



CBD



**CONVENTION ON
BIOLOGICAL
DIVERSITY**

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**CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA
PROTOCOL ON BIOSAFETY**

First meeting
Kuala Lumpur, 23-27 February 2004
Agenda item 6.4

**LETTER FROM THE DIRECTORATE FOR FOOD, AGRICULTURE, AND FISHERIES OF
THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT TO
THE EXECUTIVE SECRETARY OF THE CONVENTION ON BIOLOGICAL DIVERSITY**

Note by the Executive Secretary

1. The Executive Secretary is circulating herewith, for the information of participants in the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, a letter from the Directorate for Food, Agriculture, and Fisheries of the Organisation for Economic Co-operation and Development addressed to the Executive Secretary of the Convention on Biological Diversity, and an annex containing clauses relevant to Article 18 (c) of the Cartagena Protocol on Biosafety.
2. The document is being issued in the form and language in which it was received by the Secretariat of the Convention on Biological Diversity.



ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

DIRECTION DE L'ALIMENTATION, DE L'AGRICULTURE, ET DES PECHERIES
DIRECTORATE FOR FOOD, AGRICULTURE, AND FISHERIES

DAA/D/127

12 March 2003

Dear Mr. Zedan,

At a recent meeting of the Working Group on Genetically Modified Seed Issues of the OECD Seed Certification Schemes, held on 28-29 October 2002, the issue of identification of genetically modified seeds and varieties was raised in relation to the suitability of the Schemes to comply with the prescriptions of Article 18© of the Cartagena Protocol on Biosafety. The Working Group benefited from an update by Mr. E. Schoonejans, one of the vice chairs of the ICCP who attended the meeting as an observer.

At the meeting, the following text was agreed by the National Designated Authorities for the OECD Seed Certification Schemes who recommended that it be submitted as a proposal to your Secretariat.

It is believed that the Rules and principles set out in the Decision of the Council revising the OECD Schemes for the Varietal certification or the Control of Seed Moving in International Trade of 28 September 2000 (C(2000)146) amended on 22 January 2002, being applicable to any kind of seed, provide time-tested guidance for the safe handling, transporting, packaging and identifying of varieties and seeds within a framework of effective co-operation between governments and seed enterprises. In this respect, the National Designated Authorities wish to draw your attention to a number of relevant clauses that are reproduced in the Annex to this letter.

As far as LMOs are concerned, the National Designated Authorities recognise that the current framework within the OECD Schemes does not provide at the moment for any specific treatment. This lack of provision results from an ongoing debate on whether and, where applicable, how to address the identification of a Genetically Modified seed variety as compared to another equivalent traditional counterpart. The lack of current specific provisions is also due to the technically complex and far reaching consequences in terms of seed separation, and the new inspection, analysis and handling methodologies required for the final certification of such new GM seed. The OECD affiliated seed certifying agencies are continuing to examine these issues.

Without prejudice to possible further developments, and in light of the imminent entry into force of the Protocol, the National Designated Authorities are convinced that the OECD Seed Schemes could help, at least on a number of specific points, already as of today:

.../...

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CBD Secretariat
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Montréal, Québec
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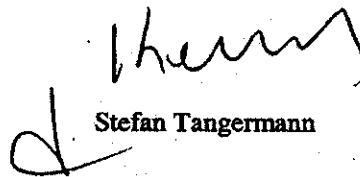


- OECD's annual List of Varieties contains LMO varieties, and as listing simply registers submissions from National Designated Authorities, reference to a LMO unique identifier attached to a variety name would be possible.
- OECD provides for the possible addition of information, such as the one required under the protocol, on seed certificates and labels under the responsibility of the National Designated Authority. This would appear to conform to the requirements outlined on pages 75-78 of UNEP/CBD//ICCP/3/10 (item 3/6, II).

These possibilities are naturally open only to countries belonging to the OECD Schemes (now numbering 52 plus a few applicants).

They also wish to point out that OECD has had a consistent policy of openness to non-Member country participation since 1962, when FAO and OECD agreed that the Schemes should be housed within the Organisation.

Sincerely,


Stefan Tangermann

Encs.: Annex (6 pages).

ANNEX

EXTRACTS FROM THE OECD SEED SCHEMES "2000"

CLAUSES RELEVANT TO ARTICLE 18© OF THE CARTAGENA PROTOCOL ON BIOSAFETY

Annex 1: BASIC PRINCIPLES

- Article 2. Each Scheme includes a set of rules and directions aiming at the varietal certification of seed, except for the Vegetable Seed Scheme where generally traded seed, "Standard Seed", may not be certified but only controlled.
- Article 4.1 They include only those varieties which are officially recognised as distinct and having an acceptable value in at least one participating country. The names of these varieties are published in official lists"
- Article 4.2. All the Certified Seed produced must be related directly through one or more generations to authentic Basic Seed of the variety. The number of generations permitted for cross-pollinating species or varieties must be strictly limited. The main factor determining the standard of Certified Seed is the varietal purity of Basic Seed and, for this reason, special tests for Basic Seed are prescribed. Satisfactory conditions for the production and processing of Basic and Certified Seed must be ensured and verified by field inspection and post-control tests;

Annex II: METHOD OF OPERATION

- Article 1 The Government of each country participating in the Schemes will designate the Authorities responsible for implementing them in that country
- Article 6. An Advisory Group is made up of the Officers of the Annual Meeting; the Co-ordinating Centre takes part in the work. Its task is to assist the Secretariat in the preparation of the next Annual Meeting, including matters relating to the admission of new countries and to propose solutions, when necessary, to urgent problems that may arise out of the implementation of the Schemes. The Advisory Group is convened by the Secretariat at the request of any one of its Members or any country participating in the Schemes. It can provide counsel in writing and invite one or more participating countries to be represented.

**LIST OF COUNTRIES PARTICIPATING
IN ONE OR SEVERAL OECD SEED SCHEMES**

ARGENTINA	(2)
AUSTRALIA	(1)
AUSTRIA	(1)
BELGIUM	(1)
BOLIVIA	(2)
BRAZIL	(2)
BULGARIA	(2)
CANADA	(1)
CHILE	(2)
CROATIA	(2)
CYPRUS	(2)
CZECH REPUBLIC	(1)
DENMARK	(1)
EGYPT	(2)
ESTONIA	(2)
FINLAND	(1)
FRANCE	(1)
GERMANY	(1)
GREECE	(1)
HUNGARY	(1)
ICELAND	(1)
IRAN	(2)
IRELAND	(1)
ISRAEL	(2)
ITALY	(1)
JAPAN	(1)
KENYA	(2)
LATVIA	(2)
LITHUANIA	(2)
LUXEMBOURG	(1)
MOROCCO	(2)
MEXICO	(1)
NETHERLANDS	(1)
NEW ZEALAND	(1)
NORWAY	(1)
POLAND	(1)
PORTUGAL	(1)
ROMANIA	(2)
RUSSIAN FEDERATION	(2)
SLOVAKIA	(2)
SLOVENIA	(2)
SOUTH AFRICA	(2)
SPAIN	(1)

SWEDEN	(1)
SWITZERLAND	(1)
TUNISIA	(2)
TURKEY	(1)
UNITED KINGDOM	(1)
UNITED STATES	(1)
URUGUAY	(2)
YUGOSLAVIA	(2)
ZIMBABWE	(2)

(1) OECD Member Country
(2) Non OECD Member Country

Annex VI: OECD SCHEME FOR THE VARIETAL CERTIFICATION OF GRASS AND LEGUME SEED MOVING IN INTERNATIONAL TRADE (for example)

Article 3.2 Only seed of listed varieties and parental constituents is eligible for certification according to the Scheme.

Article 3.5.1 The OECD List of Varieties Eligible for Certification is an official list of varieties which have been accepted by National Designated Authorities as eligible for certification in accordance with the Rules of the OECD Seed Schemes. The List of Varieties, which is revised annually on the basis of notifications received from the Designated Authorities participating in the Schemes, includes details of the maintainer(s) of the variety and the name of the country(ies) where the variety has been registered. The List is not limited and should provide useful information when applying Rules 5.1.1.1 and 5.2.3 of the present Scheme for Basic Seed and Certified Seed respectively.

Article 3.5.3 The Designated Authority of the Country of Registration is responsible for:

- 4) Providing written agreement for the multiplication of seed outside the Country of Registration to the appropriate Designated Authority;
- 7) Authenticating the identity of the seed to be multiplied.

Article 6.4.3 Another part of each sample shall be submitted to an official laboratory for tests for analytical purity and germination, conducted according to a scientific method¹ for seed testing recognised by the Designated Authority. If derogation is granted by virtue of Article 2.4 of the Decision and implemented according to Annex V to the Decision, an authorised laboratory may perform these tests under official supervision, without testing losing its official character.

Article 6.4.5 The Designated Authority is entitled to make any other tests appropriate to the variety concerned and to obtain any information required for the certification of each seed lot.

Article 6.5 The Designated Authority may issue certificates for each lot of Pre-Basic, Basic and Certified Seed approved under the Scheme, as follows:

- for Varietal Purity, according to the specimen shown in Appendix 5 A;
- for Analysis Results, according to the procedure outlined in Appendix 5 B.

Article 6.11 The Designated Authorities in the country of production and the country of final certification have to exchange relevant information. On request the country of production shall supply all relevant production data on the seed. The certifying country shall automatically supply information on quantities certified from a given not finally certified seed lot to the Designated Authority of the country of production.

Article 7.4 Subject to compliance with all prescribed conditions which may include payment of a stated fee, the owner of any lot of seed certified in accordance with the Scheme shall be entitled to receive from the Designated Authority, in respect of that lot, a statement of the results of any tests for varietal identity and purity assessment.

¹The "International Rules for Seed Testing" of the International Seed Testing Association (ISTA) indicate suitable methods.

Article 8.4 The seed containers shall be fastened in such a way that they cannot be opened without destroying that fastening or leaving traces showing that it has been possible to alter or change the contents of the container. The effectiveness of the fastening device must be ensured, either by incorporating the label provided for in paragraph 8.3 in the device or by use of a seal. Containers are exempted from this requirement if the fastening cannot be reused.

Appendix 4: SPECIFICATION FOR THE OECD LABEL OR MARKING OF SEED CONTAINERS

1. Description

1.1 *Type:* Labels may be *either* adhesive *or* non-adhesive. The information may be printed on one side only or on both sides.

1.2 *Shape:* Labels shall be rectangular.

1.3 *Colour:* The colours of the labels shall be:

Pre-Basic Seed:	White with diagonal violet stripe;
Basic Seed:	White;
Certified Seed, 1st Generation:	Blue;
Certified Seed, 2nd Generation or successive generations:	Red;
Not Finally Certified Seed:	Grey.

On all red labels and all grey labels for certified seed of 2nd or further generation the appropriate generation number must be stated.

One end of the label shall be overprinted black for a minimum distance of 3 cm leaving the rest of the label coloured.

1.4 *Material:* The material used must be strong enough to prevent damage in ordinary usage.

2. Reference to the OECD Scheme

Reference to the OECD Scheme shall be printed in English and in French within the black portion of the label or on the outside of the seed container (see Rule 9.1.2). This shall read: "OECD Seed Scheme" and "Système de l'OCDE pour les Semences".

3. Information on the Label

3.1 *Prescribed Information:*

The following information shall be printed in black type on the coloured portion of the label (white, blue, red or grey):

Name and address of Designated Authority:
Species: (Latin name)
Variety name:
Category: (Pre-basic, Basic, or Certified Seed, 1st, 2nd or other generation)
Reference number: (see Appendix 3)
Country of Production: (if the seed has been previously labelled as not finally certified seed)
Region of Production: (for local varieties)
Statement of re-labelling, if required.

On the label for *not finally certified seed* shall appear the statement:

– "Not Finally Certified Seed".

For *Pre-Basic Seed* there shall be a statement of the number of generations by which the seed precedes Certified Seed, 1st generation.

For *grass and legume seed produced from fields with the lower isolation distance specified in paragraph 2.1 of Appendix 2*, the following statement shall be added:

"Further multiplication not authorised".

3.2 The space allowed and the size of the lettering shall be sufficient to ensure that the label is easily read.

3.3 When the information is marked indelibly on the container the layout of the information and the area marked shall conform as closely as possible to a normal label.

3.4 *Additional Information:*

Any space not occupied by the information in paragraph 3.1 may be used for such additional information as the Designated Authority wishes to give. Such information, however, must be in letters not larger than those used for the prescribed information. It shall be strictly factual and related only to seed certified according to the OECD Seed Scheme. No advertising matter may be used on the label or in the area of the container on which the prescribed information is indelibly marked.

4. Languages

All information shall be given in either English or French except reference to the Scheme which must be in both English and French as specified in paragraph 2 above. Translations into any other language may be added if thought desirable.

Appendix 5: SPECIMEN CERTIFICATE AND ANALYSIS RESULTS

A) Specimen Certificate

Certificates must contain all the information outlined below, but the exact arrangement of the text is at the discretion of the Designated Authority.

Certificate Issued under the OECD Scheme for the Varietal Certification of Grass and Legume Seed Moving in International Trade

Name of Designated Authority issuing the Certificate:

Reference Number:

Species:

Variety:

Statement of relabelling, if required:

Number of containers and declared weight of lot:

The seed lot bearing this Reference Number has been produced in accordance with the OECD Herbage Seed Scheme and is approved / provisionally approved as ²:

Pre-Basic Seed	(White label with diagonal violet tripe);
Basic Seed	(White label / Grey label);
Certified Seed, 1st Generation	(Blue label / Grey label);
Certified Seed, ³ ...Generation	(Red label / Grey label).

Signature:

Place and Date:

B) Analysis Results

The results of the laboratory analyses should, whenever possible, be given on the Orange or Green International Seed Lot Certificate issued under the Rules of ISTA.

Those countries that do not wish to use these certificates as issued by the Association may use them as a model for reporting the results of laboratory analyses as required in the Rules and Directions of the Scheme. Specimen copies may be obtained from:

International Seed Testing Association (ISTA)
Zürichstrasse 50, P.O. Box 308 8303 Bassersdorf, CH-Switzerland
Phone: +41 1 838 6000 Fax: +41 1 838 6001
E-mail: ista.office@ista.ch

The certificates issued by ISTA may be used only by those countries which have full authority to do so from the Association. Other countries using these certificates as a model for the presentation of results must ensure that there is no implication that they are issuing an Orange or Green Certificate. For instance, reference to ISTA must not be made and the certificate should not be on orange or green paper.

² Delete as necessary

³ Insert number of generation