



28 August 2015

**BRAULIO FERREIRA DE SOUZA DIAS**

Executive Secretary  
Convention on Biological Diversity  
United Nations Environment Programme  
413 Saint Jacques Street, Suite 800  
Montreal QC. H2Y1N9 Canada

Dear **MR. DE SOUZA DIAS**:

This is in response to the notification on the submission of information requested in decision on unintentional transboundary movement (TBM) and emergency measures (Article 17).

Please be informed that currently the Philippines do not have cases of unintentional TBM of living modified organisms.

The following are our view on what constitutes unintentional TBM in contrast to illegal TBM:

I. For Regulated Articles for Food Feed and Processing

Unintended Transboundary Movement (TBM) (Art 17) refers to the TBM of a regulated article not approved in the country of import but approved in one or more countries such as the country of export. Under Administrative Order No. 8 (Rules and Regulations for the Importation and Release into the Environment of Plants and Plant Products Derived from the Use of Modern Biotechnology), unintended TBM is not allowed because of the zero tolerance policy of unapproved events of AO No. 8. If and when our rules and regulations on the conduct of Annex 3 of the Codex Plant Guideline are in place, we can allow unintended TBM.

Illegal Transboundary Movement refers to the TBM of an article which has not obtained approval anywhere else in the world. So any illegal TBM of a regulated article is subject to seizure and disposal in accordance with our Quarantine rules.

II. For Seeds/Commercial Propagation




At the moment, the Department of Agriculture has no discussion on unintended TBM of seeds.

Illegal TBM of seeds is illegal.

We hope we have provided the most current information on the above topics.

Thank you very much.

Truly yours,

  
**MERLE B. PALACPAC**  
Chief, NPQSD