

7 August 2004

Dr Julian Japhta
Registrar: Genetically Modified Organisms Act
National Department of Agriculture

By email: SMGRM@nda.agric.za

Dear Dr Japhta

RE: OBJECTION

The African Centre for Biosafety ("the Centre") is a non-profit organisation, working on biosafety issues, in the public interest. The Centre hereby submits its objections to the application made by Monsanto South Africa (Pty) Ltd, ("the Notifier") to the National Department of Agriculture ("NDA"), the Registrar: Genetically Modified Organisms Act No 15 of 1997 ("GMO Act"); the Executive Council ("EC") established in terms of section 3 of the GMO Act, *for a Commodity Import Permit Of Grain For Feed And Food Purposes that may contain Maize Grains Derived From Insect-Protected Maize Line Mon863 and Maize Hybrids Mon863 X Mon810*

We have a reasonable expectation that in considering our objections, the EC will act in accordance with the principle of procedural and substantive fairness as enshrined in section 33 of the Constitution and the Promotion of Administrative Justice Act 3 of 2000.

We expressly point out, as has been canvassed in the attached objections, that we believe that sufficient grounds exist, for the EC to act in terms of Articles 12 and 11(8) of the Cartagena Protocol on Biosafety ("Biosafety Protocol") to review the prior safety approvals (commodity clearances) granted in respect of Monsanto's GM maize transformation event MON810 and 863, respectively. In this regard, we request that the Registrar kindly bring this to the attention of the EC, so that it may consider this issue as well. In the event of the EC deciding that it may wish to review such approvals, we reserve the right to make additional submissions, especially in the light of our not having been furnished with adequate information, particularly with respect to GM maize, event MON810.

Furthermore, we request that the Registrar, kindly advise us of the date, when the EC will consider the current application by Monsanto, and that it ensures that we are given **timeous and prompt** notification of any decision/s made by the EC regarding such application.

We trust that the Registrar will bring our objections to the attention of the Department of Health, the Department of Trade and Industry and the Department of Labour, particularly, since we have raised several critical issues they should be aware of and respond to.

We place on record, that Wally Green from Monsanto South Africa, agreed to grant the Centre until the 7th August 2004, to furnish its objections to Monsanto's application. Correspondence confirming this agreement has been furnished to the Registrar.

Kindly acknowledge receipt hereof.

Yours Sincerely

Mariam Mayet