

Article 19 Handling of biotechnology and distribution of its benefits

268. What is the relative priority afforded to implementation of this Article and the associated decisions by your country?

| | | | | | |
|---------|---|-----------|--|--------|--|
| a) High | X | b) Medium | | c) Low | |
|---------|---|-----------|--|--------|--|

269. To what extent are the resources available adequate for meeting the obligations and recommendations made?

| | | | | | | | |
|---------|--|-------------|--|-------------|---|----------------------|--|
| a) Good | | b) Adequate | | c) Limiting | X | d) Severely limiting | |
|---------|--|-------------|--|-------------|---|----------------------|--|

Further comments on relative priority and on availability of resources

There were differences in opinion as to the extent to which Brazil has given priority to compliance with this article. Non-governmental organizations indicated medium to low priority, while representatives from the federal government assessed it as of high priority due to the number of existing accords and agreements.

Questions 268 and 269.

The Biosafety Law, No. 8974, 5th January, 1995, created the *Comissão Técnica Nacional de Biossegurança – CTNBio* [National Technical Commission for Biosafety – CTNBio] (see: www.ctnbio.gov.br), linked to the Ministry of Science and Technology. The Commission is responsible for establishing the norms and regulations regarding activities and projects that involve the creation, cultivation, manipulation, use, transport, storage, commercialisation, consumption, liberation and disposal of GMOs. Normative instructions have been issued (available at: www.mct.gov.br).

National legislation responds perfectly to the demands of the Cartagena Protocol of January 2000, and linked to CBD.

The Resolution of the *Conselho Nacional de Meio Ambiente – CONAMA* [National Environment Council – CONAMA] No. 305, 12th June, 2002, was based on the results of a Technical Working Group, and established the criteria and procedures to be observed by the competent environmental organizations for the environmental licensing of activities with genetically modified organisms which have the potential of polluting the environment (see www.mma.gov.br/port/conama/res/res02/res30502.html).

Other regulations related to GMO biosafety.

- Decree No.3871, 18th July,2001. Regulates the labelling of packaged foodstuffs that contain, or are produced with, genetically modified organisms, determining that those which contain over 4% of GMOs should present the information on their labels or packaging.
- Decree No.4074, 4th January, 2002. Regulates Law No.7802, 11th July, 1989, regarding research on, experimentation with, production, packaging and labelling, transport, storage, commercialisation, advertising, use, importation, exportation, the final destination of residues and packaging, registration of, classification, control, and inspection and enforcement of agrototoxic chemicals and their components, besides other provisions.

270. Has your country taken measures to provide for the effective participation in biotechnological research activities by those Contracting Parties which provide the genetic resources for such research (19(1))?

| | |
|--|---|
| a) no measures | |
| b) some measures in place | X |
| c) potential measures under review | |
| d) comprehensive measures in place | |
| If so, are these measures: | |
| a) Legislation | X |
| b) Statutory policy and subsidiary legislation | |
| c) Policy and administrative measures | |

Chapter 1

271. Has your country taken all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties (19(2))?

| | |
|------------------------------------|---|
| a) no measures | |
| b) some measures in place | X |
| c) potential measures under review | |
| d) comprehensive measures in place | |

Decision IV/3. Issues related to biosafety and Decision V/1. Work Plan of the Intergovernmental Committee for the Cartagena Protocol on Biosafety

272. Is your country a Contracting Party to the Cartagena Protocol on Biosafety?

| | |
|---|---|
| a) not a signatory | X |
| b) signed, ratification in progress | |
| c) instrument of ratification deposited | |

Further comments on implementation of this Article

Question 270.

Decree No. 4339, 22nd August, 2002, which institutes the principles and guidelines of the *Política Nacional da Biodiversidade – PNB* [National Biodiversity Policy – PNB] stated the need for research on, and the conservation of, *ex situ* of genetic resources collected in Brazil.

Question 271.

The *Política Nacional da Biodiversidade – PNB* [National Biodiversity Policy – PNB] (Decree No.4339, 22nd August, 2002) established various principles and guidelines with this objective. Notable are Guideline 3.1 of Component 3 and Guidelines 5.1 and 5.2 of Component 5 (see Decree, in Chapter 2).

Provisional Measure No. 2186-16, 23rd August, 2001, created the *Conselho de Gestão do Patrimônio Genético – CGEN* [Council for the Administration and Management of Genetic Patrimony – CGEN] and defined rules for access to genetic resources for scientific research, technological development and bioprospection, for the sharing of benefits, and for access to and transfer of technology (see www.mma.gov.br/port/cgen/doc/mp2186i.pdf).