

FEDERAL REPUBLIC OF NIGERIA

DRAFT GUIDELINE FOR THE IMPORTATION OF GENETICALLY MODIFIED GRAINS INTO NIGERIA

September, 2019

GM GRAIN IMPORT GUIDELINES

Chapter 1 Preamble

1.0 Introduction

These Guidelines serve as a step-by-step guide for Importers of genetically modified (GM) grains on the procedures to be followed to obtain Biosafety Permits for importation of GM Grains. It also states the roles of all relevant border Regulatory Agencies as regards to the importation of GM Grains into Nigeria.

It specifies the first point of contact by Applicants who wish to import GM Grains and the processes involved from the receipt of an application to when decision(s) is taken and communicated to the Applicant. This shall be a working tool for the National Biosafety Management Agency (NBMA) as well as serve as a guide for prospective GM Grain Importers.

1.1 Objective of the Guidelines

The Objective of these Guidelines is to assist importers of GM Grains on the process of obtaining Biosafety Permits in line with the Federal Government's Executive Order on ease of doing business. It also helps to keep stakeholders informed about what is required of them in the importation of GM Grains. It is aimed at ensuring strict adherence to accountability and transparency in the conduct of international business by GM Grains importers as a first step towards ensuring that only safe GM grains are imported into the country. This objective is to be achieved by ensuring that the actual quality, events and quantity of all GM imports as well as the true nature of grains to the consignee tally with the claims on all accompanying documents.

2.0 Relevant Legislations and Policies on Grain Importation

There are several pieces of legislations that are relevant to importation of GM grains in Nigeria. The following National Policies, Laws and Regulations are relevant.

2.1 Laws

I. **National Biosafety Management Agency Act, 2015:** This law provides regulatory framework, institutional and administrative mechanism for safety measures in the application of modern biotechnology in Nigeria with a view to preventing any potential adverse effect on human health, animal, plant and the environment.

II. **Plants Quarantine Act 2017:** This law regulates the importation and exportation of plant /plant products and establishes control on plant pests.

III. **Customs and Excise Management Act 2004 (As Amended):** An Act to regulate the management and collection of duties of customs and excise and for purposes ancillary thereto.

3.0 PROCEDURE FOR GRANTING PERMIT FOR GM GRAIN IMPORTATION

The mandate of the Agency is to ensure that the application of modern biotechnology and use of its products (GMOs) are safe to the environment and human health. This entails detailed risk assessment and risk management of all GMOs before they are approved for importation. This is to ensure that only safe GM crops are permitted to be imported into Nigeria.

Therefore, Commercial imports of grains coming from any country where such GMO grains have been commercialized (see <http://bch.cbd.int/database/lmo-registry>) must be accompanied by NBMA import permit, " ." All shipments of imported GMO grains coming from countries where such grains have been commercialized will be inspected upon arrival at the port of entry. For the shipment to be allowed entry, a quart sample taken at inspection may contain only 28 or less GM grains: if any higher number is found, the shipment will be prohibited entry.

Note: Importation of GM grains even for personal consumption without permit is absolutely prohibited

The process of gaining permit is as detailed below:

- a) Receipt of application,
- b) Documentation (Filing of Application and assigning appropriate Ref. Code),
- c) Acknowledgement of application within 21 days (which includes communication of fees to be paid by Applicant),
- d) Confirmation of Payment of processing fee (s),
- e) Review of application dossier for completeness,
- f) Correspondence to Applicant for incomplete dossier,
- g) Stopping the clock if dossier is not complete until response is received from Applicant,
- h) Summary of application and brief information on the place, duration and time for the display of application dossier,
- i) Constitution of National Biosafety Committee (NBC) and/or National Biosafety Technical Sub-Committee (NBTS) and referral of Application dossiers to the Committees for review and recommendation.

NOTE: Not all applications require referral to NBC and NBTS.

- j) NBMA inspects site(s) of intended release prior to first NBC review meeting,
- k) Display of copies of application and relevant information at strategic places to enable the general public and relevant government Ministries and Agencies study and make comments on the application and provide relevant information within 21 days to the Agency,
- l) The Agency may, prior to the display, make announcement in at least two national and one local Newspaper or other news media.
- m) The Agency may, in addition to the comments received, hold public hearings or consultations to obtain further comments and inputs that will assist in the review or processing of the application,
- n) NBC second meeting holds for one or two days and reviews application within seven working days after the expiration of the period of the display of the application dossier, taking into account the recommendation of the NBTS,
- o) NBC submits recommendation to Director General/CEO of NBMA after meeting,
- p) DG/CEO takes decision on application,
- q) Decision document is prepared,
- r) Decision document (Permission/rejection) is communicated to Applicant.
- s) Decision is made available in the Biosafety Clearing House (BCH), NBMA website and other news media and
- t) Inspection of site(s)/facility by NBMA for compliance to terms, conditions and safety measures based on the final decision on application.

4.0 PROCEDURE FOR GM GRAIN IMPORT IN NIGERIA

According to the NBMA Act, 2015, Importation of GM products without prior approval by NBMA contravenes the NBMA Act and is liable for seizure, and subject to prosecution. The procedures are laid out below:

- A. Applicant shall contact NBMA or visit the NBMA website for proper guidance.

- B. The Applicant shall request or obtain Biosafety application form from NBMA office or download it from the Agency's website (www.nbma.gov.ng) for completion
- C. The Applicant shall submit the completed application form to NBMA directly or through the Agency's email (nbma@nbma.gov.ng) with evidence of non-refundable payment for Permit to TSA.
- D. The Applicant shall support his/her application with the risk assessment dossier of the GM grain events intended for importation with non-refundable processing fees
- E. The NBMA after acknowledgement of the receipt of application shall, review application within 270 days provided the Agency is satisfied with the information supplied by Applicant
- F. The Agency on receipt of application, shall check list the application and request Applicant to proceed for processing fees or request for additional information where necessary
- G. There shall be a display of public notice of application in at least two national dailies and one local newspapers, the national Biosafety clearing house or such other news media as the Agency may from time to time determine, giving summary of the application and brief information on the place, duration and time for the display for public inputs in fulfillment of requirement for public participation.
- H. The Agency may constitute the National Biosafety Committee (NBC) and the National Biosafety Technical Sub-committees for indepth review of application.
- I. The Committees may include representatives of relevant border regulatory agencies such as the Nigeria Customs Services (NCS), Nigeria Agricultural Quarantine Service (NAQS) and National Pest and Disease Control Department. Others relevant stakeholders such as MDAs, Research Institutes, Universities, experts on the subject, farmers, NGOs, CSO etc.
- J. The Agency shall issue Permit or reject application on the basis of recommendation by NBC and the decision of NBMA
- K. The Agency may send a copy of its decision to other border regulatory Agency on GM grains import such as NCS and NAQS for notification.
- L. Decision is made available in the Biosafety Clearing House (BCH), NBMA website: <http://nbma.gov.ng> and other news media

- M. The Applicant shall present the Biosafety Permit to NCS and NAQS
- N. The NCS and NAQS shall request for Biosafety Permit from Applicant who wishes to import GM grains.
- O. Periodic Inspection of site(s)/facility certified by NBMA for compliance to terms, conditions and safety measures based on the final decision on application.
- P. Any false or fraudulent misrepresentation of facts will result in rejection of permit and subject to prosecution

OFFENCES AND PENALTIES

The importer should be aware that once Biosafety Permit has been issued for the importation of some GM events, any variation between the grains imported and those for which permit was granted will render the importer liable to penalties in accordance with the laws of the Federal Republic of Nigeria.

A. PRE-IMPORT PROCEDURES FOR BIOSAFETY PERMIT OF NEW GM GRAIN EVENT

STEP	AGENCIES INVOLVED	PROCEDURE	REQUIREMENTS/ PRE-REQUISITES	TIMELINE	COST
1.	NBMA	<ul style="list-style-type: none"> Applicant Contact NBMA or visit the NBMA website (www.nbma.gov.ng) for proper guidance. Applicant request/obtain Biosafety application form from NBMA office or download it from the Agency's website for completion. 	Nil	At least 30 days before importation	Nil
2.		<ul style="list-style-type: none"> Applicant submits the completed application form to NBMA directly or through the Agency's email (nbma@nbma.gov.ng) with Evidence of payment of Permit Fee 	<ul style="list-style-type: none"> Completed Application Form Risk assessment dossier of the GM grain events intended for importation. Evidence of payment of non-refundable Permit fee to TSA 	At least 30 days before importation	Permit Fee: ₦ 200,000
3.		<ul style="list-style-type: none"> NBMA Acknowledges the receipt of application 		Within 90 days of the receipt of the application	
4.		<p>NBMA Carries out check-listing of the application and reviews the application;</p> <ul style="list-style-type: none"> If the Agency is satisfied with the information supplied by the Applicant, request the Applicant to 		Within 90 days of receipt of application	Processing fee

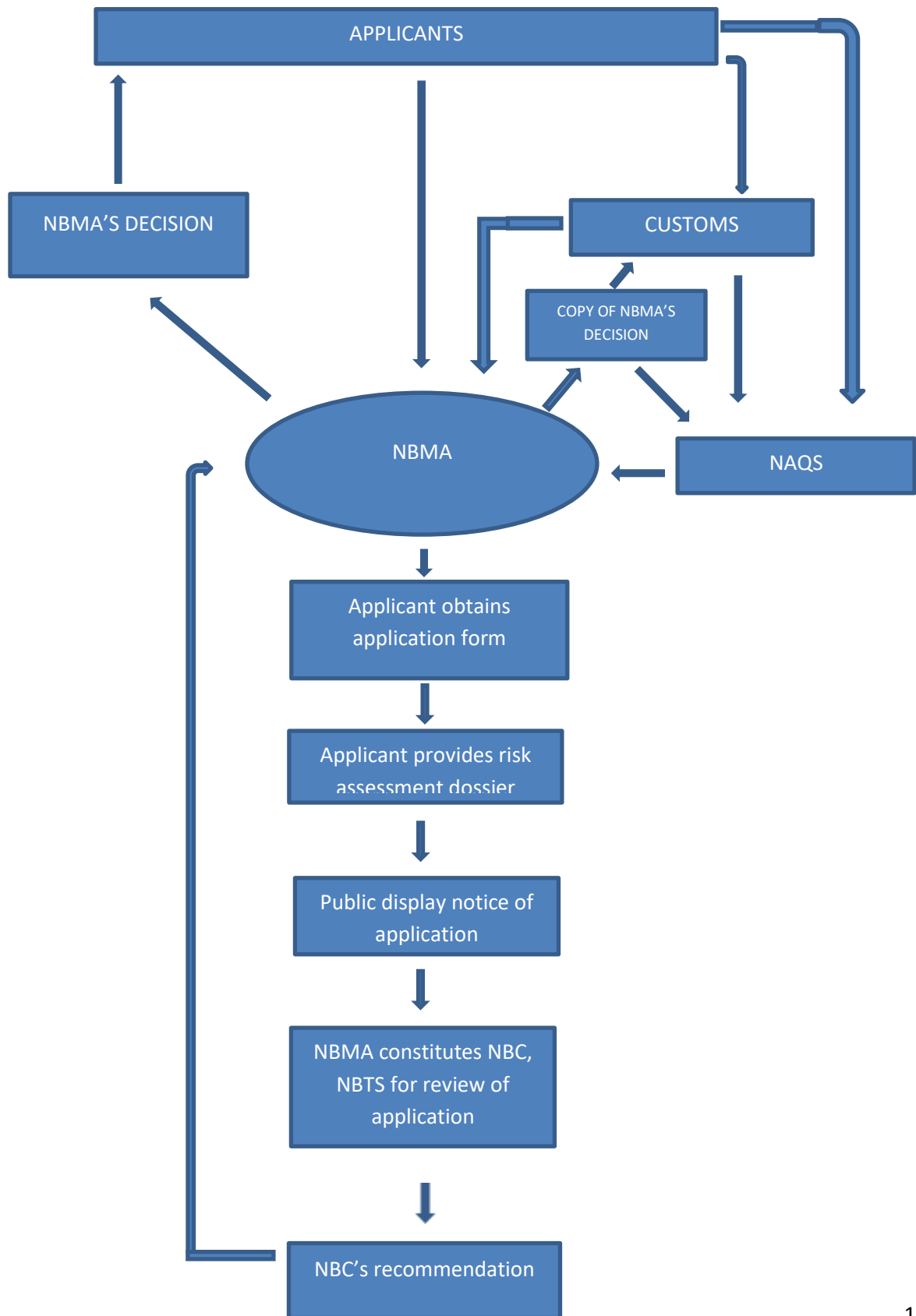
		proceed for payment of non-refundable Processing fees or <ul style="list-style-type: none"> • If not request additional information while the clock is posed 			
5.		If additional information is requested, the process is spotted until Applicant submits the additional information within the 90 days of receipt	Additional information		
6.		NBMA Display Public Notice of Application in at least two national and one local dailies as well as NBMA Website for public input in fulfillment of requirement for public participation.		Public display last for 21 days	
7.		<ul style="list-style-type: none"> • NBMA may constitute the National Biosafety Committee (NBC) and the National Biosafety Technical Sub-Committees (NBTC) for indepth review of application if it's a new Event. • The Committee reviews the dossier and makes recommendations to NBMA on whether to grant Permit, reject application or request for further information 	Completed application dossier and public input		Nil
8.		The Agency issues a Permit or reject the application on the basis of NBC recommendation and the decision of NBMA <u>Approved Application</u> The Permit certificate is generated and	Decision Document	Upon approval Biosafety Permit is issued within 24hours of its decision. If not approved,	Nil

		<p>is given to the Applicant via their e-mail , courier or picked up from the NBMA office</p> <p><u>Declined Application</u></p> <p>A Remark stating reason for the decline is made available to Applicant via their e-mail address or may obtain it from NBMA office</p> <p>To download User Guide e-Biosafety application visit www....</p>		Applicant is also notified immediately.	
9.		The Agency sends a copy of its decision to border regulatory agencies for GM Grain import such as NCS and NAQS for notification of its decision	Decision Document	Nil	Nil
NCS AND NAQS PROCEDURE FOR GM GRAIN IMPORTATION					
10.	Nigeria Customs Services (NCS-Enforcement),	NCS Enforcement, NAQS & PID receives copy of Biosafety Permit and Decision Document from NBMA,	Biosafety Permit and Decision Document	Within 72 hours of the Decision	
11.	Nigerian Agricultural Quarantine Service (NAQS)	The Applicant presents the Biosafety Permit to NCS, NAQS.	Biosafety Permit	During Declaration	Nil
12.		<p>NCS & NAQS Officers request NBMA Biosafety Permit from importer</p> <p>If authentic, NCS proceeds with relevant procedures and other Extant Laws</p> <p><u>If not authentic</u> NCS halts process and</p>		If not submitted, NCS and NAQS request for the decision document from NBMA.	

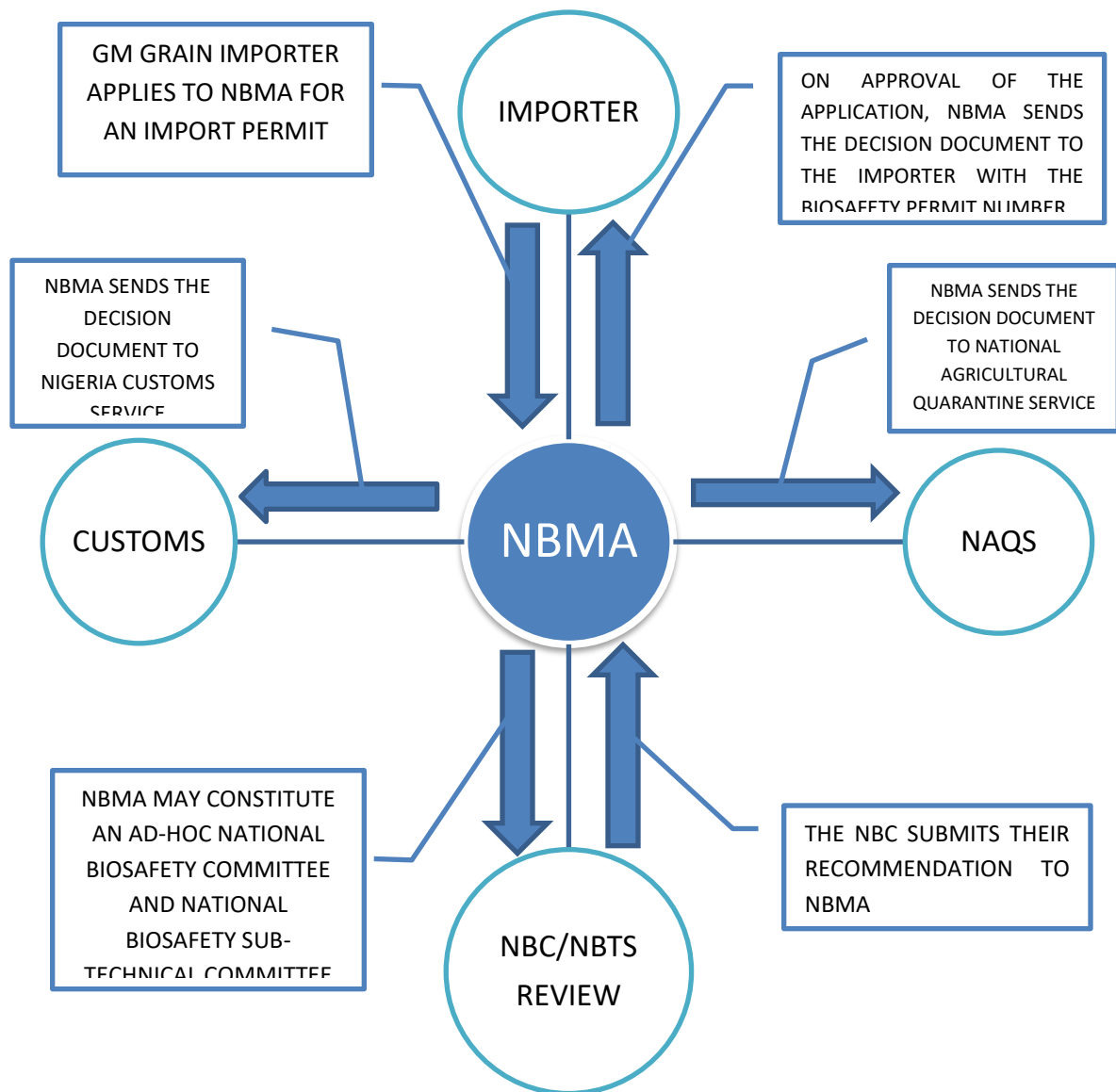
		inform NBMA ➤			
B. RENEWAL /SUBSEQUENT IMPORTATION OF GM GRAINS AFTER PERMIT BUT WITHIN THE PERMIT PERIOD BY INITIAL APPLICATION					
13	NBMA	Applicant Informs NBMA	Letter of Information	Before Importation	Nil
14		NBMA notifies NCS, NAQS and PID	Letter of information		
C. POST IMPORT PROCEDURE FOR ILLEGAL IMPORTATION OF GMO SUSPECT GRAINS (WITHOUT PERMIT) IF COMING FROM COUNTRY THAT HAVE COMMERIALIZED THE GM GRAIN BEING IMPORTED					
AGENCIES INVOLVED		PROCEDURE	REQUIREMENTS/ PRE-REQUISITES	TIMELINE	COST
15	NCS, NAQS & Produce Inspectorate Division (PID) of the Federal Ministry of Commerce (PID) & Nigeria Police Force (NPF) Nigerian Police Force (NPF) units involved in Cargo Examination include; i.	<u>SAMPLE COLLECTION AND EXAMINATION</u> ✓ Halt process, ✓ collect sample, ✓ inform NBMA and ✓ conduct rapid diagnostic test Grains Events are subject to physical examination, sample collection and rapid test for presence of GM in the NBMA GM	Copy of Biosafety Import Permit List of commercialized GMO grains and countries of commercialization List of approved GM grains in Nigeria and List of companies granted the permit Rapid test kit	At the boarder	

	Division al Police Officer Formation				
16	NBMA	<ul style="list-style-type: none"> ✓ NBMA Collect Sample, ✓ Analyse the sample in the NBMA National GM Detection and Analysis laboratory as well as independent laboratories ✓ <u>If GM but the Events are different from the Permit given</u> <p><u>Halt process</u> and Penalize offender in accordance with the laws of the Federal Republic of Nigeria</p> <ul style="list-style-type: none"> ✓ If GM and no approval has been given <p><u>Halt process</u> and Penalize offender in line with NBMA Act 2015,</p>			
MONITORING OF IMPORTED GM GRAINS/ VERIFICATION OF COMPLIANCE TO TERMS OF BIOSAFETY PERMIT					
17	NBMA	Unannounced visit to premises of use for tracking of use, if found wanting penalize the offender which may including withdrawal of permit, sealing of premises, fine and imprisonment.		Periodically and continuous from the time of importation	

ILLUSTRATIVE PROCESS-MAP FOR GM GRAIN IMPORTATION IN NIGERIA FIG 1



ILLUSTRATIVE PROCESS MAP FOR GM GRAIN IMPORTATION IN NIGERIA FIG 2



DRAFT PROCESS MAP FOR THE IMPORTATION OF GM GRAINS