To: July 23rd 2019

1.Shri Alok Vardhan Chaturvedi, Director General of Foreign Trade, Ministry of Commerce & Industry, Government of India.

2. Shri SP Roy, Jt. DGFT, Ministry of Commerce & Industry, Government of India.

Dear Sirs,

Sub: Concerns on imports of Genetically Modified (GM) agricultural produce (seeds/grain/feed) and foods, from known commercialised GM crops – reg.

Greetings! This is with regard to the fact that India is importing consignments of agricultural produce in the form of seeds and/or grain and/or feed and/or foods, of such commodities which have commercialised transgenic versions of the crops being grown on a large scale and also from countries which have a significant proportion of their crop land under these crops growing only the transgenic or genetically modified (GM) varieties. This includes corn/maize, soybean, canola, cotton, papaya, sugarbeet and apple from countries like USA, Canada, Brazil, Argentina, Paraguay, Australia, Spain, Philippines etc.

This is a matter of great concern since declared or undeclared imports could be the route for bringing in GM seeds and products into India, while the stated policy of Government of India is to have case-by-case approvals after regulatory assessments.

While the apex regulatory authority for the deployment of gene technologies is the Genetic Engineering Appraisal Committee (GEAC) in the Ministry of Environment, Forest & Climate Change, under the Foreign Trade (Development & Regulation) Act which is in your jurisdiction, regulation exists for GM imports (notified in 2007). The notification lays down that no GM imports can take place into India, without the approval of competent authorities like GEAC and without an explicit declaration at the time of import.

It is against this background that we approach the DGFT to raise the following concerns.

Some of the illegal GM crop cultivation that we witnessed in India is in crops where no R&D has been done in India. It clearly indicates that such seed has originated through illegal GM imports. For example, GM HT soy being illegally cultivated in Gujarat has not even been approved for field trials in India.

STOPPING IMPORTS OF VIABLE SEEDS AND TAKING UP RANDOM TESTING FOR CATCHING ANY CLANDESTINE IMPORTS:

There is clearly a problem with imports coming in from known GM producing countries (USA, Canada, Brazil, Argentina, Paraguay, Spain, Philippines etc.), where a substantial part of the produce is of the GM variants in crops like soy, corn/maize, canola, cotton, papaya, apples, sugarbeet etc.

What is even more dangerous is that SEEDS are being imported of crops for which transgenic variants are being grown on a commercial scale in different countries, in large as well as small quantities. Despite this being a possible source of illegal imports and contamination of our seed stocks and environment, this is being allowed. Apart from the urgent need to stop the imports of viable seeds, there is also a need to put into place of random, sample testing of such imports with required scientific rigour to ensure that non-declared GM material does not come in clandestinely. Right now, India is relying on importers to declare their consignments to be GM, and to walk up to the regulators for approvals if it is GM. This is obviously inadequate to check clandestine imports.

Like mentioned above, what is worrying is that regulatory agencies including the DGFT do not have a testing or institutional mechanism to have a rigorous and active surveillance on every consignment of imports for crops and crop products for which GM variants exist in the world. DGFT is relying on the Customs officials to implement its policies. How is DGFT sure, for instance, that the applicants who asked for GM feed import permission in 2015, and have not yet been given any permission, have not found other ways and means to import such feed into the country?

NEED FOR AN INSTITUTIONAL MECHANISM THAT MONITORS IMPORTS FOR ANY GM COMMODITIES COMING IN:

We find that as regarding transgenic material, *institutional coordination is missing between different ministries and agencies right now*. DGFT has no institutional wherewithal to implement its own policies and regulations. Customs Division of Department of Revenue or Ministry of Finance are not in the regulatory regime of any kind, despite being the frontline agency for imports. Similarly, Agriculture Ministry is not in the regulatory regimes of DGFT or MoEFCC, though the PPQS (Plant Protection & Quarantine Services) division has its own legal regulation around GM crop imports, which require prior approval from GEAC. It is not clear how they enforce their regulations without coordination with other ministries and regulatory bodies, especially when an importer chooses to illegally import GM material. When it comes to imports, FSSAI, DBT/RCGM and NBPGR also come into the picture on occasion. In the absence of such institutional coordination, it has been seen that GM food materials have been brought in without the permission of GEAC or FSSAI and without any declarations to the DGFT – here, there were even cases where the labels clearly mentioned that the food product could be GM.

It is apparent that there is a need to have one inter-ministerial and inter-agency body that is tasked with monitoring all imports into India, with scientific sampling and testing, to ensure that no GM material gets into India in violation of existing regulations, and in violation of the Cartagena Biosafety Protocol. GEAC itself was visualised to be that body with representation from DGFT, PPQS, FSSAI etc., but from the proceedings of the meetings of GEAC, it is clear that it is not focusing on the dangers of illegal GM imports, nor does it in reality have any power to enforce stoppage of illegalities. Hence, the DGFT should address itself to recommending mechanisms to ensure this.

It is against this background that we demand:

1. that DGFT organise a meeting of representatives of all concerned agencies along with representatives from civil society to brainstorm about what mechanisms need to be put into place to make the Ministry of Commerce's regulatory notifications related to GM meaningful in their implementation. Such a meeting should have representatives of Genetic Engineering Appraisal Committee (GEAC) from the Ministry of Environment, Forest & Climate Change, Customs from Revenue Department of Ministry of Finance, Plant Protection & Quarantine Services division and EXIM Committee for exports and imports of seeds and planting materials of Ministry of Agriculture & Farmers' Welfare, Review Committee on Genetic Manipulation (RCGM) of Department of Biotechnology (DBT), Department of Consumer Affairs and their Director of Legal Metrology, Food Safety and Standards Authority of India (FSSAI) official etc. Civil society representatives can include representatives of Alliance for Sustainable & Holistic Agriculture (ASHA), Coalition for a GM-Free India, Bhartiya Kisan Sangh, Navdanya, Gene Campaign, Swadeshi Jagaran Manch, Centre for Sustainable Agriculture, Bhartiya Kisan Union etc.

- 2. Such a meeting should result in effective mechanisms (technical and institutional) being put in place for random testing from all import consignments from USA, Brazil, Argentina, Australia, South Africa, Spain, Philippines, Canada etc., especially of soy product lines, corn/maize product lines, canola product lines, cotton product lines, sugarbeet product lines, papaya product lines and apple product lines. These mechanisms should also address the matter of mid-sea or transit country shipments, by placing a focus on the country of origin.
- 3. DGFT and Customs should also issue a notification requiring all consignments to be certified as non-GM by competent or recognised agencies in the countries of export/country of origin.
- 4. that no viable seeds/planting material should be allowed at any cost, of soybean, corn/maize, canola, cotton, sugarbeet, papaya and apple from any country of the world. Additionally, since field trials of various transgenic crops are taking place which are routinely found to be contaminating export consignments, it is important to make sure that seeds of all other crops are also randomly checked to ensure that no clandestine imports of GM contaminated material is being brought in. All seeds should also be de-vitalised where explicit permission for seed import is not given.
- 5. Any import of processed GMO foods is in any case illegal, as explained by the Food Safety and Standards Authority of India (FSSAI) in an affidavit in the Supreme Court last year.
- 6. that an inter-ministerial, inter-agency empowered body be set up to coordinate with each other, with a DGFT official being the Convenor of the body, to monitor all imports regularly, rigorously.

We hope and request that you consider all our demands seriously and adopt the same and any more mechanisms, to ensure that India's biosafety and biosecurity are not breached by violation of existing regulations. Thank you.

Sincerely,

Kowillia

Kavitha Kuruganti

Co-Convenor, Coalition for a GM-Free India

Phone: 8880067772

Annexure 1

Soya seeds are being imported from USA and Ukraine. USA has exported more than 193 tonnes of soybean seeds (HS code 12019000) to India between 2014-2019 (Annexure 4). Since 94% of soybean grown in USA is GM, it is reasonable to presume that these are most likely genetically modified seeds. Ukraine has exported more than 2290 tonnes of soybean seeds to India in 2016. (HS code 12011000). In a 2018 study, it has been found that Ukraine has been growing 48% genetically modified soybean. Russia has also cancelled soybean imports from Ukraine on account of them being genetically modified. United Nations trade data shows that Ukraine exported 1865 tonnes soybean seeds to India in 2013 and 1679 tonnes soybean (other than seed) in 2015 and 2016. Publicly available data shows that more than 2290 tonnes soybean seeds were exported from Ukraine into India.

In addition, US also exports soybean to Vietnam and Vietnam has been exporting soybean products to India as well. US also exports soybean (non-seed material) to Nigeria and Nigeria has been exporting soybean to India too.

Ukraine strengthening GMO export control to defend producers REUTERS,

DECEMBER 6, 2016

KIEV (Reuters) - Ukraine, the world's third-largest grain exporter, plans to strengthen checks for genetically modified organisms (GMOs), a senior agriculture official said on Tuesday, citing soybeans as a particular concern.

In Ukraine it is not illegal to grow GM plants, but no GMOs have the official registration needed for legal cultivation, the head of the State Food Safety and Consumer Protection Service, Volodymyr Lapa, told Reuters.

"Under the law, there are no GM crops that can be grown in Ukraine. This means that if by chance it turns out that a manufactured product comes from a plant of GM origin, this product must be disposed of," he said.

"The main risk is soybeans," he added.

Lapa said GM soybean seeds are being illegally imported into the country and can be bought online easily.

This is a concern for the watchdog, because in recent years Ukraine has ramped up soybean output, producing more than 4 million tonnes in 2016 compared with around 1 million tonnes in 2009, thanks to a favorable climate.

Grain export capacity at Ukraine's sea ports could jump to around 157 million tonnes by 2020 from the current 58.5 million tonnes, a senior transport official said last month, with 36 port facilities likely to be constructed in the next four years.

Much of the crop is exported - last year nearly 60 percent of the 3.9-million-tonne harvest was shipped abroad, mainly to Turkey, Egypt, Iran, Lebanon and Greece.

Ukraine also exported fodder with soybean to Russia, but this summer Moscow banned such imports, saying they contained GMO soy.

Lapa said if an export shipment is found to contain GMO products, the watchdog will seize and dispose of it, before investigating its source of origin to find every producer guilty of breaking the rules.

Global markets plunge amid fears of new U.S.-China rift "Our mission is very simple - to achieve compliance with the law," he said.

He said the current chain of logistics did not prevent the mixing of GMO and GMO-free soybeans and this could create possible risks for conscientious producers.

"This is not just about ensuring order on the market, but also a matter of protecting bona fide producers that follow the law and grow GMO-free soybeans," Lapa said.

USA to India Soybean Export via Nigeria

USA to Nigeria Soybean Export

	Soybean export	t from USA to Nig	geria	Source - https://comtrade.un.org/data/					
Year	Trade Flow	Reporter Code	Reporter	Partner	Commodity Code	Commodity	Netweight (kg)	Trade Value (US\$)	
2013	Export	842	USA	Nigeria	120190	Soya beans; other than seed, whether or not broken	325000	173830	
2015	Export	842	USA	Nigeria	120190	Soya beans; other than seed, whether or not broken	41114000	15210432	

Nigeria to India Soybean Export



Department of Commerce
Export Import Data Bank
Import :: Commodity-wise all countries

Dated: 8/12/2018

Commodity: 12011000 SEED Unit: KGS

S.No.	Country		Values in Rs. Lacs			Quntity in thousands	
		2015-2016	2016-2017	%Growth	2015-2016	2016-2017	%Growth
1.	BENIN		66.13			273.00	
2.	ETHIOPIA	51.52	380.35	638.24	154.00	1,350.44	776.91
3.	NIGERIA		6.11			22.00	
	Total	51.52	452.59	778.45			
India's T	otal	249,030,553.78	257,767,536.68	3.51			
%Share		0.0000	0.0002				

USA to India Soybean Export via Vietnam

USA to Vietnam Soybean Export

USA to Vietnam	Soybean E	xport		Source - https://com	ntrade.un.org/data/		
Year	Trade Flow	Reporter	Partner	Commodity Code	Commodity	Netweight (kg)	Trade Value (US\$)
2017	Export	USA	Viet Nam	120110	Soya beans; seed, whether or not broken	5421287	3079325
2017	Export	USA	Viet Nam	120190	Soya beans; other than seed, whether or not broken	731184222	288028454
2014	Export	USA	Viet Nam	120110	Soya beans; seed, whether or not broken	6782285	4019412
2015	Export	USA	Viet Nam	120110	Soya beans; seed, whether or not broken	1558424	816750
2016	Export	USA	Viet Nam	120110	Soya beans; seed, whether or not broken	2976083	1372415
2013	Export	USA	Viet Nam	120190	Soya beans; other than seed, whether or not broken	554753398	318047450
2014	Export	USA	Viet Nam	120190	Soya beans; other than seed, whether or not broken	576051416	341658936
2015	Export	USA	Viet Nam	120190	Soya beans; other than seed, whether or not broken	650162206	264612920
2016	Export	USA	Viet Nam	120190	Soya beans; other than seed, whether or not broken	842716866	341157316
Total						3,371,606,187	1,562,792,978

Vietnam to India Soybean Export



Dated: 8/12/2018

S.No.	Country		Values in Rs. Lacs			Quntity in thousands	
		2016-2017	2017-2018	%Growth	2016-2017	2017-2018	%Growth
1.	BENIN	8,408.56	6,381.90	-24.10	29,018.33	22,458.77	-22.60
2.	CANADA		99.70			259.00	
3.	DJIBOUTI	427.43	1,319.20	208.64	920.50	3,762.00	308.69
4.	ETHIOPIA	17,845.45	8,519.97	-52.26	46,209.00	23,777.00	-48.54
5.	MALAWI		3,384.40			12,988.80	
6.	MOZAMBIQUE		1,591.42			5,970.40	
7.	NIGERIA	79.40			252.06		
8.	TANZANIA REP		292.08			1,103.00	
9.	TOGO	735.70	2,596.01	252.86	2,633.76	9,397.16	256.80
10.	USA	398.19	69.40	-82.57	696.00	165.00	-76.29
11.	VIETNAM SOC REP		3.14			8.05	
12.	UNSPECIFIED		767.39			1,826.00	
	Total	27,894.73	25,024.61	-10.29			
India's T	- Cotal	257,767,536.68	300,103,343.35	16.42			
%Share		0.0108	0.0083				

Soybean Seed Import in India from US and Ukraine

	Soybean seed in	port in India				
12019000 OTHER	SOYA BEANS	Officially not for s	sowing but rather	for Crushing etc		
Quantity (in kg)						
Source Country	2018-19	2017-18	2016-17	2015-16	2014-15	Total (in kg)
USA	90000	165000	696000	856000	126000	1933000
	Source - http://co	mmerce-app.gov	.in/eidb/icomcntq.	asp		
	HS code - 12011	000				
	2016					
Ukraine	2290290					
Source - Zauba	https://www.zaub	a.com/import-/hs-	-code-12011000/f	p-ukraine/p-1-hs-c	code.html	

Beet sugar seed Import in India from US

Beet sugar seed (HS code 12091000) - Between 2007-08 and 2017-18, India imported more than 129 tonnes of beet sugar seed used for sowing. Of the beet sugar grown in US, more than 90% is genetically modified.

	Beet sugar se	ed import in India					
12091000 SUGA	R BEET SEED	OF A KIND USED	FOR SOWING				
Quantity (in kg)							
Source Country	2017-18	2016-17	2015-16	2014-15	2013-14	2012-13	Total (in kg)
USA	330	9800	32180	50850	9100	8320	113550
	Source - http://	commerce-app.go	.in/eidb/icomcntq.	asp			

Maize Seed Export to India

Maize seeds (HS code 10051000) - Between 2007-08 and 2018-19, India imported maize seeds totalling 6460 kgs from US, 528 tonnes from Argentina, 110 kgs from Brazil, 30 kgs from Philippines and 410 kgs from Spain. Of the maize grown in these countries, US and Argentina grow more than 90% GM maize, in Brazil GM maize is 88%, in Philippines it is 65% and in Spain it is 35% of all maize grown.

US also exports maize seeds to Mexico and it has been found that GM maize has been contaminating non-GM mexican maize too. Mexico has been exporting corn seeds to India.

	Maize seed impo	rt in India						
Quantity (in kg)								
Source Country	2018-19	2017-18	2016-17	2015-16	2014-15	2013-14	2012-13	Total (in kg)
US	5970	330	50					6350
Brazil		10				20		30
Philippines			30					30
Argentina							206000	206000
Spain	20					390		410
		Source - http://co	ommerce-app.gov	.in/eidb/icomcntq	.asp			
HS Code - 1005	1000 Maize Seed							

US to India

	US Seed Expo	ort to Mexico						
Year	Trade Flow	Reporter	Partner	Commodity Cod	Commodity	1	Netweight (kg)	Trade Value (US\$
2017	Export	USA	Mexico	100510	Cereals; maize (corn), see	d	18176480	32974921
2012	Export	USA	Mexico	100510	Cereals; maize (corn), see	d	11020022	25646027
2013	Export	USA	Mexico	100510	Cereals; maize (corn), see	d	13445312	39168435
2014	Export	USA	Mexico	100510	Cereals; maize (corn), see	d	18562857	37601506
2015	Export	USA	Mexico	100510	Cereals; maize (corn), see	d	18252510	42783015
2016	Export	USA	Mexico	100510	Cereals; maize (corn), see	d	16482503	38493587
	Source - http:	s://comtrade.un	.org/data					
	Mexico Seed	Export to India						
Year	Trade Flow	Reporter	Partner	Commodity Code	Commodity	Netweight (kg)	Trade Value	(US\$)
2017	Import	India	Mexico	100510	Cereals; maize (corn), seed	(66 2	264
2015	Import	India	Mexico	100510	Cereals; maize (corn), seed	(34 3	363
2016	Import	India	Mexico	100510	Cereals; maize (corn), seed		58 2	271
	Source - https:	://comtrade.un.org	/data					

Canola seed Import in India from Australia

Canola seeds (HS code 12059000) - In the last decade, US has exported more than 149 tonnes of broken canola seeds to India and Australia has exported more than 100 tonnes of broken canola seeds to India. Of the canola cultivated in these countries, US grows more than 90% GM canola and Australia grows more than 21% GM canola.

	Canola seed imp	ort in India					
HS Code - 12059	- 12059000 OTHER RAPE/COLZA SEEDS W/N BROKEN						
Quantity (in kg)							
Source Country	2013-14	2010-11	Total (in kg)				
Australia	60	100200	100260				
	Source - http://commerce-app.gov.in/eidb/icomcntq.asp						

Canola Seed Export from US to India

→ C		Data Services Pvt Ltd [IN] https://www.zauba.com/import-canola+seed-	-sowing/fp-uni	ted%20states/p-1	-hs-code	e.html		
Da		Description	Origin Country	Port of Discharge	Unit	Quantity	Value (INR)	Per Unit (INR)
Ja 28 201	8 12059000	HYOLA PAC 401 HYBRID CANOLA (RAPE SEEDS) (SEEDS FOR SOWING)	United States	Nhava Sheva Sea	KGS	25,000	9,620,856	385
Ja 0 4 201	4 12059000	HYOLA PAC 401 HYBRID CANOLA (RAPE SEEDS) (SEEDS FOR SOWING)	United States	Nhava Sheva Sea	KGS	25,000	9,620,856	385
Se 22 201	2 12059000	HYBRID CANOLA SEEDS HYOLA PAC 401 (RAPESEEDS) (SEEDS FOR SOWING)	United States	Nhava Sheva Sea	KGS	49,600	23,744,002	479
Se 12 201	2 12059000	HYBRID CANOLA SEEDS HYOLA PAC 401 (RAPESEEDS) (SEEDS FOR SOWING)	United States	Nhava Sheva Sea	KGS	49,600	23,744,002	479
Oc 10 201	12059000	HYOLA PAC-401 CANOLA SEEDS (RAPESEEDS) (SEEDS FOR SOWING)	United States	Nhava Sheva Sea	KGS	10,000	3,898,499	390
Oc 10 201	12059000	HYOLA PAC-401 CANOLA SEEDS (RAPESEEDS) (SEEDS FOR SOWING)	United States	Nhava Sheva Sea	KGS	9,725	3,791,290	390
Se 27 201	7 12059000	HYOLA PAC-401 CANOLA SEEDS (RAPESEEDS) (SEEDS FOR SOWING)	United States	Nhava Sheva Sea	KGS	9,725	3,791,290	390
Se	ер	HYOLA PAC-401 CANOLA SEEDS (RAPESEEDS) (SEEDS FOR	United	Nhava Sheva				

Other Exports

India also imports **apples, tobacco, squash, potato** from US and **papaya** from China. Some of the crop varieties in these countries are known to be genetically modified too. It is possible that GM seeds/crops or GM contaminated seeds/crops could have been imported for all these varieties.

Squash Seed Export to India

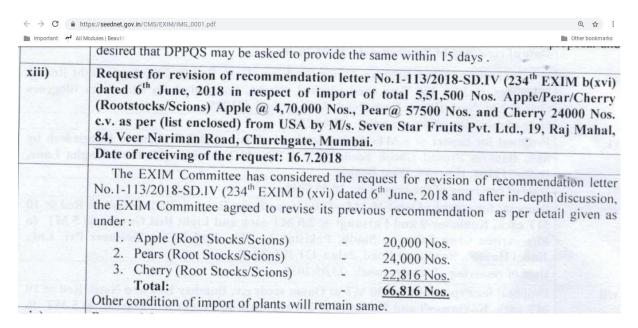
Date	HS Code	Description	Origin Country	Port of Discharge	Unit	Quantity	Value (INR)	Per Unit (INR)
Oct 14 2016	12099190	VEGETABLE SEEDS SUMMER SQUASH SEEDS CUE BALL FOR PLANING & SOWING (32 IP 174773 DT 31.05.2016)	United States	Bombay Air Cargo	KGS	122	496,083	4,066
Oct 14 2016	12099190	VEGETABLE SEEDS SUMMER SQUASH SEEDS CUE BALL FOR PLANING & SOWING (32 IP 174773 DT 31.05.2016)	United States	Bombay Air Cargo	KGS	146	593,673	4,066
Oct 14 2016	12099190	VEGETABLE SEEDS SUMMER SQUASH SEEDS CUE BALL FOR PLANING & SOWING (32 IP 174773 DT 31.05.2016)	United States	Bombay Air Cargo	KGS	63	256,174	4,066
Oct 14 2016	12099190	VEGETABLE SEEDS SUMMER SQUASH SEEDS CUE BALL FOR PLANING & SOWING (32 IP 174773 DT 31.05.2016)	United States	Bombay Air Cargo	KGS	79	321,234	4,066
Oct 14 2016	12099190	VEGETABLE SEEDS SUMMER SQUASH SEEDS CUE BALL FOR PLANING & SOWING (32 IP 174773 DT 31.05.2016)	United States	Bombay Air Cargo	KGS	87	353,764	4,066
Oct 13 2016	12099190	SAMPLE VEGETABLE SEEDS FOR PLANTING-SQUASH SEEDS (PP651)	United States	Bombay Air Cargo	KGS	2	15,056	7,528
Oct 13 2016	12099190	SAMPLE VEGETABLE SEEDS FOR PLANTING-SQUASH SEEDS (1S047)	United States	Bombay Air Cargo	KGS	2	15,056	7,528

Papaya seed Export to India

Detailed Import Data of papaya seed



Apple Export to India



GM Oil Imported in India in violation of FSSAI laws

Import of GM oil permitted by the Union Environment Ministry

Year	Company	Product
2007	Oil by Solvent Extractors' Association	GM Soyabean Oil
2010	Monsanto Holdings Pvt. Ltd.	GM Soyabean Oil
2014	Bayer Bio Sciences Pvt. Ltd.	GM Soyabean Oil
2014	Monsanto Holdings Pvt. Ltd.	GM Soyabean Oil
2014	BASF India Ltd.	GM Soyabean Oil
2015	Bayer Bio Sciences Pvt. Ltd.	GM Soyabean Oil
2015	Bayer Bio Sciences Pvt. Ltd.	GM Canola Oil

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Source: Lok Sabha, Starred Question No. 171, December 29, 2017