THE OECD SEED SCHEMES - REPORT ON GENETICALLY MODIFIED SEED ISSUES AND OTHER RECENT DEVELOPMENTS

The present document is circulated to the Members of the Committee for consideration under items 10 (ii) and Other Business.
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GM Seed Issues

Failing agreement at the Begnins/Geneva meeting, no proposal for an experiment is submitted for endorsement by the Committee. Here is a brief summary of the proposal, contentious points and future actions. Reference papers are AGR/CA/S(2000)27 and 28.

Proposal

1. Several meetings were held since September 1999 on the subject of the presence of genetically modified seed or organisms in non genetically modified seed. An initiative for approaching the OECD Seed Schemes had been taken by the International Seed Trade Federation (FIS) after its 1999 Melbourne Congress.

2. The FIS Initiative was explored in view of the long standing collaboration with OECD on the certification Schemes. Co-operation was sought with the International Seed Testing Association (ISTA), a worldwide association of seed laboratories, and the US based Association of Official Seed Analysts (AOSA) for building, as a first stage, an experiment to detect the presence of GMOs in non-GM seed. Based on experimental results, rules could be introduced in the OECD Schemes for this new field of seed certification. A Working Group on Genetically Modified Seed Issues was established by the Annual Meeting to this effect.

Difficulties

3. Some difficulties remain to start a comprehensive OECD Experiment and discussions are in progress. The main items of the OECD proposal still under discussion are as follows:

- New testing methodologies have to be used for GM detection, with new expected sampling procedures and accuracy requirements. In most cases, traits to be tested have no links with the morphological characters used for the description of the variety. Availability of primers, communication of results and protection of intellectual property remain thorny problems. It should be noted, however, that experiments have started already in companies and at government level in some countries.

- Which species should be tested first? A limited list of species of worldwide interest such as maize, soya, cotton and oilseed rape has been agreed in principle.

- Which transgenic events should be covered? The range of officially approved transgenic events varies very much from country to country as do both approval procedures and tolerances vis-à-vis unauthorized domestic events. This is the nil threshold issue which raises an interpretation problem. Within the framework of certification, the analysis would benefit greatly from covering all events.
At what level to set thresholds (and associated confidence levels) for maximum presence of GMOs in non-GM seed, and how do they relate to varietal purity standards in force? Different methodologies lead to different and possibly inconsistent results. Are the current certification standards and requirements adequate, or should they be supplemented with more stringent prescriptions (isolation, previous cropping)? Switzerland has already agreed on a 0.5% threshold and the EU is implementing an interim 0.5% threshold as well. Much of the industry on both sides of the Atlantic believes that anything less than 1% is not workable and does not yield adequate legal certainty to seed exporters. A compromise proposal for multiple "political" thresholds (1%, 0.5% and nil) was made by the Advisory Group Meeting held in August in San Antonio, Texas, right after the Working Group on Genetically Modified Seed Issues could not reach firm conclusions. Again, this multiple proposal was not acceptable to all at the following meeting held in October in Switzerland. However, a more general and statistically oriented formula was proposed by these countries as another solution, which might be considered in future talks.

Which institutional framework to apply? What type of collaboration should be established between companies (large, medium, small), scientific institutions and governments? How to implement the recently introduced voluntary accreditation schemes for seed testing? No country has objected to recognising accreditation as far as provided by the Schemes when dealing with genetically modified organisms.

The OECD Seed Schemes experiment on the presence of genetically modified organisms in conventional seeds would try to give robust elements of response to these economically important -- and highly political -- questions.

**Future actions**

Thus, the latest meeting held near Geneva closed without reaching agreement on the terms of a general Experiment proposal which countries could have participated in on a voluntary basis. No formal document may therefore be prepared for endorsement by the present Committee and adoption by the Council.

All countries agreed to continue the discussions. Canada, USA, Chile and Argentina decided to start the experiment on a joint initiative within OECD. Both courses of action - continuing discussion and conducting an interim experiment would be taken on the basis of the current Secretariat's papers. The International Seed Testing Association will co-operate with all countries on technical harmonisations. The International Seed Trade Federation will also continue discussions with OECD and co-operate with the countries starting the interim experiment and any other as they join.

Methods used and results would be reported to the next Annual Meeting to be held on 25-29 June 2001. The Working Group on Genetically Modified Seed Issues would be convened before the next Annual Meeting. Its agenda and discussion papers (revision of AGR/CA/S(2000)27 and 28) would be prepared in the context of an Advisory Group Meeting tentatively scheduled for mid-January.
Other Recent Developments in the Schemes

New countries

The number of countries participating in the Schemes is 48 with last year’s addition of Brazil and Lithuania. The Russian Federation is a recent applicant and is currently under evaluation process. Albania, Ukraine, the former Yugoslav Republic of Macedonia (FYROM) and the Federal Republic of Yugoslavia have applied but for various reasons could not be admitted to the Schemes until now. The technical situation is at a standstill for the former two countries. Some political obstacles are being removed for the latter two. Clear interest in future participation in the Schemes has also been shown by countries from all parts of the world.

The attention of the Committee is drawn to the Egyptian request for extension of admission to the Scheme for Grasses and Legumes and the Scheme for Crucifer and other Oil or Fiber Species. An extension has also been sought by Slovakia to the Vegetable Seed Scheme. The Annual Meeting has approved the Egyptian and Slovak requests [AGR/CA/S/M(2000)6, item 5.2].

The Committee is invited to endorse these approvals under the written procedure with a view to transmitting the draft Council Decisions to the Council for adoption. In the absence of comments before December 22nd, the proposals will be submitted to Council for adoption.

New Rules

The OECD Schemes for the varietal certification of seed moving in international trade have been the subject of a new Council Decision adopted on 28 September 2000. The 1998 Council Decisions, as amended, were repealed and new provisions were introduced. These are:

- Opening of the Schemes, on a voluntary basis, to the accreditation of field inspection of seed crops of the category certified under a monitoring scheme. This was preceded by a four-year experiment confirming that the seed produced "under field inspection accreditation" kept the same high-quality. Around twenty countries have taken this route, partially or totally.

- Authorization of a time-limited experiment for the accreditation of seed sampling, testing and labelling. Interested countries will state their participation within the following months. Needless to say, this raises a number of issues with ISTA, AOSA, company laboratories which national designated authorities have to address on a country by country basis. This experiment should answer to an increasing need expressed by the seed industry and governments.

- Authorization of an experiment to ship grass seed lots in larger weights than currently permitted by the Schemes (and ISTA) maxima, subject to homogeneity criteria agreed between ISTA and FIS.

- A new scale of annual contribution has been introduced combining a lump sum and a proportionate fee. Like the preceding changes it has been adopted on 28 September 2000 by the Council in Decision C(2000)146/FINAL (Annex I, article 5). The new scale will be implemented in budget year 2001.