



Protocolo de Cartagena sobre Seguridad de la Biotecnología
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CBD Notification 2019-031 Socio-economic considerations (Article 26 of the Cartagena Protocol on Biosafety)

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Contribution from Spain

Notification 2019-031 Socio-economic considerations (Article 26 of the Cartagena Protocol on Biosafety), in the context of the decision CP-9/14, invites Parties to submit (i) preliminary experiences using the voluntary Guidance, as well as (ii) examples of methodologies and applications of socio-economic considerations, in the light of the elements of the voluntary Guidance, preferably in the form of case studies, and nominate participants for the online discussions

The *Guidance on the assessment of socio economic considerations (SEC)* has to be used on a voluntary basis and could be taken into account in the risk assessment process, which is mandatory. We must take into account that every LMO that could be imported has passed favorably a risk assessment, so that the risks arising from their use have been considered similar to its counterpart.

LMOs activities in Spain are regulated by Law 9/2003 of 25 April, which establishes the legal regime of the confined use, voluntary release and commercialization of genetically modified organisms. It is also developed by Royal Decree 178/2004, of 30 January, approving the General Regulations for the Development and Implementation of the Law. The second additional provision of the Law contemplates the responsible collegiate bodies at the national level, in the exercise of regulated activities, the *National Commission of Biosafety (CNB)*.

The CNB is a collegiate consultative body whose role is to report to both the General State Administration and the Autonomous Communities on applications for authorization contained use, deliberate release and marketing of LMOs presented to, and to carry out risks assessments. It is composed for authorities and organisms which take into account a broad spectrum of factors, including those related to SEC (animal welfare, food security...).

Therefore, SEC are not a mandatory part of the assessment processes in Spain but they are taken into account by the scientifically body. In addition, it is also a key element for decision making process since representatives of the different Ministries, including those responsible for Health, Trade, Research, and Food and Feed security, play a role in this process. In general, the use of the LMO from a socio-economic point of view is included assessing whether LMO could be useful for the various stakeholders (farmers, seed industry, feed industry and population).

The SEC should be based on case-by-case assessment. The socio-economic aspects could be taken into account under certain conditions. We are of the opinion that the application of the case-by-case principle prevents from the definition of any general criteria prior to the assessment of a concrete LMO and concrete conditions of its intended use.



Article 26 of the Cartagena Protocol on Biosafety leaves the option to Parties of including SEC in their decision making process. However, potential inclusion of the SEC is very sensitive issue as Parties have to comply with their other international commitments. Article 26 of the Protocol says that the parties may take into account SEC derived from the impact of GMOs on the conservation and sustainable use of biodiversity, especially in the relationship between the value of biodiversity in the indigenous and local communities. The inclusion of SEC in the decision making process on the GMO must be respectful of the international agreements, for example Nagoya Protocol and CBD.

The definition of specific indicators will facilitate the review of the socioeconomic impact especially on important issues such as the conservation and sustainable use of biodiversity.