Origin of report

Party	United Kingdom of Great Britain and Northern Ireland
Contact officer for report	
Name and title of contact officer:	Robin Healey, Head of GM Regulatory and International Policy
Mailing address:	Ashdown House, 123 Victoria Street, London SW1E 6DE
Telephone:	+44 207 082 8098
Fax:	+44 207 082 8086
E-mail:	Robin.healey@defra.gsi.gov.uk
Submission	
Signature of officer responsible for submitting report:	
Date of submission:	

1/1/ The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol

Please provide summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report:

This report was prepared in consultation with colleagues in the UK's Department for Environment, Food and Rural Affairs (Defra), the Food Standards Agency (FSA), the Health and Safety Executive (HSE), the Devolved Administrations in Scotland, Wales and Northern Ireland, and the Department for International Development (DfID).

Obligations for provision of information to the Biosafety Clearing-House

1. Several articles of the Protocol require that information be provided to the Biosafety Clearing-House (see the list below). For your Government, if there are cases where relevant information exists but has not been provided to the BCH, describe any obstacles or impediments encountered regarding provision of that information (note: To answer this question, please check the BCH to determine the current status of your country's information submissions relative to the list of required information below. If you do not have access to the BCH, contact the Secretariat for a summary):
Please see interim national report submitted on behalf of the European Community. With the exception of the contact details of competent national authorities, national focal points, and emergency contacts, the information which is required to be provided to the Biosafety Clearing House is dealt with at the level of the European Community, and thus falls within the scope of the EC interim national report. All information that it falls to the UK to provide to the BCH has been so provided in an accurate and timely manner.

Information required to be provided to the Biosafety Clearing-House:

(a) Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20.3(a));

(b) National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11.5);

(c) Bilateral, multilateral and regional agreements and arrangements (Articles 14.2, 20.3(b), and 24.1);

(d) Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19.1 and 19.3), and emergency contacts (Article 17.2 and 17.3(e));

(e) In cases of multiple competent national authorities, responsibilities for each (Articles 19.2 and 19.3);

(f) Reports submitted by the Parties on the operation of the Protocol (Article 20.3(e));

(g) Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17.1);

(h) Illegal transboundary movements of LMOs (Article 25.3);

(i) Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Articles 10.3 and 20.3(d));

(j) Information on the application of domestic regulations to specific imports of LMOs (Article 14.4);

(k) Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11.1);

(l) Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11.4) or in accordance with Annex III (Article 11.6) (requirement of Article 20.3(d))

(m) Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11.6)

(n) Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12.1);

(o) LMOs granted exemption status by each Party (Article 13.1)

(p) Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13.1); and

(q) Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20.3(c)).

Article 2 – General provisions

2. Has your country introduced the necessary legal, administrative and other measures for implementation of the Protocol? (Article 2.1)	
a) full domestic regulatory framework in place (please give details below)	X
b) some measures introduced (please give details below)	
c) no measures yet taken	
3. Please provide further details about your response to the above question, as well as description of your country's experiences and progress in implementing Article 2, including any obstacles or impediments encountered:	
The UK has fully implemented Article 2 of the Protocol. In particular the UK ensures that the development handling transfer and release of any living modified organisms are undertaken in a manner that prevents or reduces the risks to biological diversity, taking also into account the risks to human health. The UK has introduced legislation to bring into force Directive 2001/18/EC, and other relevant EC legislation, which taken together ensure that the provisions of article 2 are met across the European Community. For further details of this legislation, please see the European Community's interim report.	

Articles 7 to 10 and 12: The advance informed agreement procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

4. Is there a legal requirement for the accuracy of information provided by exporters 1/ under the jurisdiction of your country? (Article 8.2)	
a) yes	X
b) no	
c) not applicable – not a Party of export	
5. If you were a Party of export during this reporting period, did you request any Party of import to review a decision it had made under Article 10 on the grounds specified in Article 12.2?	
a) yes (please give details below)	
b) no	
c) not applicable – not a Party of export	X
6. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 9.2(c).	
a) yes	
b) no	
c) not applicable – no decisions taken during the reporting period	X
7. If your country has been a Party of export of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	
Not applicable – not a party of export	
8. If your country has taken decisions on import of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	
Decisions on import of LMOs into the European Community are taken on a Community-wide basis. Details of the procedure followed are set out in the EC interim national report.	

Article 11 – Procedure for living modified organisms intended for direct use as food or feed, or for processing

See question 1 regarding provision of information to the Biosafety Clearing-House.

9. Is there a legal requirement for the accuracy of information provided by the applicant with respect to the domestic use of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing? (Article 11.2)	
a) yes	X
b) no	
c) not applicable (please give details below)	
10. Has your country indicated its needs for financial and technical assistance and capacity building in respect of living modified organisms intended for direct use as food or feed, or for processing? (Article 11.9)	
a) yes (please give details below)	
b) no	
c) not relevant	X
11. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 11.4?	
a) yes	
b) no	
c) not applicable – no decisions taken during the reporting period	X
12. If your country has been a Party of export of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:	
Not applicable. The UK was not a Party of export during the reporting period.	
13. If your country has been a Party of import of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:	
Decisions on import of LMOs intended for direct use for food or feed or for processing are taken on a Community wide basis. Further details of the procedure followed and of the applications considered are set out in the EC interim national report.	

Article 13 – Simplified procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

14. If your country has used the simplified procedure during the reporting period, please describe your experiences in implementing Article 13, including any obstacles or impediments encountered:
The UK did not use the article 13 simplified procedure for imports of LMOs during the reporting period.

Article 14 – Bilateral, regional and multilateral agreements and arrangements

See question 1 regarding provision of information to the Biosafety Clearing-House.

15. If your country has entered into bilateral, regional or multilateral agreements or arrangements, describe your experiences in implementing Article 14 during the reporting period, including any obstacles or impediments encountered:
The UK has not entered into any such arrangements or agreements.

Articles 15 and 16 – Risk assessment and risk management

16. If you were a Party of import during this reporting period, were risk assessments carried out for all decisions taken under Article 10? (Article 15.2)	
a) yes	X
b) no (please clarify below)	
c) not a Party of import	
17. If yes, did you require the exporter to carry out the risk assessment?	
a) yes – in all cases	X
b) yes – in some cases (please specify the number and give further details below)	
c) no	
d) not a Party of import	
18. If you took a decision under Article 10 during the reporting period, did you require the notifier to bear the cost of the risk assessment? (Article 15.3)	
a) yes – in all cases	X
b) yes – in some cases (please specify the number and give further details below)	
c) no	
19. Has your country established and maintained appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of the Protocol? (Article 16.1)	
a) yes	X
b) no	
20. Has your country adopted appropriate measures to prevent unintentional transboundary movements of living modified organisms? (Article 16.3)	
a) yes	X
b) no	
21. Does your country endeavour to ensure that any living modified organism, whether imported or locally developed, undergoes an appropriate period of observation commensurate with its life-cycle or generation time before it is put to its intended use? (Article 16.4)	
a) yes – in all cases	X
b) yes – in some cases (please give further details below)	
c) no (please give further details below)	
d) not applicable (please give further details below)	

22. Has your country cooperated with others for the purposes specified in Article 16.5?	
a) yes (please give further details below)	X
b) no (please give further details below)	
23. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Articles 15 and 16, including any obstacles or impediments encountered:	
The UK implements articles 15 and 16 fully, through the provisions of EC legislation, in particular Directive 2001/18/EC. For details of this legislation, please see EC interim national report.	

Article 17 – Unintentional transboundary movements and emergency measures

See question 1 regarding provision of information to the Biosafety Clearing-House.

24. During the reporting period, if there were any occurrences under your jurisdiction that led, or could have led, to an unintentional transboundary movement of a living modified organism that had, or could have had, significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States, did you immediately consult the affected or potentially affected States for the purposes specified in Article 17.4?	
a) yes – all relevant States immediately	
b) partially (please clarify below)	
c) no (please clarify below)	X
25. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 17, including any obstacles or impediments encountered:	
Not applicable. There were no such occurrences in the UK during the reporting period.	

Article 18 – Handling, transport, packaging and identification

26. Has your country taken measures to require that living modified organisms that are subject to transboundary movement within the scope of the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards? (Article 18.1)	
a) yes (please give details below)	X
b) no	
c) not applicable (please clarify below)	
27. Has your country taken measures to require that documentation accompanying living modified organisms for direct use as food or feed, or for processing, clearly identifies that they 'may contain' living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for information? (Article 18.2(a))	
a) yes	X
b) no	
28. Has your country taken measures to require that documentation accompanying living modified organisms that are destined for contained use clearly identifies them as living modified organisms and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the living modified organisms are consigned? (Article 18.2(b))	
a) yes	X
b) no	
29. Has your country adopted measures to require that documentation accompanying living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter? (Article 18.2(c))	
a) yes	X
b) no	
30. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 18, including any obstacles or impediments encountered:	
The UK has introduced the following legislation pursuant to its obligations under article 18: a) <u>Legislation allowing for the enforcement of EC legislation relating to the export of LMOs from the EU:</u> Separate legislation has been introduced in England Scotland, Wales and Northern Ireland: In England, the Genetically Modified Organisms (Transboundary Movements) Regulations 2004; In Scotland, by means of the Genetically Modified Organisms (Transboundary Movements) (Scotland) Regulations 2005; in Wales, the Genetically Modified Organisms (Transboundary Movement) (Wales) Regulations 2005; and in Northern Ireland the Genetically Modified Organisms (Transboundary Movements) Regulations (Northern Ireland) 2005 <u>b) legislation allowing for the enforcement of EC legislation relating to the labelling and traceability of LMOs imported into and in circulation in the EU:</u> Separate legislation has been introduced in England, Scotland, Wales	

and Northern Ireland. In England, the Genetically Modified Organisms (Traceability and Labelling) Regulations 2004; In Scotland The Genetically Modified Organisms (Traceability and Labelling) (Scotland) Regulations 2004; In Wales, The Genetically Modified Organisms (Traceability and Labelling) (Wales) Regulations 2005; and in Northern Ireland the Genetically Modified Organisms (Traceability and Labelling) Regulations (Northern Ireland) 2005

Article 19 – Competent national authorities and national focal points

See question 1 regarding provision of information to the Biosafety Clearing-House.

Article 20 – Information-sharing and the Biosafety Clearing-House

See question 1 regarding provision of information to the Biosafety Clearing-House.

31. In addition to the response to question 1, please describe any further details regarding your country's experiences and progress in implementing Article 20, including any obstacles or impediments encountered:
Please see European Community interim national report. With the exception of the contact details of competent national authorities, national focal points, and emergency contacts, the information which is required to be provided to the Biosafety Clearing House is dealt with at the level of the European Community, and thus falls within the scope of the EC interim national report. Beyond what is stated above, the UK has nothing further to add to the answer to the earlier response to question 1.

Article 21 – Confidential information

32. Does your country have procedures to protect confidential information received under the Protocol and that protect the confidentiality of such information in a manner no less favourable than its treatment of confidential information in connection with domestically produced living modified organisms? (Article 21.3)	
a) yes	X
b) no	
33. If you were a Party of import during this reporting period, did you permit any notifier to identify information submitted under the procedures of the Protocol or required b y the Party of import as part of the advance informed agreement procedure that was to be treated as confidential? (Article 21.1)	
a) yes	X
If yes, please give number of cases	
b) no	
c) not applicable – not a Party of import	
34. If you answered yes to the previous question, please provide information on your experience including description of any impediments or difficulties encountered:	
As set out in the EC interim report, Community legislation ensures that all EU member states comply with their obligations under article 21 of the Protocol. This legislation is implemented in the UK through section 123 of the Environmental Protection Act 1990.	
35. If you were a Party of export during this reporting period, please describe any impediments or difficulties encountered by you, or by exporters under your jurisdiction if information is available, in the implementation of the requirements of Article 21:	
Not applicable – not a party of export during the reporting period.	

Article 22 – Capacity-building

36. If a developed country Party, during this reporting period has your country cooperated in the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition?	
a) yes (please give details below)	X
b) no	
c) not applicable – not a developed country Party	
37. If yes, how has such cooperation taken place:	
The UK has made available financial resources, both through funding experts groups under the Protocol and paying for the travel expenses allowing the participation of delegates from developing countries. The UK as a donor country to the Global Environment Facility has contributed US $190.07 million to the GEF 3 settlement. UNEP-GEF is currently running a global Development project assisting 123 countries to develop a draft national biosafety framework (NBF). Using a country-driven process, the global project will help each participating country to set up a framework for management of living modified organisms (LMOs) at the national level, allowing them to meet the requirements of the Cartagena Protocol and to promote regional and sub-regional collaboration and exchange of experience. The total cost of the UNEP-GEF Biosafety Project is $38.4 million. This is funded by a contribution of $26.1 million from the Global Environmental Facility (GEF), with co-financing of $12.3 million from UNEP and participating countries The UK also contributes towards Community-led action, further details of which can be found in the EC interim national report.	
38. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the proper and safe management of biotechnology to the extent that it is required for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	X
39. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the use of risk assessment and risk management for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	X

40. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training for enhancement of technological and institutional capacities in biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	X
41. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 22, including any obstacles or impediments encountered:	

Article 23 – Public awareness and participation

42. Does your country promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health? (Article 23.1(a))	
a) yes – significant extent	X
b) yes – limited extent	
c) no	
43. If yes, do you cooperate with other States and international bodies?	
a) yes – significant extent	X
b) yes – limited extent	
c) no	
44. Does your country endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with the Protocol that may be imported? (Article 23.1(b))	
a) yes – fully	X
b) yes – limited extent	
c) no	
45. Does your country, in accordance with its respective laws and regulations, consult the public in the decision-making process regarding living modified organisms and make the results of such decisions available to the public? (Article 23.2)	
a) yes – fully	X
b) yes – limited extent	
c) no	
46. Has your country informed its public about the means of public access to the Biosafety Clearing-House? (Article 23.3)	
a) yes – fully	X
b) yes – limited extent	
c) no	
47. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 23, including any obstacles or impediments encountered:	
The UK, along with other EU member states, participates fully in the public participation procedures contained within the relevant EU legislation, in particular in Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms; and in Regulation (EC) No. 1829/2003 on genetically modified food and feed. Please see the EC interim national report for further details of these procedures. In addition to the above, the UK Department for Environment, Food and Rural Affairs (Defra) maintains a website which sets out the public participation arrangements under the EU legislation referred to above. Furthermore Defra keeps a public register of all the GM Os which have been approved for use in the European Union, and this is available for public scrutiny. This register can be viewed at the Defra offices in London and copies of public register entries for specific applications can be obtained by ringing (+44) 20 7944 3409. The location of each release must be advertised in the local newspapers, prior to planting, in the area where the release is to take place. An index of	

the GMO Public Register and the locations of Part B trials are also published on the Defra website at: www.defra.gov.uk

The UK also maintains a public register of premises and activities involved in the contained use of LMOs in accordance with Directive 90/219/EEC as amended by Directive 98/81/EC.

Article 24 – Non-Parties

See question 1 regarding provision of information to the Biosafety Clearing-House**.**

48. If there have been transboundary movements of living modified organisms between your country and a non-Party, please provide information on your experience, including description of any impediments or difficulties encountered:
There has been a large volume of imports of LMOs from non-parties into the United Kingdom during the reporting period. These have all been in compliance with the authorization procedure introduced in the European Union to implement the protocol. Earlier this year there was one incidence of the suspected import of an unauthorized LMO into the EU (Bt10 maize). However this was not an LMO in the sense that it was already processed rather than still living; in addition we have no specific evidence that any Bt 10 has actually entered the UK. Contingency measures were introduced throughout the EU with the intention of preventing any import of this product.

Article 25 – Illegal transboundary movements

See question 1 regarding provision of information to the Biosafety Clearing-House.

49. Has your country adopted appropriate domestic measures to prevent and penalize, as appropriate, transboundary movements of living modified organisms carried out in contravention of its domestic measures? (Article 25.1)	
a) yes	X
b) no	
50. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 25, including any obstacles or impediments encountered:	
The UK's Environmental Protection Act (1990) prohibits the import, keeping, use, and release of any LMO which does not have an approval under the EU regulatory regime, and provides for criminal sanctions to enforce this. In addition, the UK has introduced domestic legislation to enforce EU legislation covering the export of LMOs (Council Regulation (EC) No. 1946/2003 on transboundary movements of genetically modified organisms). This legislation provides for penalties in case of non-compliance with EU legislation.	

Article 26 – Socio-economic considerations

51. If during this reporting period your country has taken a decision on import, did it take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities? (Article 26.1)	
a) yes – significant extent	
b) yes – limited extent	
c) no	X
d) not a Party of import	
52. Has your country cooperated with other Parties on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities? (Article 26.2)	
a) yes – significant extent	
b) yes – limited extent	
c) no	X
53. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 26, including any obstacles or impediments encountered:	
Decisions on import of LMOs are taken at Community level. Further details regarding the Community procedure in respect of socio-economic considerations can be found in the EC interim national report.	

Article 28 – Financial mechanism and resources

54. Please indicate if, during the reporting period, your government made financial resources available to other Parties or received financial resources from other Parties or financial institutions, for the purposes of implementation of the Protocol.	
a) yes – made financial resources available to other Parties	
b) yes – received financial resources from other Parties or financial institutions	
c) both	
d) neither	X
55. Please provide further details about your response to the above question, as well as description of your country's experiences, including any obstacles or impediments encountered:	
Not applicable. No such resources were made available or received by the UK.	

Other information

56. Please use this box to provide any other information related to articles of the Protocol, questions in the reporting format, or other issues related to national implementation of the Protocol:

Comments on reporting format

The wording of these questions is based on the Articles of the Protocol. Please provide information on any difficulties that you have encountered in interpreting the wording of these questions:
