LMOs. There should be a clear distinction between the risk assessment and SECs, where the risk assessment should focus on risks to human health and the environment, effectively determining if the LMO is safe to use. The SEC analysis, if used, will be distinct from the risk assessment. If a risk is identified in the risk assessment, a socio-economic analysis could then be undertaken to determine the impact; this would offer balance between risks and benefits.