

Sixty-third Ordinary Session of the Council of Ministers

Abuja, - November, 2009

REGULATION C/REG.../11/09 ON THE ESTABLISHMENT OF THE WEST AFRICAN BIOSAFETY COMMITTEE

The Council of Ministers,

MINDFUL of articles 10, 11 and 12 of the ECOWAS Treaty as amended establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Article 3.2.a) on the harmonisation of national policies and the promotion of integration programmes, particularly in the areas of food, agriculture, health, science and technology;

MINDFUL of Article 3.2.b) on the harmonisation and coordination of policies for the protection of the environment;

MINDFUL of Regulation C/REG.5/05/08 on the adoption of the action plan for the development of the biotechnology and the biosafety within the ECOWAS space,

CONSIDERING the obligations of the Member States vis-à-vis the Convention on Biological Diversity and the Cartagena Protocol on Biosafety;

CONVINCED that modern biotechnology offers significant positive potential for socioeconomic development, human well-being, animal health and the environment provided it is developed and used under conditions considered safe for human and animal health and the environment;

AWARE that some countries may require assistance in realising the known and potential benefits of modern biotechnology and to manage the potential risks of products of modern biotechnology;

AWARE ALSO that the safe adoption of modern biotechnology in West Africa will necessitate setting up of a sub-regional biosafety regulatory system to review biotechnology products which would be coming from outside the sub-region or would be produced by the national agricultural research systems (SNRA) within the sub-region;

CONVINCED that a sub-regional biosafety review process will facilitate sharing of reliable information about the environmental impacts and food and seed safety, as they are relevant to modern biotechnology products;

CONVINCED ALSO that a sub-regional approach will reduce investment costs and thereby facilitate deployment of modern biotechnology products within the sub-region;

RECALLING its commitment to prioritise the harmonisation of biotechnology and biosafety policies and procedures in West Africa;

DESIROUS to establish the West African Biosafety Committee which will ensure the implementation of the ECOWAS Commission action plan;

ENACTS

CHAPTER I: GENERAL PROVISIONS

Article 1: Status of COAB/WABCo

1. The West African Biosafety Committee (hereafter COAB/WABCO) is hereby established.
2. The West African Biosafety Committee is a specialized unit within the ECOWAS Commission.

Article 2: Mandate of COAB/WABCo

The mandate of COAB/WABCo is to implement the ECOWAS Commission action plan adopted by the Regulation C/REG.5/05/08 as it relates to biosafety in West Africa.

Article 3: Role of COAB/WABCo

The role of the COAB/WABCo is to administer the common biosafety regulatory framework of ECOWAS which aims to:

- guarantee access to biotechnology under condition of minimum risk to all the countries of the region,
- ensure an acceptable safety level in the utilisation of biotechnology products based on a common foundation,
- provide a common mechanism for the assessment of the effects of GMOs on human or animal health and the environment ,

- facilitate mutual acceptance of risk assessments,
- facilitate the exchange of approved GMOs in the sub-region,

CHAPTER II: RESPONSIBILITIES

Article 4: Responsibilities of COAB/WABCo

1. The COAB/WABCo is the body in charge of carrying out the ECOWAS Common Biosafety Regulatory framework in West Africa and Party States.

As such, it is to:

- ensure that common regulations are enforced;
 - collaborate with the Competent National Authority(ies) responsible for biosafety;
 - reinforce the capacities of the CNA in the monitoring of GMOs in the region;
 - facilitate the decision making process on the release, handling and use of GMOs in the area;
 - review and pursue the harmonization of the technical regional biosafety guidelines, standards and application forms;
 - establish, maintain and update a roster of biosafety experts and infrastructures that can be used to carry out COAB/WABCo tasks;
 - identify and certify laboratories of excellence at the sub-regional and international levels that are capable of biosafety research and identification of GMOs;
 - keep the regional authorizations registry up-to-date;
 - facilitate and source funding for appropriate research on impacts of GMOs on humans and the environment;
 - constitute appropriate scientific panels for the review of applications and give technical opinions on use of GMOs in the region in accordance with the regional biosafety regulations;
 - promote the sharing of experience, cooperation, shared regional policies, and regional action strategies;
2. Further specific responsibilities related to the review of applications for release of GMOs shall be entrusted to COAB/WABCo.

Article 5: Responsibilities of Competent National Authorities within the Regional Structure

Within the regional structure, the responsibilities of the Competent National Authority (CNA) shall be to review, authorise and monitor GMOs in the Member State as

detailed in ECOWAS action plan on the development of biotechnology and biosafety
As such, they take on the following duties:

- to be the focal point and the representative of the COAB/WABCo in each country;
- to inform COAB/WABCo of applications for confined release of GMOs received by the CNA;
- screening applications for unconfined release or import for direct use in food, feed or processing for completeness and notification of acceptance for review, or request for additional information;
- forwarding of the application to the COAB/WABCo permanent secretariat;
- participating in the scientific review panel to provide a scientific risk assessment of the application;
- incorporating the opinion of COAB/WABCo into its national decision-making process for unconfined release;
- ensuring compliance with any applicable post-release monitoring and/or product stewardship requirements;
- to ensure that the authorization decisions having to do with GMOs comply with national laws and regional regulations and report all violations and accidental release to the COAB/WABCo;
- to ensure public participation in biosafety; and
- to inform and raise awareness of biosafety.

CHAPTER III: STRUCTURE AND PROCEDURES AND OPERATIONS

Article 6: Composition of COAB/WABCo

COAB/WABCo is made up of a decision making committee, a scientific review panel and a permanent secretariat.

1. The decision-making committee is comprised of members and observers.
 - a) The members are comprised of one representative from each Member State drawn from the competent national authorities related to biosafety. A member's mandate is for three (3) years and is renewable once. Every year, one third of the members' mandates end of come up for renewal, as applicable.
 - b) The observers may include scientific experts, representatives of sub-regional, regional, international organizations and development partners and have no decision-making role.
2. COAB/WABCo will constitute a scientific review panel for review of applications with a chair appointed by COAB/WABCo.

On the scientific review panel, the COAB/WABCo may include:

- an expert in modern biotechnology (molecular biology);
- an expert in biosafety (risk evaluation);
- a microbiologist/phytopathologist;
- an animal health expert;
- an expert in human health;
- an ecologist (plant or animal, ground);
- a expert on risk communication ;
- a jurist; and
- other specialists depending on the application being reviewed.

3. The Permanent Secretariat of COAB/WABCo shall be under the authority of ECOWAS Commission. The Permanent Secretariat will comprise initially of a Permanent Secretary who will direct the day-to-day functions of the COAB/WABCo, plus an administrative assistant.

Article 7: Location of COAB/WABCo

The location of the Permanent Secretariat shall be located within the ECOWAS Commission or another competent institution within the sub-region, to be decided by ECOWAS.

Article 8: Procedures for review of applications

The full procedures for the review of application are detailed hereinafter:

- Applications shall be sent to the Permanent Secretariat by the CNA.
- The Permanent Secretariat shall constitute a relevant scientific review panel and forward the application to the panel members.
- This scientific review panel will undertake a scientific risk assessment consistent with the guidelines contained in the regulation.
- The panel findings shall be forwarded to the Permanent Secretariat which will convene a meeting of the COAB/WABCo decision making committee to decide on an opinion as to the approval or rejection of the applicaiton.
- The opinion of the COAB/WABCo decision making committee shall be sent to the CNA of the original Member State by the Permanent Secretariat.

Article 9: Operation of COAB/WABCo

1. The COAB/WABCo shall establish its own internal regulations in consultation with ECOWAS Commission and for submission to it.

2. The COAB/WABCo decision making committee shall meet to examine applications that have been submitted to the committee and all other questions pertaining to its operation.
3. The frequency of COAB/WABCo meetings shall be established by its internal regulations and meetings should be held at least twice a year. Special meetings may be called if the need arises.
4. COAB/WABCo decisions shall be made by consensus, based on the findings of the scientific review panel.

CHAPTER IV: MISCELLANEOUS PROVISIONS

Article 10: Funding

The operations of COAB/WABCo shall be financed by ECOWAS.

Article 11: Partnership

COAB/WABCo shall encourage the participation of diverse partners in:

- i) the development of biosafety and biotechnology in the sub-region,
- ii) support of research and government institutions in providing access to other private funds through projects and programs,
- iii) capacity building,
- iv) dissemination of information and raising awareness; and,
- v) the involvement of the private sector .

Article 12: Publication

This Regulation shall be published by the Commission in the Official Journal of the Economic Community of West African States within Thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.

Done at Abuja, thisNovember 2009

The Chairman

For Council

His Excellency Chief Ojo MADUECKE