

Response to the Notification of the Secretariat of the Cartagena Protocol on Socio-economic Considerations (Ref.: SCBD/SPS/DC/MPM/KG/PD/PS/86495)

The Ministry of Foreign Affairs of Brazil hereby submits considerations by the Brazilian Government in response to COP-MOP Decision VIII/15, paragraph 2, which invites Parties to share Guidance on Socio-economic Considerations or to share experiences on the use of Socio-economic Considerations in decision-making regarding Modified Living Organisms.

First of all, it should be stressed that article 26 of the Cartagena Protocol on Biosafety states that socio-economic considerations (SEC) are of a non-binding nature, i.e. Parties "may" take into account socio-economic issues, but do not have an obligation to do so. This approach is in accordance with Brazilian legislation which also presents this issue as a regulatory possibility, not an obligation.

Socio-economic considerations should be limited to the impact of the Modified Living Organism (GMO) on the conservation and sustainable use of biological diversity. Therefore, socio-economic considerations related to impacts of the GMO concerning other aspects, such as marketing or consumer preference, are not within the scope of Article 26.1.

With regard to this matter, there are other multilateral agreements which Parties are also obliged to comply with. The World Trade Organization sets out that any measures applied to international trade must be based on scientific principles and should avoid any position without sufficient scientific evidence.

In Brazil, it is the primary responsibility of the National Biosafety Council, as established by Brazilian legislation (Law n. 11.105, article 8, paragraph 1, subsection II), "*To analyze, upon request of the National Technical Commission for Biosafety, according to aspects of socio-economic convenience and opportunity, and national interest, applications for the release of commercial use of GMOs and their resulting products*". Brazil has independent systems for risk assessment (biological aspects) and risk analysis (socio-economic aspects based on biological ones) that operate in separate phases of a commercial process involving GMOs. This bicameral system has already allowed the introduction of various agricultural varieties and products for human and animal use on the market, without negative effects on human/animal health and the conservation and sustainable use of biodiversity.

These are a few experiences that Brazil can share regarding socio-economic analysis:

a) Coexistence rules for corn, which allows the farmer free choice between conventional, organic and genetically modified plant production, in accordance with legal labeling and purity standards. In Brazil, the coexistence rule was created by Normative Resolution CTNBio n. 4, of 16 August 2007 and establishes that producers planting GMOs must observe minimum distances for GMO crops in relation to the bordering properties that cultivate non modified corn. These Rules are monitored by the Ministry of Agriculture, Livestock and Supply.

b) Restriction of cultivating genetically modified organisms in indigenous lands and the regulation of planting of GMOs in conservation areas and units. This refers to Law n. 11.460 of 21 March 2007 that protects indigenous rights and ensures access to different technologies for farmers.