

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Philippine Biotechnology Regulations to be Replaced

Report Categories:

Biotechnology - GE Plants and Animals

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Report Highlights:

A Joint Department Circular (JDC) was approved March 2016 that replaced existing Philippine GE regulations embodied in the Philippine Department of Agriculture's Administrative Order No. 8 (AO 8). AO 8 was replaced after the Philippine Supreme Court, in a December 8, 2015 decision, ruled that AO 8 did not sufficiently cover minimum requirements of the principles of risk assessment as embodied in the National Biosafety Framework. The JDC is expected to be implemented on or after April 14, 2016, and experts anticipate the JDC to provide more consideration to socio-economic issues and environmental impacts in risk assessment procedures as compared to AO 8.

General Information:

The Philippines is a regional leader in adopting science-based regulatory measures for agricultural biotechnology. Most notably, the Philippines has approved genetically engineered (GE) food and food products and was the first Asian country to allow the planting of a biotechnology food crop (Bt corn). Science-based regulations have also allowed for the importation of GE and GE-derived food and agricultural products.

The Philippines is a key U.S. market in Southeast Asia and the 12th largest globally by value for U.S. agricultural and related products in 2015. The following table highlights U.S. exports to the Philippines that are primarily genetically engineered. However, the below table excludes exports of U.S. consumer oriented products (valued at close to \$1 billion and some of which contain GE or GE-derived ingredients).

CY 2015 U.S. Exports to the Philippines (In Thousand \$)			
	2013	2014	2015
Soybean Meal	605,500	590,000	635,000
Feeds & Fodders	39,200	39,400	35,500
Soybeans	24,600	56,000	47,400
Sweeteners	53,300	73,500	28,500
Coarse Grains	24,000	700	0
Cotton	13,500	16,500	17,500
Vegetable Oil*	6,600	7,700	6,600
Soybean Oil	200	300	200
TOTALS	766,900	784,100	770,700

**excluding Soybean oil group
Source: U.S. Bureau of Census*

As a regional leader in biotechnology, the Philippines draws attention from domestic and international anti-biotechnology advocacy groups. In 2012, a law suit was filed to halt commercialization of Bt eggplant and other GE crops. On December 8, 2016, the Philippine Supreme Court (SC) ruled that the provisions of existing GE regulations as embodied in Philippine Department of Agriculture's (DA) Administrative Order No. 8 (AO 8) did not sufficiently cover the minimum requirements of the principles of risk assessment embodied in the National Biosafety Framework (NBF). The SC permanently enjoined the field testing of Bt eggplant, which had already been completed, and was the first locally-developed GE crop nearing commercialization. In addition, the ruling declared null and void AO 8 and temporarily enjoined the processing of applications for contained use, field testing, propagation and commercialization, as well as the importation of GE products until a new administrative order was promulgated. Specifically, the SC pointed to shortcomings in AO 8 pertaining to the following: (1) Public consultation; (2) The Department of Environment and Natural Resources' (DENR) involvement; and (3) Risk assessment standards and practices.

In response to the SC decision, local stakeholders, including farmers, processors, end-users, and the academic and research community, issued their respective petitions, statements and position papers.

Some sought and filed the appropriate legal remedies citing the impracticality of the decision in relation to food security, livelihood considerations, enforceability and even academic freedom.

The Philippine Government swiftly convened a working group composed of experts from the DA, DENR, Department of Science and Technology (DOST), Department of Health (DOH), and Department of Interior and Local Government (DILG), to craft the new regulations. Chaired by the DOST's National Committee on Biosafety of the Philippines, the working group held five public consultations (in Luzon, the Visayas, and Mindanao) from January 22 to February 17, 2016 on the proposed draft Joint Department Circular (JDC) or *Rules and Regulations for the Research and Development, Handling and Use, Transboundary Movement, Release into the Environment, and Management of Genetically-Modified Plant and Plant Products Derived from the Use of Modern Biotechnology*.

The draft JDC underwent several consultations and revisions, incorporating, among other things, considerations on the socio-economic, cultural, and ethical aspects in GE decision making. Special consideration was given to the involvement of the DILG to enhance public participation in biosafety decision making. The working group concluded that food safety considerations in the new JDC were sufficient and in-line with international standards and that the issue of biosafety was adequately addressed by the Philippine membership to the Convention on Biological Biodiversity (which recognizes both the potential benefits and risks of biotechnology).

The JDC was signed by the DA, DOST, DOH, DENR, and DILG Secretaries on March 8, 2016. The final JDC can be viewed at <http://www.ncbp.dost.gov.ph/images/Joint-AO-Consultation/JDC2016.pdf> and is expected to take effect on or after April 14, 2016 (or 15 days after its publication in a daily newspaper of national circulation). So far, there have been no reported trade disruptions as a result of the change in GE regulations.

Many experts perceive the JDC to consider more socio-economic issues and environmental impacts in risk assessment procedures.