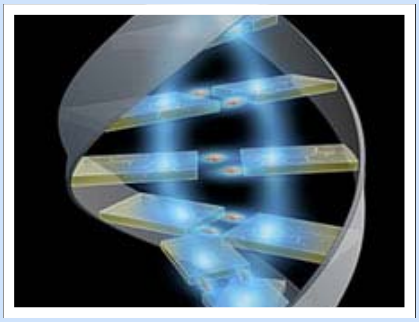
REPUBLIC OF TAJIKISTAN



NATIONAL BIOSAFETY FRAMEWORK

DUSHANBE 2004

REPUBLIC OF TAJIKISTAN

NATIONAL BIOSAFETY FRAMEWORK

DUSHANBE 2004

Republic of Tajikistan

ББК 28.081 (2 точик)
УДК Тадж: 574
Н 11

Developed by:

RLNP
NBBC

Research Laboratory for Nature Protection of the State Committee for Environment Protection and Forestry

National Biodiversity and Biosafety Center

Under UNEP-GEF project
"National Biosafety Framework for Tajikistan":

United Nations Environment Programme

Global Environmental Facility

Reference to this document should be made as follows:

National Biosafety Framework of the Republic of Tajikistan. Safarov N., Novikova T., Idrisova A. et al. Dushanbe: National Biodiversity and Biosafety Center. 2004. - P.66

Developed by:

CBD and CPB National Focal Point of Republic of Tajikistan

Dr. Neimatullo Safarov

National Project Consultant

Ms. Tatyana Novikova

National Project Coordinator

Ms. Anastasia Idrisova

Project Assistant

Ms. Lola Rakhmonova

National Consultants

Acad. Karimov Khurshed

Acad. Sattorov Izatullo

Prof. Aliev Kurbon

International Consultant

Dr. Darja Stanic Rakman

The Coordination Committee would like to thank the organizations and individuals who made their valuable contribution to the development of National Biosafety Framework of the Republic of Tajikistan.

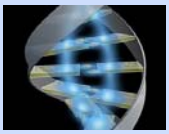
Particularly, we express the note of our highest appreciation to the UNEP-GEF Programme for financial and administrative support, useful consultations and overall guidance throughout the project. Special thanks to **Dr. Nizar Mohamed**, Regional Coordinator of UNEP-GEF Projects on development of National Biosafety Framework (UNEP Geneva office).

We also appreciate assistance provided by the Secretariat of the Convention on Biological Diversity, especially informational and methodical support.

Many thanks to our partner organizations for their kind assistance in development of the document, particularly:

- Security Council of the Republic of Tajikistan,
- Parliament,
- State Committee for Environment Protection and Forestry,
- Tajik Academy of Agricultural Science and its research institutes,
- Ministry of Foreign Affairs,
- Ministry of Agriculture,
- Ministry of Healthcare,
- Ministry of Economy and Trade and Tajik Standard Agency,
- Ministry of Justice,
- Ministry of Finance,
- Academy of Science and its research Institutes,
- Ministry for State Income and Taxes,
- Tajik Meteorological Service,
- and others, who have contributed their expertise and valuable resources.

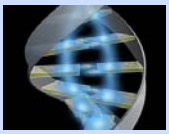
Our sincere thankfulness goes to the Slovenian Institute of Biology, particularly to its expert Dr. Darja Stanic, who shared good practice and provided many valuable advice and consultations on biosafety issues.



CONTENTS

ABBREVIATIONS

AS	Academy of Science
BCH	Biosafety Clearing House
CBD	Convention on Biological Diversity
CIS	Commonwealth of Independent States
CPB	Cartagena Protocol on Biosafety
GEF	Global Environmental Facility
GM-plants	Genetically Modified plants
GM-seeds	Genetically Modified seeds
GMO	Genetically Modified Organism
LMO	Living Modified Organism
MA	Ministry of Agriculture
MET	Ministry of Economy and Trade
MIA	Ministry of Internal Affairs
NBBC	National Biodiversity and Biosafety Center
NBC	National Biosafety Commission
NBF	National Biosafety Framework
NCSA	National Certification and Standardization Agency
NGO	Non-governmental organization
NSA	National Security Agency
PCR	Polymerase chain reaction
RT	Republic of Tajikistan
SCEPF	State Committee for Environment Protection and Forestry
TAU	Tajik Agrarian University
TNSU	Tajik State National University
UNEP	United Nations Environmental Programme
WHO	World Health Organization
WTO	World Trade Organization



FOREWORD

The population number increase along with its growing needs in biological resources cause intensive exhaustion of biodiversity at all organizational levels (genes, organisms, populations, species, communities and ecosystems). Because of consumer needs of the population a man transfers to biodiversity devastation that leads to reduction of biological resources.

In such conditions, political, public and scientific leaders direct their efforts at the search of new methods for producing food products, goods and services to maintain a high level of public life.

Being on the threshold of the 21st century we can witness a rapid transfer from traditional Mendel genetics to the introduction of molecular biology in the agriculture, medicine and industry. Development of new technologies allows to manipulate with human, animals and plants genes. Thus, the scientific discipline – genomics - has appeared; it uses new powerful approaches for identification genes functions and their use in medicine and agricultural sectors by means of their activity regulation and use in genetic engineering. New inventories and their application promoted the creation of the biotechnological industry in the developed countries, Some powerful corporations in Europe and USA have put considerable investments in new technologies adaptation aimed at key agricultural production problems solution by means of creating the high-productive plants varieties, animal breeds and their wide-scale use.

Active work on production of transgenic organisms is carried out as well as their wide-scale introduction in the environment.

During the last 15 years the field tests were carried for 25 000 various transgenic crops, 75% of which are resistant to herbicides, 17% – to viruses, 8% – to herbicides and viruses. Transgenic herbicide-stable crops (corn, soy-beans, cotton) amount over 58 mln. ha in the world; on the industrial base transgenic potato, corn and cotton are cultivated, which destroy pests; in 2000 the transgenic cereals market cost 3 billions $US, in 2010 – it may cost 25 billions $US.

Development of biotechnology promises to solve the problems of plants non-productivity. However, the international community is involved in hot debates on potential risks and advantages of modern biotechnology for several years.

Despite the fact, that GMOs are considered to be one of the great scientific achievements, they may serve as a dangerous "weapon" in hands of incompetent users.

The last years among scientists as well as different communities there has appeared a polar opinion concerning a wide-scale use of genetically modified organisms and their impact on biodiversity and human health.

However, today we have the information on test planting of various crops on the country's territory in various natural areas. In conditions of high vulnerability of ecosystems biodiversity, GMO introduction in any form is not admissible without preliminary survey and risk assessment of potential threat.

The risk of transgenic organisms refers to the poor knowledge on them, unexpected behavior in the environment and lack of system for enforcement. Almost in all countries deliberate release of transgenic organisms into the environment is regulated by the relevant

legislation. Tajikistan today faces the problem of governmental regulation of the introduction of transgenic organisms. There is a need in special legislation, technologies and laboratories.

At present time we are not indifferent to what kind of products are imported into our country and what our attitude would be toward introduction of modern biotechnology. Thus we have to provide biosafety for the country, therefore we have to know these problems, educate people and provide discussions at all levels. In modern world any delays may cause a critical threat for the country, in particular as to the science and research-technical progress and advanced technologies introduction.

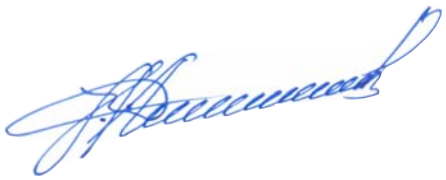
World community developed the Cartagena Protocol on Biosafety to the UN Convention on Biological Diversity, being the main international agreement regulating biosafety. Each Party to the Protocol will introduce and realize preventative actions to exclude the impacts of transgenic organisms on the environment and human health. These actions have to comprise risk assessment of the impact of transgenic organisms on the environment and the need to inform all stakeholders and provide exchange of information, as well as consult with consumers of transgenic organisms. The Protocol requests the Parties establish new and support already existing means for national risk regulation and management. The Protocol also envisages that the Parties will take all necessary measures to prevent or reduce the risk of transboundary damage.

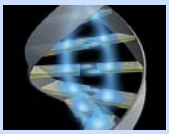
Basing on these facts and with a purpose to provide biosafety our country has ratified the Cartagena Protocol on Biosafety to the UN Convention on Biological Diversity. Tajikistan having signed the Cartagena Protocol establishes the first global regulatory framework focused on modern biotechnology. A number of key principles of the Protocol are positive for those who support the development of biotechnology. The Protocol admits potential advantages of the genetically modified agricultural products: «Modern biotechnology is a huge potential for the human welfare if developing and using with adequate safety actions for the environment and human health». The Protocol regulates preventative informing, national capacity building and identification of competent state authorities for development of biosafety framework. Lack of models on establishing the national biosafety Framework opens a possibility for regional cooperation in this area considering conservation of cultures and traditions in the countries.

One more requirement of the Cartagena Protocol on Biosafety is the establishment of regulatory framework with rich legislation base and acting system with modern laboratory equipment and highly qualified specialists.

UNEP-GEF Project implementation in Tajikistan and the prepared National Biosafety Framework stipulate the basis for the decision of the above problems and allow to provide the country's introduction into the global network on biosafety.

Neimatullo Safarov,
CBD and CPB National Focal Point





INTRODUCTION

A National Biosafety Framework is a combination of policy, legal, administrative and technical instruments that is developed to address safe transboundary transfer and use of GMOs in the context of developing and applying modern biotechnology, which may cause a negative impact on conservation and sustainable use of biodiversity and human health.

National Biosafety Framework for Tajikistan (NBFT) is an outcome of UNEP-GEF Project implementation related to establishment of National Biosafety Framework. Project is based on technical and legal potential of Tajikistan related to monitoring and regulation of safety of the environment, human health, biosafety, and on the results of consultations and workshops organized in the project frames.

Active work on establishment of NBF, involvement of politicians, Parliament members and local community to the issues of biosafety management within the project, has promoted to ratification of Cartagena Protocol on biosafety by Tajikistan in October 2003. Cartagena Protocol is a supplementary agreement to the Convention on Biodiversity, Tajikistan being the Party of, and it identifies biosafety as one of the main issues in biodiversity conservation. Protocol mainly regulates transboundary transfer of GMOs and provides international procedures ensured by the Parties.

Currently, besides the developed NBF, there are still no any legislative, regulative or instructive documents on biosafety within the country. While developing NBF the experience of a number of countries has been studied related to biosafety regulation and best practice has been applied for its development, considering the country's peculiarities. This will also ensure the effectiveness of NBF application as a transient mechanism for realization of Cartagena Protocol.

The project is the basis for the development of a stable framework and in the process of its implementation changes and improvements of a number of components are proposed for more effective activity. At this stage the National Biosafety Framework describes the following components:

- Biosafety policy;
- Regulatory framework;
- Administrative system;
- Monitoring and Enforcement;
- Public awareness and participation in decision-making.

NBF comprises mechanisms of non-conflict cooperation of authorized governmental institutions. NBF is proposed to ensure clarity, transparency and predictability of decisions on biosafety in Tajikistan.

Main principle of relation to the use of genetically modified organisms – **a precautionary approach** has been outlined as a result of discussion of the present biosafety framework. Thus decision making on GMO according to the Cartagena Protocol proposes the public awareness and participation in decision making and scientifically confirmed risk assessment. Such decisions has to guarantee the enforcement of ethic norms and standards, **safety for the environment and people**, promote to the human welfare, development of science, technologies and the relevance to international standards and regulations.

Development of national legislation has been launched in the process of NBF preparation. The draft law on biosafety is currently submitted to the Parliament for group discussions. The prepared law prescribes regulations of GMOs treating, provides potential risks management and stipulates the need of maximum benefit from biotechnology products. The country's legislation will comprise

regulations on GMO decision making, identify control state authorities on biosafety and their cooperation.

General principles and minimum supervision status for relevant stakeholders are already included into National Biosafety Framework. They include:

- **The principle of encouraging research and development combined with the precautionary approach** which means that the development of modern biotechnology and the trade of modern biotechnology products will be promoted taking into consideration protection of biodiversity, human health and environmental security;
- **The principle of prevention** as priority which means that all the phases of modern biotechnology development will be strictly managed and all the potential risks reduced in the initial stage;
- **The principle of adopting science-based management** which means that the risk assessment and management will be based on comprehensive independent scientific survey taking into account international practice;
- **The principle of coordination and cooperation between departments** which means that the communications and coordination between different departments and disciplines will be strengthened;
- **The principle of public participation** which means that the public will take an active role at the stage of applications consideration and decision making, and in monitoring and enforcement.

Further development and improvement of legislative acts and guidelines during implementation of the National Biosafety Framework will provide coordination of activities of various institutions in achievement of a single goal – **ensuring biosafety in the country.**

The present Biosafety Framework complies to international principles to be used by the country to provide environmentally safe application of biotechnology, development of rational methods of biotechnology application and improvement of research activity as well as strengthening of the public confidence.

The key principles of the National Biosafety Framework for Tajikistan are the key principles of the Cartagena Protocol on Biosafety:

Providing alternative: the country itself makes a decision on importing or use of GMO involving stakeholders activity stipulated in the National Biosafety Framework.

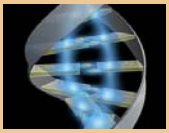
Providing safety: the National Biosafety Framework establishes tools required for the assessment and regulation of possible impacts while movement, transit, or import of GMO considering the risk for human health and social-economic consequences.

Providing suggestion of the opinion: the country will provide the conditions for the stakeholders to express their own opinion.

Capacity building: there is a need in human resources and strengthening of national institutions both for technical issues and decision making.

Providing sustainability: the National Biosafety Framework will allow the country to decide on the use of GMO as being an eligible party to the Cartagena Protocol.

Implementing the Cartagena Protocol: the Biosafety Framework will provide implementing the requirements of the Protocol by the country and will ensure a relevant protection while movement, development and use of GMO.



1. BIOSAFETY POLICY

Considering global trends of rapid expansion of modern biotechnology application not only for research but for commercial purposes, the main principle of biosafety policy in Tajikistan is the fact that modern biotechnology has a sound potential for human welfare, in case if its development is applied according to adequate activities on biosafety for the environment and human health.

1.1. Current State

The Constitution of the Republic of Tajikistan provides rational use of nature resources and Protection of human rights for safe and favorable environment, with biological safety being an integral part of. The Republic of Tajikistan bases on the need of wide and effective international cooperation to conserve nature resources and providing biosafety on its territory and at a global scale as well, therefore takes active part in all international initiatives.

Government of the Republic of Tajikistan shares a world concern in the need to provide biosafety. Thus, January 2002, the letter (№19/1-4) was signed expressing the willingness of the republic to join the Cartagena Protocol, and October 22, 2003 Tajikistan ratified the Cartagena Protocol on Biosafety (Government Statement №932).

Tajikistan admits the need in its legislation improvement and development of new laws and regulation acts to provide biosafety and meeting the international requirements, and has started to develop the Law on Biosafety.

Government of the Republic of Tajikistan puts efforts to provide the conservation of genetic resources in the country.

Biodiversity issues are reflected in several environmental policies of the Republic. The National Strategy and Action Plan on conservation and sustainable use of biodiversity (NBSAP) that was approved by Government Decree №392 from September 1, 2003 places high emphasis on biosafety issues. As priority actions the Action Plan includes development of legislation on genetically modified organisms, establishment of Center on gene pool and ratification of Cartagena Protocol.

National Report on sustainable development (approved by Government July 13, 2002, №297) includes chapter on ecologically safe use of biotechnologies (chapter 16). The policy is focused on increase of productivity of agricultural crops, increase of food stuff production and development of pharmatheutical industry on the base of ecologically pure biotechnologies. However under biotechnologies one does not mean the use of genetic engineering methods and its monitoring.

A number of organizations are involved to some extent in the process of ensuring the country biosafety:

1. State Committee on Environment Protection and Forestry;
2. Ministry for Healthcare;
3. Ministry of Agriculture;
4. Customs Committee of Ministry on State Income and Taxes;
5. Ministry of Economy and Trade;
6. Ministry of Finance;
7. Ministry of Internal Affairs;
8. Ministry of Security;
9. Security Council.
10. Academy of Science and Institutes of Higher Education.

Thus the most important objective of biosafety policy is the formation of coordinated activities of all relevant competent authorities and most stakeholders. The main priority is capacity building, personnel training, development of adequate mechanisms of information exchange to realize the terms of national biosafety mechanisms.

Tajikistan acknowledges the importance of National Biosafety Framework development to create and support the effective national and international biosafety system. Thus the Cartagena Protocol serves as an international platform for providing biosafety.

1.2. Prospects and Needs

Development of NBF for Tajikistan is extremely valuable and helps to expedite the establishment of biosafety policy principles in the country. This is considered to be perspective for further development and improvement of policy, mainly with the support of UNEP-GEF that will surely expedite the realization of biosafety framework in Tajikistan.

In the present National Biosafety Framework the key principles of biosafety policy are based on prevention and reduction of possible adverse impacts on the environment, mainly related to biodiversity conservation and human health and to guarantees of safe use and application of modern biotechnology.

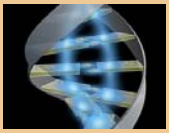
Implementation of the National Biosafety Framework has to provide development of national institutions, establish scientific base on risk assessment, improve control and management systems, provide training on administrative and legal backgrounds on biosafety for all stakeholders. This may be provided only through long-term process of capacity building.

Biosafety policy in the country is under development. However, considering natural-climatic and social-economic conditions of Tajikistan, in terms of deficit of high-quality seed material of agricultural crops and a plenty of food products, a policy of principles of the environment protection has been formed for the last decades, as well as regulation policy of introduction new varieties and phytosanitary risk and other biosafety principles.

The development of modern biotechnology is making an ever-increasing influence on agriculture, public health and industries, and the economic strategy as a whole, all over the world. Using biotechnology ideas and methods is urgent in Tajikistan as well, particularly in providing an increase of agricultural production. In the recent decade, almost all plant-growing branches of the country show a decrease of crop productivity. Cotton-growing, potato-growing and cereal-growing need new technologies to be developed and introduced. However considering that Tajikistan is a country of origin of many biodiversity species and possesses rich genetic resources, the traditional methods of agriculture will be more preferable and not the methods of modern biotechnology. Government is intended to take steps on development of applying the environmentally safe alternative actions to increase yields, prevent land degradation, etc. The important issue is also the conservation of indigenous animal species and agricultural plant species.

Tajikistan having ratified the Cartagena Protocol on Biosafety considers it as an international platform for biosafety and will apply all mechanisms stipulated by Protocol to create a biosafety framework. Thus the formation of new views on modern biotechnology will be based on current country's positions stipulated in the Constitution and acting law of the Republic of Tajikistan.

All the decisions made will be discussed with stakeholders and organizations having access to information and chance to take part in decision making on biosafety.



Government guarantees citizens right for the health, favorable environment and right for taking part in decision making on conservation the environment and human health protection.

International principles will be also reflected in the country policy:

- Realizing of all international obligations on Cartagena Protocol while making decisions.
- Providing sustainable development through the process of decision making on biosafety, mainly through scientific risk assessment and assessment of social-economic consequences.
- Adopting that modern biotechnology has a significant potential for human welfare if developed and applied with adequate measures on ensuring safety for the environment and human health.
- Biosafety policy development will be based on best knowledge and practice. Such practice should be of high quality and always improve and meet the international standards.
- Social-economic, cultural and ethic issues will be reflected in biosafety policy development and decision making.
- NBF will provide a scientific and effective system of decision making to guarantee safe and responsible application of modern biotechnology, so that the country and its citizens can benefit from its application while removing or reducing the related risks.

2. REGULATORY FRAMEWORK

Until present time in Tajikistan the mechanism of decision making and biosafety regulation has not been developed in view of lack of permission on importing GMO to the country from other producing countries.

NBF regulatory regime for the country will be based on International legislation on biosafety, regulated by Cartagena Protocol on Biosafety to the UN Convention on Biodiversity, as Tajikistan is a Party to the Convention on Biodiversity and Cartagena Protocol. These international principles become the basis for adopting national legislation on biosafety regulation.

Development of legislative base is not easy and long-term process. In the process of development, agreement and adoption of legislative base, Tajikistan will be guided by principles of the present National Biosafety Framework and Protocol as national legislation envisages the application of international legislation while lacking of national one. The Cartagena Protocol, acting legislation and standards will provide the basis for decision making at the first phase.

2.1. Current Situation

National legislation regulating environmental policy, food safety and quality, is presented by the Constitution of RT and the following laws:

- Protection of human rights for safe and favorable environment, on a global scale as well – *The RT **Law of Nature Protection*** (1.02.1996 no. 223) determines the RT policy in the area of environmental protection. Regulates a scientifically confirmed combination of economic activity

and care of nature, as well as increase of environmental public culture, environmental education, environmental knowledge popularization.

- *The RT* ***Law on Nature Protected Areas*** (13.12.1996, no. 329) regulates a conservation of unique nature components, environment, and genetic resources.
- *The RT* ***Law on Plant Quarantine*** (12.05.2001, no. 25) determines the principles of legal regulation in providing of plant quarantine in Tajikistan; it is aimed at nature protection.
- *The RT* ***Law on Human Health Protection*** (15.05.1997, no. 420) determines and regulates the relations in the area of human health protection.
- *The RT* ***Law on Production and Service Certification*** (13.12.1996) regulates the need of observing the current standards and norms in production and import.
- *The RT* ***Law on Consumers' Rights Protection*** (15.05.1997) provides a realization of people's rights to buy environmentally pure, safe for life and health food products of high quality.
- *The RT* ***Law on Food Products Quality and Safety*** (10.05.2002) sets rates of regulating product quality and safety through registration, licensing, and certifying food products.
- *The RT* ***Law on achievements of agricultural crops selection*** (04.11.1995, no. 119) regulates the order of formation of state register of seed materials permitted for application in Tajikistan.
- A number of other legislation documents provide sanctions for violation of safety rules for the environment and human health, for violation of veterinary regulations, for violation of standards on food products, etc.

Requirements for the products safety and quality are provided by regulation documents, state standards, sanitary rules and technical terms.

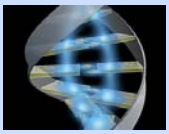
However the existing standards cannot define to the full the safety of food products, raw materials and agricultural fodder for the reason of the lack of qualitative and quantitative requirements on biosafety.

However, the current standards cannot identify the food products safety to the full, as well as food raw materials and agricultural fodder in view of lack of qualitative and quantitative requirements on biosafety.

However, the acting national legislation does not reflect the legal aspects on regulation of genetic engineering in the republic. Legislative documents are not a regulation basis on GMO use, release to the market, import and export of GMOs. There is a lack of GMO register, public access to information on GMOs is limited, there are no set up methods of GMO safety assessment, as well as lack of state control on biosafety, including the borders of the Republic.

The established **National Biodiversity and Biosafety Center (NBBC)** according to the Government resolution no.392 of 1.09.2003 is an authority responsible for biosafety and is developing a system of biosafety regulation in cooperation with stakeholders. The Center also provides commitments of Republic of Tajikistan under the requirements of the Convention on Biodiversity and Cartagena Protocol on Biosafety.

Managing of works and coordinating of activities on the implementation of the Cartagena Protocol on Biosafety and the present NBF in the country is authorized on **CBD and CPB National Focal Point** of Republic of Tajikistan, Chairman of the National Biodiversity and Biosafety Center of Republic of Tajikistan, Dr. Neimatullo Safarov.



2.2. Prospects and Needs

Considering the current situation within the country and lack of any regulatory regime on biosafety, the most important objectives at the first phase of National Biosafety Framework are:

- Adopting the RT Law on Biosafety
- Development and introducing amendments into the acting legislation
- Development and adopting of relevant legislative documents on realization of Law on Biosafety to ensure implementation of the legislation developed.
- Preparation of guidelines for the national competent institution and authorized agencies.
- Development of inter-institutional guidelines on cooperation in the process of decision making.
- Development of instructive documents on inter-institutional procedures of biosafety regulation.
- Development of marking system for GMO products.
- Attraction of investments.

Development of national legislation has been launched in the process of NBF preparation. The draft law on biosafety is currently submitted to the Parliament for group discussions and before the approval it will be widely considered by the public. The main goal of the Law is the creation of a legislative base for regulation of the activity attracting genetically modified organisms, and protection of human health and the environment.

The Law prescribes the activity related to the use of GMO in contained use, their release into the environment, at the market and their import/export. See the full text of draft law in Annex. Consideration of acting laws and preparation of recommendations on their addition and introduction of some changes will be considered as a priority after adopting the Law on Biosafety by the Parliament of the Republic of Tajikistan. All the recommendations on improvement of the acting legislation will be submitted to the Parliament for consideration.

For further activity is required to develop relevant guidelines, technical norms and standards among which:

- Inter-institutional guidelines on cooperation mechanisms in decision making,
- Regulation documents on inter-institutional procedures on biosafety,
- Mechanism of protection the confidential information in the work of inter-institutional committees on biosafety,
- Instructions on the control and preparation of the documents for export/import of goods containing GMO,
- Instructions on mechanisms of the process of deliberate release of GMO into the environment and at the market. Thus, detailed instructions and methodologies are required to carry the above procedures, monitoring and enforcement,
- Instructions on transportation and packaging of GM-products in case of transit through the country's area,
- Instructions on standardization and certification of GM-products,
- Identification of the classification criteria of the used GMO on risk classes,
- Development of various safety measures, management regulations and other requirements per each risk class,
- Development of marking rules and commercialization of food products containing GMO,
- Establishment of GMO register, permissible for using in the country.
- Development of mechanism for information on quality and safety of products.

- Regulation of implementation of the action plan while revealing various types of risk, and informing of competent authorities and population in case of accident while deliberate release of GMO into the environment.

Also there is a need in:

- Agreements with ministries and institutions on giving responsibilities while GMO use procedures.
- Development of licensing system of research activity on biotechnology and genetic engineering. This will help to create a scientific base for risk assessment and GMO control.

Under the requirements of the Convention, the Republic of Tajikistan will take part in the biosafety clearing house, in particular in the implementation of the regulatory framework. The adopted laws and regulations as well as amendments will be placed at the central web-page. Under the support of UNEP-GEF and the CBD Secretariat a national clearing house mechanism will be designed, providing access to legislation base for all stakeholders in Tajikistan.

As to international cooperation aspect, Tajikistan will admit the best international practice of other countries in relation with development of legal and regulation documents. Thus, in the process of NBF development the priority is an application of clearing-house mechanism of the Cartagena Protocol, as well as international cooperation and useful consultations, trainings and workshops.

Tajikistan being a Party to a number of international agreements, is willing to develop and support international mechanisms of biosafety monitoring, improve customs supervision procedures, establish a single intergovernmental system of preparation the documents for export-import GMO products.

3. ADMINISTRATIVE FRAMEWORK

3.1. Competent Authorities

The competent authority on decision making on biosafety in Tajikistan is the **National Biodiversity and Biosafety Center**, acting since January 2004 and is now establishing relevant commissions, expert board and other sub-divisions (*chart 1*).

According to its authorities established by the Government RT the National Biodiversity and Biosafety Center:

- Issuing permissions for GMO export/ import, GMO contained use, and release to the environment and at the market.
- Coordinating and developing state policies on biosafety;
- Providing improvement of legislation base on biosafety;
- Organizing public awareness and involvement in decision making;
- Coordinating and implementing international cooperation on biosafety;
- Providing state GMO registration;
- Developing and realizing of permissible system of treating with genetically modified organisms on the basis of risk assessment and management;
- Organizing activity and meetings of the Expert Board and National Biosafety Commission;
- Taking part in developing the procedures on safe production, use and transition of GMO;

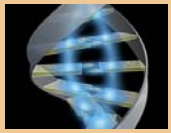
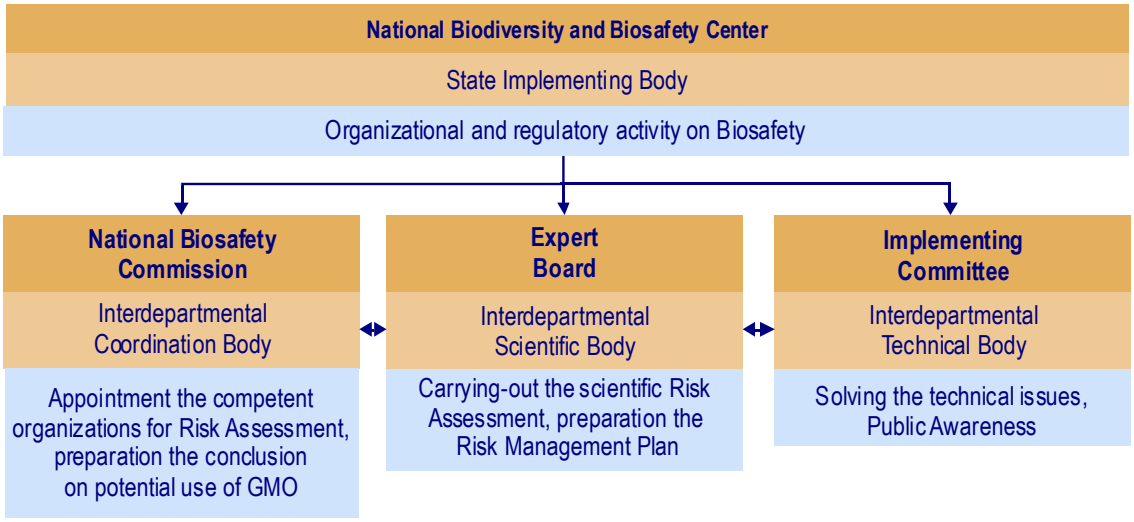


Chart 1.



National Biosafety Commission (Commission) will be established under National Biodiversity and Biosafety Center (NBBC), which, acting as a key inter-institutional authority in implementing the National Biosafety Framework, will have the following functions:

- considering applications and preparing summaries for their final decision,
- in coordination with stakeholders and institutions and according to the requirements of «transparency» and public participation, as stipulated by the present Biosafety Framework, formulates guiding principles for development and implementing of a simplified administrative process which may include all the procedures on decision making including consultations with the public.
- Support responsible organizations in compiling of new and correction of the existing legislation documents and guiding principles on biosafety.
- Control over the NBF implementation by the responsible ministries and institutions.
- Coordinate the activity of relevant competent authorities involved into the assessment of food safety and reducing impacts on biodiversity.
- Organize public discussions of the national policy, guiding principles and other documents on biosafety.
- Provide responsibility in decision making considering the independence in such decisions;
- Initiate analysis of NBF effectiveness and informs Government on the outcome of its implementation.

The Commission will be established in next few months after completion of criteria development on its representatives designation.

- 15 representatives of various interested scientific and public institutions are planned to form the Commission;
- Commission will also include experts with relevant skills and knowledge, being representatives of state authorities: on medical issues, veterinary, nature protection and ecology, on social and ethic issues, science, industry, etc. Also it will include a public representative of non-governmental organization.
- The Commission representatives will be appointed by relevant authorities for the 3-year term, able to prolong it for the same period.

- Criteria and mechanisms will be envisaged to exclude the representatives from the Commission staff for the non-competent activity .
- Commission will have the right of being independent from institutions. The Commission's activity will be transparent for the public opinion.
- The National Biosafety Commission shall meet regularly on a quarterly basis. Special meetings may be called by the Chairman or upon request by a majority of its members.
- The National Biosafety Commission shall seek to make decisions with the consensus of all its members. If consensus is not achieved, a 2/3 of votes of all its members shall be required for substantive decisions while a majority of members present is sufficient for procedural matters.
- The National Biosafety Commission shall create a Secretariat consisting of 5 representatives from concerned departments and agencies. The secretariat of the National Biosafety Board shall be based in the Department of Science and Technology.

The **Expert Board** is a part of NBBC and its main activity is the following:

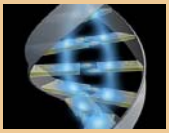
1. Identify and assess potential risks of genetically modified organisms related to the contained use and deliberate release of GM-products into the environment and at the market.
2. Preparation of scientifically confirmed summary on the assessment results and recommend actions for minimizing the risks.
3. Develop recommendations on survey programs, risk revealing and assessment of further impacts of GMOs on the environment.
4. Develop action plans with present control and assessment authorities according to national priorities of biosafety policy.
5. Develop Guiding Principles on risk assessment.
6. Participate in development and improvement of institutional legislative documents on principles of risk assessment and procedures of GMO regulation for field tests and commercialization;
7. Take part in the activity of institutional research committees on risk assessment and biosafety.
8. Provide other functions, relevant with general objectives of NBBC and National Biosafety Framework.

Expert Board consists of :

- Biologists, geneticists, ecologists and other scientists dealing with modern biotechnology, who were nominated to NBBC by relevant national research institutions for 3-year term;
- Researchers in such areas as agricultural science (plant cultivation, cattle breeding, forage reserve, veterinary, plant quarantine, etc.), nominated to NBBC by relevant national research institutions for 3-year term;
- Experts-scientists on healthcare, microbiology, genetics, pharmacology, biochemistry and molecular biology and safety, sociology and economy, nominated to NBBC by relevant national research institutions for 3-year term.
- A representative of a special public organization.

Expert Board is enabled to attract other experts from various scientific areas to take part in the discussion of the most topical issues, according to the subject of target research surveys and findings.

Expert Board is called on a monthly basis to consider current issues. Special



meetings may be called by the Chairman or upon request by a majority of its members.

Further, under the legislative base, a special research committees on deliberate release and commercialization of GMO, which will provide a scientific confirmation and instructions on GMO management, administrative procedures and international relations on information exchange.

NBBC **Implementing Committee** provides decision of technical issues. The Analytical Group of Implementing Committee provides:

- Development of mechanisms for realization of articles on biosafety of the Cartagena Protocol on biosafety to the Convention on Biodiversity;
- Development of regulation documents on consideration of applications for permission, documents and materials on GMO, agreement with ministries and institutions, GMO registration, issuing certification on GMO registration;
- Development of proposals on funding the programs on improvement of legislative base on biosafety.

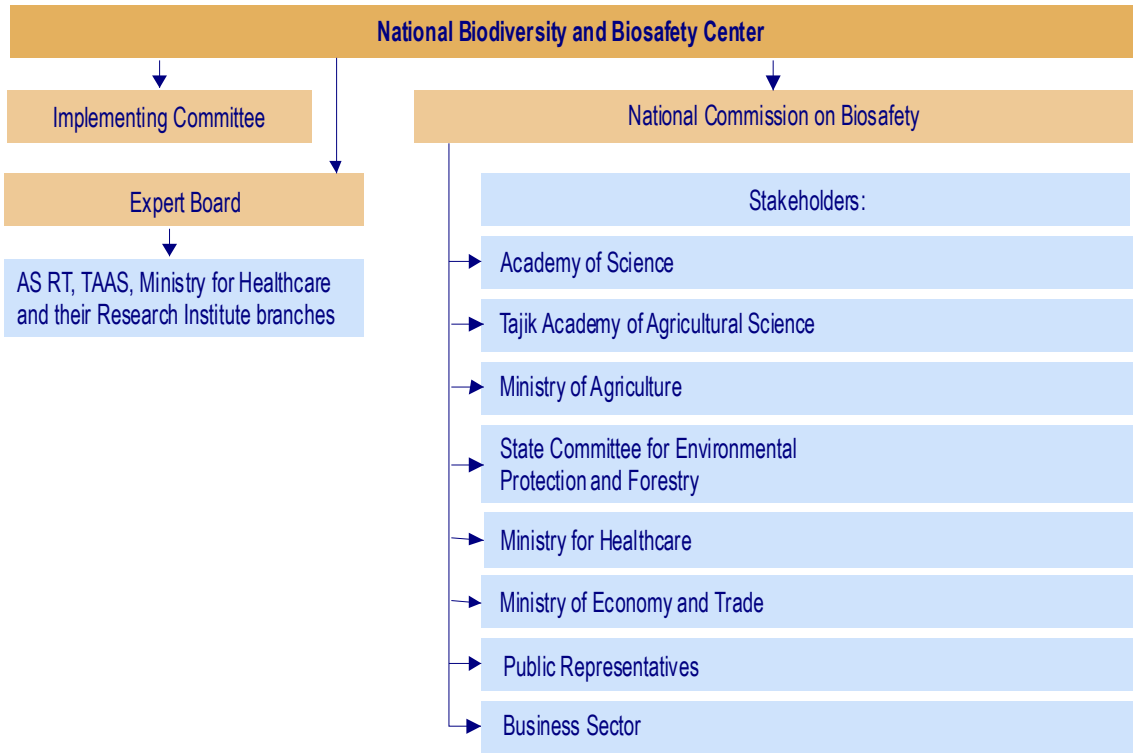
If required, technical specialists from interested ministries and institutions, as well as public representatives and individuals may be attracted to assist in decision of complex issues.

Considering that the National Biosafety Commission, Expert Board and other NBBC sub-divisions (*chart 2*) will include representatives from various ministries, institutions, the latter has launched the process of establishing the target sub-divisions.

Among stakeholders taking part in application consideration and decision making process the following are the main institutions:

Ministry for Healthcare – pharmacology, food cadastres, food products quality examination.

Chart 2.



Ministry of Agriculture – fodder, veterinary preparations, introduction of new plant varieties and new cattle breeds, plants quarantine, sorts testing.

State Committee on Environment Protection and Forestry – environmental impact assessment, environment safety.

Ministry of Economy and Trade – foreign economic activity, standardization and marking of food products.

The Government RT have already issued a number of documents providing cooperation of various institutions and mechanism of involvement of power authorities considering the importance of biosafety issues.

3.2. Risk Assessment

Currently, in view of the increasing population need in food products, its broader assortment and increase of the imported goods, a number of state authorities of the country face some problems related to Biosafety and development of modern biotechnology methods:

- Increase of food production of higher quality, both of its own and foreign origin, for the population of the country;
- Increase of agricultural production for export;
- Problem of human health protection from negative effects of food products and forage with poor quality;
- There is a problem of environment protection from invasion of alien species and new varieties of organisms, which can cause a negative impact on the environment and the country economy in general.

Applying new methods of modern biotechnology can increase the level of food supply of the population. However, there are certain risks.

The relevant state control bodies are now the base for risk assessment and regulation aimed at minimizing negative impacts on the environment and human health. This is mainly a system of licensing all kinds of environmental activities and making reasonable decisions on environmental and health issues. All the existing state control bodies have a sufficient experience in the relevant areas but the risk assessment provided by them does not include the GMO risk assessment, and thus such organizations have neither experience, nor the relevant potential.

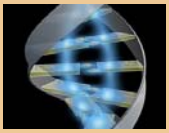
However, the available research institutions working on scientific development and investigations in the area of food product quality and safety, agricultural plants and forage, are a potential for further development of the scientifically confirmed assessment of risks of GMO use.

According to the Cartagena Protocol on Biosafety and the present document all decisions on biosafety will be based on principles of scientifically confirmed risk assessment. A competent authority on risk assessment will be an Expert Board under NBBC. It will consist of experts from research institutions of Academy of Science RT, Tajik Academy of Agricultural Science RT and Ministry for Healthcare. All these subdivisions have a relevant capacity, technical equipment and work experience. Primary sectoral assessments are provided in the institutional laboratories.

Risk assessment main principles are the following:

⇒ Risk assessment has to be scientifically confirmed, transparent enough in certified laboratories relating to biosafety requirements. Lack of relevant technologies or methods of survey does not reduce the risk level.

⇒ Annex III to the Cartagena Protocol will regulate implementation of risk assessment system. Some relevant research institutions will develop guidelines on



risk assessment in with their specific jurisdiction.

⇒ Risk for human health and the environment is assessed on comparative characteristics of the original organism which has been genetically modified.

⇒ Risk assessment is possible on the base of information provided by a Applicant. In all cases, risk assessment begins with analyzing the previous review of risk assessment, provided by Applicant. Thereby, the results of investigation of natural organisms, from which living modified organisms were produced, are considered. If necessary, a country-supplier can be required to carry out additional survey and confirm, that the assessment considers, according to the Protocol, all possible environmental risks, including those not considered by another country. If an additional procedure of risk assessment is needed, the expenses or it can be paid by adviser.

⇒ Considering high vulnerability of mountain biodiversity of the country, nature conditions, diversity of biological species, genetic resources, the most complex issue is a risk assessment with possibility of GMO release into the environment. Thus in such cases, attraction of international experts for participation in risk assessment and preparation of risk management plan will be envisaged. Such experts have to be qualified and be familiar with GMOs potential impact on the environment components.

⇒ Risk management plan will be prepared on the basis of risk assessment. The plan will not be changed until new request for new survey.

⇒ Risk assessment may be conducted once again, while revealing the additional factors of impact on human health and the environment.

Risk assessment contents:

1. The risk assessment of the release of GMOs includes the purpose and scale of release, the receiving environment, ways of release, monitoring methods and control measures. The safety levels of the release will be determined based on comprehensive assessment of these factors.
2. The risk assessment of the commercialization includes the safety determination of the facilities for cultivation, fermentation, separation and purification according to the safety of GMOs and their physical barriers and determination of the risk of commercialization accordingly.
3. The risk assessment of sales and application of products includes the safety assessment based on the biological, pharmaceutical and toxicological examination of safety and determination of their possible impacts on biodiversity, human health and ecology.

Upon the results of the risk assessment the Expert Board prepares scientific summary to be considered by the National Biosafety Commission in decision making.

Risk management

The purpose of risk regulation is to realize scientifically confirmed, efficient in terms of expenses, all-round measures aimed at minimizing or preventing risks, with social, cultural, ethical, political, and legal characters being considered.

When developing the risk regulation system, a mechanism of assessing and substantiating measures, aimed at reducing risks for human health and ecosystems, is developed.

The substantiation of risk regulation will include:

- analyzing the results of risk assessment;
- substantiating measures on preventing or reducing risks;
- mechanism of technical implementation of measures;
- monitoring of risk reduction

Different kinds of risk management measures will be adopted towards different risk levels and in different phases of activity. The recommended methods should be technologically feasible to prevent, not just control, risks, considering all specific characters of the country. These measures are implemented with the support of parties concerned.

Current potential of research institutions is insufficient, therefore it is necessary to improve it (chart 3) by training specialists, procurement of technical equipment for the laboratories, introduction of updated methodologies requiring attraction of investments.

To implement the National Biosafety Framework the following activities are planned:

- Development of guidelines for risk assessment and management related to GMO;
- Preparation of directory with technical guiding principles of the risk assessment.
- Organizing workshops with stakeholders involved in the risk assessment
- Development of the mechanism of reviewing the outcomes of the risk assessment by the National Biosafety Commission, including:
  - Domestic regulations of the National Biosafety Commission procedures,
  - Guidelines on risk assessment for NBC,
  - Access to relevant databases as Biosafety Clearing-House Mechanism, Gene Files, etc.

3.3. Decision Making

Any activity related to GMO release into the environment, transboundary movement, field tests, release GM-products at the market, have to be carried out in case of permission from implementing organization – National Biodiversity and Biosafety Center (NBBC).

Decision making on biosafety will be provided by NBBC and its subdivisions including representatives of all relevant stakeholders (*chart 4*).

Implementing Committee provides:

- Registration of applications and notifications,
- Consideration of applications and notifications on proper format, submitting documentation and their preparation according to Cartagena Protocol,
- Informing the Applicant on the notification receiving in 90 days period after its receiving;
- Preparation of review for submitting all the documentation for National Biosafety Commission (NBC), organization of Experts Boards,

Chart 3.

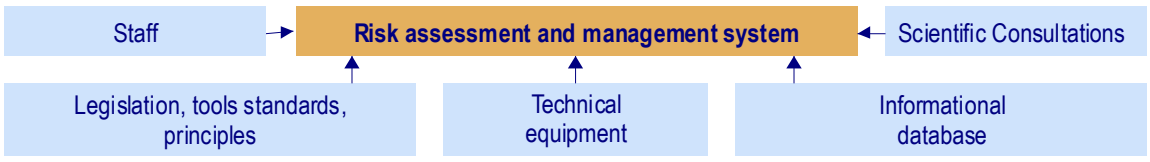
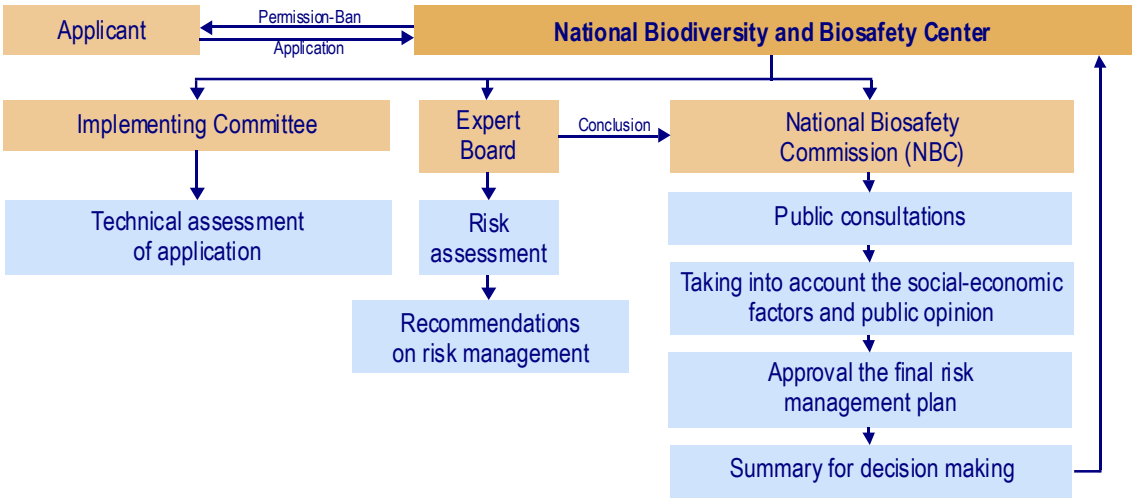


Chart 4.

Application Consideration Principles



- Provides cooperation with public, including through relevant NGOs concerning informing on the application submitting and consideration or rejection.

Expert Board provides:

- consideration and assessment of submitted materials on risk assessment;
- identification of trends of additional surveys on risk assessment;
- implementation of risk assessment;
- identification of risk sources, related to wide-spreading of GMOs when release GMO into the environment, export/ import, supply market with GM-products;
- development of measures on risk prevention or reducing;
- preparation of summary on risk assessment and risk management plan;
- submitting an expert summary to the Commission for decision making on biosafety;
- creation of information resources, including research data on GMO, general technical information, all available data on GMO producing methods, state registration of GMOs of other countries and relevant databases for consultations with experts.

National Biosafety Commission provides:

- Consideration of application and assessment of materials submitted;
- Consideration of scientific confirmation the outcomes of risk assessment and approval of risk management plan;
- Consideration of public opinion and organization of public consultations;
- Preparation of summary for decision making on permission;
- Decision making during 270 days after receiving the application.

According to the Cartagena Protocol on Biosafety while considering the application and decision making public awareness and participation will be provided. This relates to the requests for field tests, release GMO into the environment and at the market for the purpose of commercialization.

Public representatives will be informed during 10 days period from the moment of receiving the application for the above activity. The public will receive a review of the applications materials not containing confidential information (Article 21 of the Cartagena Protocol on Biosafety). After risk assessment the public will be aware of its results.

Main principles of decision making:

- International commitments of the Republic of Tajikistan;
- Priorities of biodiversity conservation, mainly of genetic resources;
- Scientific summary on risk assessment results;
- National priorities (poverty reduction, food products safety, agricultural development, science development);
- Social-economic factors:
- Scientific risk assessment, implemented with decision making, summaries and risk management plan;
- Priorities of conservation of cultural and other traditions of the country;
- Assessment of needs in similar products and possible alternatives.

Decision will be made during 270 days from the date of submitting an application.

All decisions made will comply with the requirements of the Cartagena Protocol on Biosafety and procedures, regulated by Articles 9, 10, 11, 12, 13 will be implemented. New developing inter-institutional principles of decision making will correspond to the Protocol requirements.

Guidelines per each item are required to activate the administrative framework. The following documents will be prepared in the course of NBF implementation:

- Notifications and requests formats for the permission on closed use, release into the environment and at the market of GMO;
- Publication for users prescribing the format details;
- Effective system of administrative treatment with notifications and request for permissions including:
  - Guidelines for administrative management with requests to include instructions on cooperation between institutions and coordination of the acting regulatory framework;
  - Protection of confidential information;
  - Mechanisms for public participation.

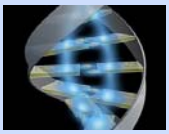
4. MONITORING AND ENFORCEMENT

4.1. Current State

As Tajikistan has not officially imported GMO, and has not released it into the environment and at the market, till present time there was no any regulation documents or authorized institutions on monitoring of impacts of genetically modified organisms on human health and the environment.

However, some few governmental institutions responsible for the state control, provide biosafety to some extent or regulate such mechanisms, i.e.:

1. State Committee on Environment Protection and Forestry provides **environmental safety issues** and enforcement of regulations of the environmental impacts.



2. Sanitary-epidemiological Inspectorate under the Ministry of Healthcare RT will provide **sanitary-epidemiological control and safety of food products**. State control on the quality and safety of food products is carried by establishing standards, sanitary norms and regulations to be implemented by juridical and physical individuals (*chart* 5). Product safety is determined by hygiene expertise according to the requirements of Sanitary Rules (as well as the requirements for safety of the country this product comes from). The State sanitary control is carried out together with community-based organizations, the Office of Public Prosecutor and police, sectoral and departmental services. SESs work in close cooperation with the veterinary-and-sanitary service.

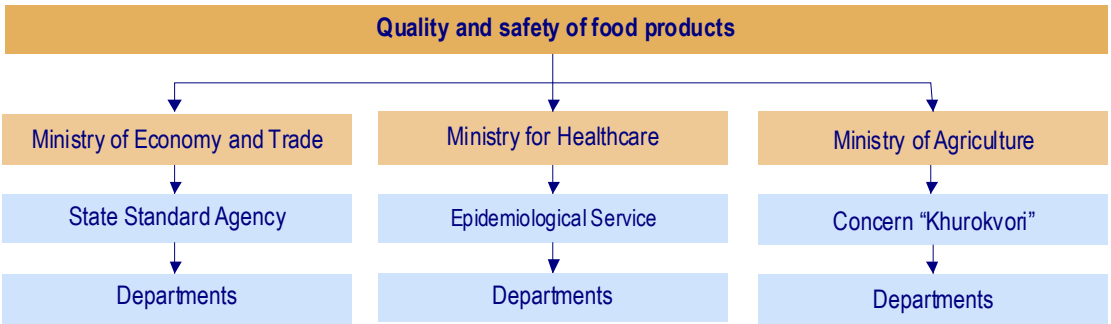
3. A system of consumers **protection from buying and using products**, which are harmful for life and health of the Tajik people, is represented by Tajik State Standard Agency at the Ministry of Economy and Trade. To carry out a continuous control of imported food products, Tajik State Standard Agency established Regional Test Centers (RTCs) in 8 border regions of the republic and 30 laboratories on testing food and pharmacological products, accredited in the country at the present time. They regulate new food products, materials, and articles imported in Tajikistan for the first time. Carrying food products in the country without a document confirming their quality and safety correspondence to the requirements of the relevant documents (correspondence certificate) is not allowed.

4. **Veterinary control** and protecting the area of Tajikistan from carrying in infectious and diseases, maintain a stable epizootic well-being is provided by Head Veterinary Management of Ministry of Agriculture, the Laboratory of Veterinary Preparation Certification, Standardization, and Licensing, and the Department of State Border and Transport Veterinary Control.

5. **Testing of new sorts** in relation to safe use of new sorts in agriculture and their expertise is implemented by State Committee on varieties testing of the Ministry of Agriculture; it includes 11 sorts test stations and 12 state variety areas in many regions of the republic. The main functions of the Committee are providing expertise and testing of new sorts for determining their economic value and safety and recommending these for agricultural production.

6. **The quarantine plant distribution and invasive weed plants** in the country area is controlled by the state inspection on plant quarantine at the Ministry of Agriculture. The inspection includes 2 territorial laboratories controlling import and export of vegetable production, seed materials, and other by-products to reveal quarantine objects. The inspection works by method of phytosanitary risk assessment while importing of plants from new places of origin, importing of new plant species for selection and research or while finding of natural spreading of new varieties and plant species, via mailing, waste, passenger baggage, etc. Relevant activities on phytosani-

Chart 5.



tary risk management and prevention of damage are implemented when revealing the potential risk, considering social consequences and impact on the environment.

7. The Tajik customs bodies, together with other relevant enforcement bodies (in the area of standardization, metrology, and certification; veterinary control and plant quarantine), in accordance with their competence, examine products and accompanying documents at the state frontier posts and customs points and make **decisions on official registration of imported products** (*chart* 6).

The priority of providing biosafety and inspection and control is equipped laboratories for GMO revealing. The present research laboratories lack potential to provide additional control. There is also lack of specialized accredited laboratories for GMO control and their establishment, procurement of equipment and training personnel to provide laboratory control also is a main priority of realization of National Biosafety Framework.

Despite the existing standards, enforcement systems in Tajikistan, still currently there is a lack in standardization and certification systems of GM-products, which increases the risk of transboundary movement of any living modified organism produced by applying modern biotechnology.

4.2. System for Monitoring

Tajikistan is well experienced in inspection activity though there is lack of practice on GMO monitoring and control. This being a priority of a single monitoring system, related to acting legislation and providing a biosafety policy.

The environmental assessment will be gradually established for the research, development, environmental release and commercialization of GMOs and their products. It includes mainly:

(1) requiring a report of environmental impact assessment (EA) for the environmental release of GMOs;

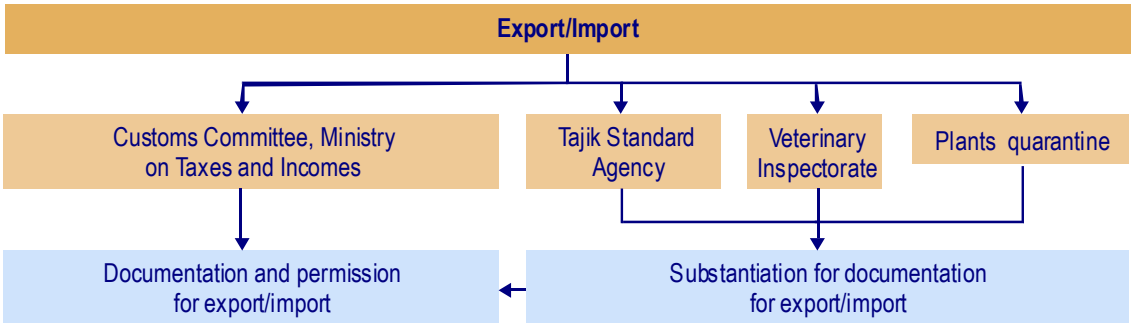
(2) establishing the environmental monitoring system and the emergency response system for the environmental release of GMOs;

(3) the public participation in the environmental assessment.

State monitoring and enforcement within frames of the National Biosafety Framework, will be provided through the following ministries and institutions:

- **Ministry of Agriculture** through authorized bodies will provide enforcement over agricultural productivity, safety of food products, veterinary or phytosanitary safety, sorts testing, etc.

Chart 6.



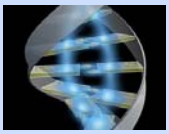
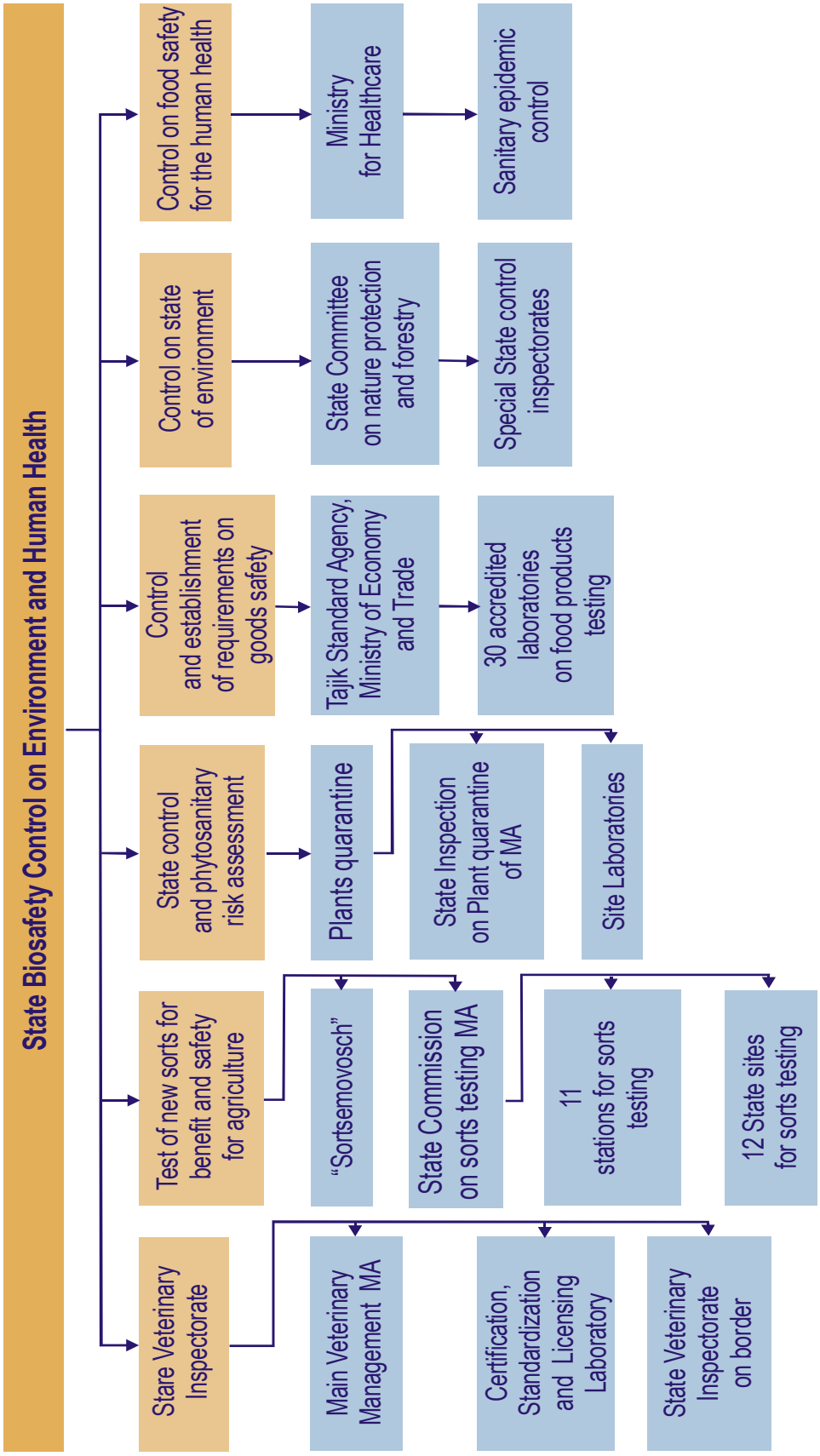


Chart 7.


State Biosafety Control on Environment and Human Health
Control on food safety for the human health
Ministry for Healthcare
Sanitary epidemic control
Control on state of environment
State Committee on nature protection and forestry
Special State control inspectorates
Control and establishment of requirements on goods safety
Tajik Standard Agency, Ministry of Economy and Trade
30 accredited laboratories on food products testing
State control and phytosanitary risk assessment
Plants quarantine
State Inspection on Plant quarantine of MA
Site Laboratories
Test of new sorts for benefit and safety for agriculture
"Sortsemovosch"
State Commission on sorts testing MA
11 stations for sorts testing
12 State sites for sorts testing
Stare Veterinary Inspectorate
Main Veterinary Management MA
Certification, Standardization and Licensing Laboratory
State Veterinary Inspectorate on border

- **SCEPF** as a primary state institution, responsible for conservation, management, development and sustainable use of the environment and nature resources, will provide impact assessment of the environment caused by modern biotechnology and its products, enforcement of regulations of the environmental impacts.
- **Ministry for Healthcare** as a main institution regulating human health protection, will provide impact assessment on human health, sanitary-epidemiological enforcement and safety of food and pharmacological products.
- **Ministry of Economy and Trade** will provide safety of food products for human health and the environment through accredited laboratories of "Tajikstandard" by way of products certification.

National Biodiversity and Biosafety Center will provide coordination of activity of competent national authorities, which regulate control and monitoring systems, as well to provide conservation of biodiversity and biosafety of the environment.

In the process of development and improvement of regulatory framework registration of issued permissions by control and monitoring units. If required, NBBC will develop action plan on inter-institutional enforcement and coordinated activity with various institutions.

All stakeholders will have an access to information resources of NBBC, as well as to international principles of development of monitoring and control systems, development of biosafety policy, development of guiding principles and actions while decision making on biosafety and other issues.

Implementing Committee of NBBC will provide access to information resources of biosafety clearing-house mechanism.

4.3. System for Enforcement

Any decisions made have to envisage monitoring and enforcement mechanisms, as well as risk management plan. Monitoring and enforcement have to be transparent in coordination with other controlling authorities involving stakeholders.

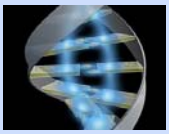
Supervision of realization the terms of regulation documents and instruction on GMO release into the environment will be carried out in cooperation with present inspectorates:

- Ministry for Healthcare RT,
- State Committee on Environment Protection and Forestry,
- Ministry of Agriculture,
- Ministry on state incomes and duties.

Enforcement will involve institutions acting in cooperation with control units of export-import under Customs Committee, vet-

Export-import control, provided by Customs Committee under the Ministry on Incomes and Duties, will be most flexible as the basis of guiding principles of customs procedures are international principles and regulations. Introduction of supplements for regulations of GMO export/import will provide control on the border.

With Cartagena Protocol on Biosafety entering into force, customs have already started preparation of introducing the relevant additional requirements for accompanying documentation of export-import. In the process of project development there has been issued guidelines on the order of GMO enforcement. Furthermore a process of improvement the requirements including submitting permissions for import GM-products through the state border.



erinary service and plant quarantine department. This will provide the effectiveness of inspection control on the borders. However for organization of activity, the instructions on GMO control and development of methods of analytical control are required.

Enforcement will consist of general supervision and, depending on risk assessment results in each concrete case the enforcement will be implemented by organization responsible for GMO release to the market or into the environment.

To provide an institutional enforcement a program and its implementing plan will be prepared. Institutional enforcement will be accompanied by the detailed analytical survey of the environment impact.

The survey program outcomes will be available for the relevant state enforcement authorities through National Biodiversity and Biosafety Center.

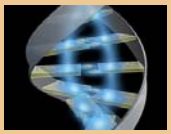
4.4. Prospects and Needs

To provide inspections it is required:

- Develop legislation acts identifying authorities of separate institutions;
- The relevant instructions will be completed and reviewed on the issue of monitoring the GM-products in relevant activities;
- Sections on taking measures in case of violations will be developed.
- Guidelines on liability and redress for the unpremeditated actions are developed;
- The inspection program is developed on the basis of the current infrastructure review;
- Directory with monitoring guidelines and with review of current principles on risk assessment for the National Biosafety Commission and relevant laboratories;
- The laboratory is established and certified for GMO identification in the context of inspections.

Thus in addition to the current resources on monitoring and enforcement systems it is required to provide:

- The relevant laboratory equipment
- Persistent training for supervisors on GMO control.
- Development of guidelines and principles for various types of GMO examination.
- Preparation of documentation on registration of examinations
- Development of supervisor's authorities on issuing in case of violations.



5. PUBLIC AWARENESS AND PARTICIPATION

5.1. Current State

Public awareness and participation in decision making on biosafety is required for establishing contacts and possibility to use overall efforts and potential of the stakeholders. Participation promotes to the involvement of all stakeholders in decision making, ensures transparency and reporting and provides equal process and outcomes for all stakeholders.

The basis for public participation in decision making, access to information on the environmental issues is a number of international conventions and agreements. The Cartagena Protocol being the key document regulating and providing biosafety also commits its Parties to assist and promote to public awareness and education, and its participation in biosafety ensuring (article 23).

The Constitution RT provides citizens rights for information, therefore Article 8 guarantees the people's right for establishing the public organizations. The Law RT "**On public organizations"** regulates public initiatives development, the Law RT "**On public application"** enable each citizen of Tajikistan to apply to governmental authorities for his/her rights protection.

Tajikistan has ratified a number of Conventions and expressed its willingness to join the Convention on access to information, public participation in decision making and access to justice on the issues related to the environment (Aarhus Convention) which envisages the conditions for public access to information on the environment state and its participation in decision making.

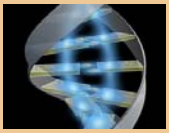
There is no special legislation on the public awareness mechanisms and access to information. Only few legislation acts envisage public awareness mechanisms on various sectors. The Law RT "**On nature protection"** (1993) for e.g. establishes the base for access to information on the environment state and public participation.

However, at the state level, the Government provides the public involvement in national strategy and action plan development, including the most active NGO representatives in the governmental working groups. The public involvement in policy development is becoming the practice.

The National Plans of Actions on Climate Change, Combating Desertification, and Biodiversity Conservation, developed by Tajikistan, elaborated the issues of raising the public awareness, envisaged mechanisms of raising the educational level of the population on these issues, partially developed mechanisms of raising the public awareness and promoting the public involvement.

Educational problems and issues of relevant environmental programs for various public strata are provided by the acting program of environmental education and training RT. However, the above program do not touch biosafety issues.

The public initiatives are still poorly developed in Tajikistan. The number of non-governmental organizations is not very great in the country. The available NGOs are mainly concentrated in large cities and regional centers. Their initiatives are mostly not funded by the Government or state bodies. Usually, they develop small projects to be applied for grants, or participate in major state programs, supported by foreign donors.



World Environment Day, Earth Day, March of Parks, and Biodiversity Day are held, with NGOs taking active part, highlighted in mass media (newspapers and TV); thematic exhibitions are organized, and environmental initiatives are developed, which in recent years contain (among others) informational reports on genetically modified organisms.

However, at present time on behalf of some NGOs there is a high public concern in relation to GMO used in production of food products and forage that is reflected in periodicals at workshops with public involvement.

In particular, a number of NGO meetings has been organized concerning GMO and biosafety issues, with the main objective of wide-scale involvement of public organizations in the process of discussions and decision making on genetically modified organisms. As a result of the meetings the recommendations were developed, signed by over 20 public organizations of the republic. These recommendations disseminated among stakeholders include the following items:

- Introducing moratorium on planting out genetically modified agricultural and other crops
- Prohibiting import of reproductive GM-crops and commercial GM-seeds of self-pollinated plants;
- Supporting and developing of organic and sustainable farming as environmentally safe and capable to satisfy the population needs in food products for the long prospect;
- Introducing marking at all food products containing GMO;
- Participation of public representatives in independent expert groups on risk assessment;.
- Establishing free databases on GMO and providing access for the public;
- Provide the legal right for local authorities on establishing free GMO areas on their territory.

National Biodiversity and Biosafety Center (NBBC) promotes a policy development on Biosafety issues awareness and organizing meetings and seminars with stakeholders involvement.

Public awareness and participation has been provided at all phases of NBF development in the Republic of Tajikistan. At the Project Phase 1 representatives of scientific community, non-governmental organizations, mass media took part at survey outcomes reviews and collection of information. At Phase 2 and 3 a number of workshops were organized in all the country regions basing on the potential of non-governmental organizations.

Representatives of scientific community, farmers associations, state authorities, non-governmental organizations, individuals, consumers and international organizations took part at national, district and training seminars, and institutional thematic workshops within the Project frames. Some publications were disseminated during workshops, training and consultations to increase public awareness.

In the course of the National Biosafety Framework development consultations on biosafety policy development has been organized, involving public organizations, Parliament and Government representatives and other stakeholders. Discussions with NGOs on the public involvement in decision making also took place.

Public consultations on the National Biosafety Framework development within Project frames showed that:

⇒ However, lack of knowledge on Biosafety and biotechnology issues leads to inadequately assessing of its out-

comes. The population, including farmers often consider these areas of knowledge too technical. At the same time farmers and rural population trust the positions of scientists related to biosafety and biotechnology use.

⇒ The public, as a rule, is skeptical to safety and benefits of GM cereal crops, however, this may be explained by lack of information of GMO benefits and risks. Though means of information are retaining their important role in the public education, the access to these is still poorly provided.

⇒ The public involvement in the development of environmental initiatives is rather a one-way flow of information: there is an opinion in the form of information provided, but there is neither a dialogue nor discussion.

⇒ The civil society initiative is most fully displayed in cities and regional centers. In remote regions, there are actually no civil initiatives, the public apathy being observed. At the same time, there is a high level of passive confidence in the government and insufficient interest within the relevant program, due to lack of access to electronic information and limited mass media in most of remote regions.

⇒ Information shortage due to the limited access to mass media in mountain regions of the country leads to the incompetence in this problem. The local population trust only traditional knowledge and manufacturing methods. People working in administration structure, making decisions also are not well informed on the Biosafety issues.

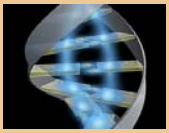
⇒ Such kind of information is not available even at research institutions, the access to global resources and databases is limited due to the difficulties of Internet use and no replenishment of scientific libraries.

⇒ Limited public access to information do not promote the creation of potential and resources for public access. The most population do not have any idea of GMO, safety/non-safety of their spread and consumption as food, containing GM-ingredients.

In the course of NBF development questionnaires, developed to assess the awareness of biosafety problems, were organized for all levels of the population in various administrative regions of the country.

The results of the questioning showed the comparatively low level of the public awareness and concern related to GMOs and biotechnology. The results of the questionnaire showed:

- almost all respondents consider GMO use in agriculture and other industries possible, at the same time they think that GMOs produce some effects on the environment, health, biodiversity, and, to a lesser degree, the country economy;
- from 60% to 100% (in different regions) of respondents consider GMO products marking necessary;
- most of information on biotechnology methods and Biosafety issues is got by the respondents from newspapers and journals (30%), TV and radio (30%), seminars and discussions (30%); 10% get information through specialized literature, Internet, and e-mail.
- over 40% of the respondents trust the received information and only 5% do not trust it; the rest trust only part of it;
- thereby, 85% of the respondents could not formulate a possible mechanism of the public involvement in making decisions on GMO import and use, though 70% of the respondents consider this mechanism necessary;



- 70% of the respondents consider organizing seminars and consultations in administrative regions and districts the most effective actions on raising the public awareness;
- i.e. there is a great need of providing information concerning possible GMO release in the environment, some of the respondents expressed their fears related to GMO emission in the environment;
- a fairly great number of the participants think that GMOs are already present in the country and are used in food products and agricultural production;
- more than a half of the respondents can not formulate what state bodies should be responsible for risk assessment, the rest assign this work to scientists (30%), control bodies (15%), or specialized Government bodies (5%).

5.2. Procedures of Public Awareness and Participation

Despite the fact, that Tajikistan signed a number of environmental conventions and developed national strategies and plans of actions, which include a need of providing information to the public, there are no clearly formulated requirements of providing information to the public.

The national legislation being developed should provide mechanisms of the public involvement in the process of decision making, considering it an integral component of society democratization and the available right of citizens to have access to information.

Development of informing mechanisms and public participation in decision making and consultations is required as well as their actual fulfillment and support.

According to the Draft Law on Biosafety (Article 30) the permission procedure of the deliberate release of genetically modified organisms and/or their products into the environment and at the market is opened to the public. National Commission provides transparency of the activity for which the permission is inquired, which in 10-days term from the date of receiving the notification has to inform the public providing the source of information. The public comments are received during 60 days from the date of informing and considered by the National Commission in decision making on biosafety.

The elaborated decision making planning includes public awareness mechanisms at different levels. Thus, a public representative takes part in all structures with a right for choosing a decision, due to the legislation base *(chart 8)*.

According to Cartagena Protocol, while applications consideration, public access will be provided within the country. At first phase of creation the system of public awareness it is necessary to attract all communication technologies for education and information of the population concerning biosafety activities. Key role in this matter may play ecological NGOs.

Confidential information will have relevant criteria and regulation and will be provided only for the relevant authorities. Thus documentation has to be accompanied by technical and legal documents confirming confidentiality. Risk assessment outcomes and actions of its reduction and control do not considered as confidential information.

While considering applications for field tests and commercial release of GMO a public participation will be available at all stages of the decision making on biosafety, including risk assessment and issuing permissions.

National Biodiversity and Biosafety Center will provide access to biosafety decisions and to the information on confirmation of these decisions for the public.

While considering applications the exchange of opinions will be provided through the available information resources and depending on the comments received the public discussions may be organized.

Main requirements for public information are the following:

⇒ Public consultations have to be regulated and have definite standards and procedures. Process of public discussions does not exceed 60 days including submitting of written comments.

⇒ Information have to be submitted on available language for the population through communication means;

⇒ Information have to be timely send by mail into regions, districts, where field tests or commercial release will be organized and provided for the population through national and local mass media. In the process of public participation procedures relevant institutions have to explain and analyze benefits and risks.

⇒ All received public comments and written recommendations have to be considered in the process of decision making.

5.3. Prospects and Needs

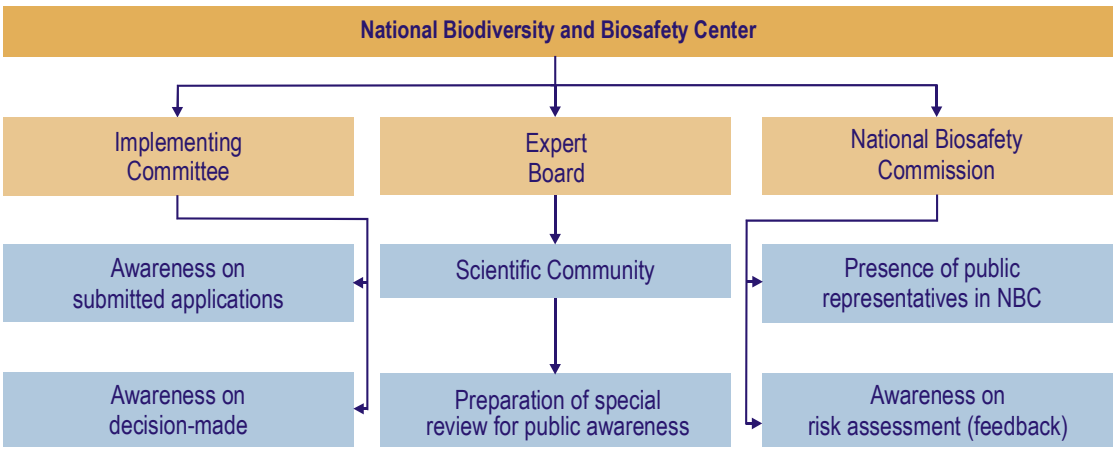
The process of public awareness and consultations in the country is not active. Thus, public awareness and participation in decision making on biosafety issues suggested by the present document is the key issue for the country.

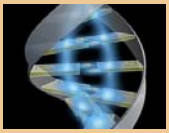
To provide access to information it is required:

- Identification of stakeholders (NGO, farmers association, research institutions, etc.)
- classification of information for public awareness on different levels and define the quality and type of the information required (scientific review, general notification, etc.) for potential users.
- identify what kind of information and which format of submitting information is required and is most available
- assign responsibility for submitting of various information for various stakeholders
- define the party responsible for submitting the information.

To increase level of public education there is a need to introduce subject on biosafety into the high schools curricula.

Chart 8.





To provide public awareness and participation in decision making in the frames of the National Biosafety Framework implementation it is required:

- development of the detailed public awareness mechanisms and procedure of information inquiry, as well as mechanism of receiving and considering public opinions in decision making.
- wide-scale investigation of the public perception the biotechnology and biosafety issues;
- organization of round-tables and workshops for the population and experts;
- preparation of television programs and broadcasting on biosafety issues;
- publication of booklets, including in Tajik language, describing in a popular form: goals and objectives of the Cartagena Protocol on Biosafety, benefits and risks of modern biotechnology and the role of biosafety frameworks in biosafety ensuring;
- train of journalists.

In addition, the information exchange system will be developed, including web site, database and involvement in the Biosafety Clearing House.

6. CONCLUSION

The National Biosafety Framework provide biosafety management and development of decision making on biosafety through:

1. Determining priorities: The resources of the country are not sufficient to solve all problems facing Tajikistan; in this connection, there is a need of determining priorities.

2. Streamlining the available control systems. With no additional structures being developed, the capacity building of the available control bodies is needed. The use of limited resources should be streamlined.

3. Strengthening the available scientific and research system. Since most of control problems will be solved with the least expenses, with GMO studying methods, equipment, and specialists, a fairly high level of scientific researches will provide capacity building for control system and risk assessment.

4. Personnel capacity building: Personnel are the main factor in developing the Biosafety Framework and solving priority problems of this system development. The policy of providing biosafety will be aimed at systematically supplying research organizations, control bodies, and institutions with sufficient and skilled staff.

5. Determining need resources in using genetically modified products. The country needs assessment; accounting production and making decisions on import and export of additional production, if necessary. Introducing terms of biosafety control and marking in inter-governmental agreements and contracts on products delivery. Developing the decision-making and risk assessment infrastructure in the area of Biosafety.

6. Providing control of imported products, developing a risk assessment system: The systems of certification and standardization, epidemiological control efficiency, and medicine expertise will be con-

tinuously improved and oriented for the final product.

7. Creating a decision-making body: Developing all control systems and creating a decision-making body is an necessary factor in successfully realizing the National Biosafety Framework introduction.

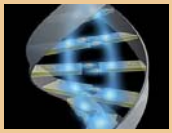
8. The public awareness will provide a feedback system in the decision making process, as well as in biosafety monitoring, in the country. It is very important to consider the opinions of citizens in the structure and operation of the Biosafety Framework.

9. Preserving traditional technologies, genetic resources and biodiversity. This will provide meeting the needs of the population in food products, selection materials, and serve the natural ecosystems conservation on the whole.

10. Legislative regulation as a base for policy development and decision making.

Priority actions for biosafety management are:

1. To develop the national institutional system for biosafety management;
2. To improve the regulatory system of biosafety management. The proposed actions include (a) formulation of a national regulation governing biosafety; (b) improvement of sectional regulation concerning biosafety; (c) establishment of the system of EIA for GMOs; (d) establishment of the system of rules for biosafety management;
3. To establish the technical system for risk assessment and management of GMOs, which includes mainly the method and technical system for analyzing the potential risks of GMOs, the indicator system of risk assessment and the rules for classifying the risk levels, the technical guidelines for risk assessment, the technical specifications, procedures and guidelines for risk management and the indicator system and the procedures for the environmental monitoring of GMOs, etc.;
4. To establish the institutional system of biosafety management which includes the three-level bodies, namely, the interdepartmental coordinating body, the competent authority and the sectoral operating and supporting bodies;
5. To establish the biosafety information system, the clearing-house mechanism for international exchange of information and the interdepartmental mechanism of information exchange and the electronic networking for public information;
6. To strengthen the scientific research on biosafety;
7. To establish the system of biosafety monitoring which mainly includes the operational mechanism of networking of biosafety monitoring, the risk monitoring tools and processing techniques, the environmental monitoring facilities for GMOs;
8. To promote public awareness using videos, books on biosafety, organizing lectures, round tables, workshops on biosafety and training of students in the field of biosafety;
9. To undertake international and regional cooperation in the field of biosafety which mainly includes strengthening cooperation with UNEP and other multilateral agencies, actively participating in international affairs related to biosafety.



7. INFORMATION ON PROJECT IMPLEMENTATION

UNEP/GEF Project on NBF development for Tajikistan has been developed within frames of Global Project for countries to implement Cartagena Protocol through their national biosafety frameworks.

National Implementing Agency is a Research Laboratory For Nature Protection under the State Committee for Environment Protection and Forestry. Head is Dr. Neimatullo Safarov***, contact address:*** 44 Aini str. Dushanbe, Tajikistan, tel. (992 372) 27-44-90, fax (992 372) 21-89-78.

National Project Consultant – Ms. Tatyana Novikova.

National Project Coordinator – Ms. Anastasia Idrisova. Contact address: 44 Aini str. 734025, Dushanbe, Tajikistan.

The project development was carried in cooperation with the **National Biodiversity and Biosafety Center**, tel. (992 372) 21-89-78

Project implementation term: 22 months. Launching date—October 2002, completion date – July 2004.

7.1. Main project phases:

Phase 1. Surveys and Inventory

Phase 1 is a preparation of national research reviews and data inventory on various economy branches related to biosafety, review of biosafety status in Tajikistan. Besides, identification of relevant stakeholders in the Republic of Tajikistan has been carried out. During phase 1 of the project after reviews there were prepared:

- Reviews on modern biotechnology in the country, research survey capacity, current control system;
- Assessment and review of legislation and competent authorities in the country;
- Review of international biosafety regulation systems;
- Review of biosafety issues in mass media;
- Database on biosafety, etc.

Much attention has been paid to the assessment of current potential of research institutions, scientific survey level, industrial development, etc. As a result, lists of research institutions on biotechnology development, databases on personnel, technologies and equipment of the research institutions, as well as list of government projects on research works on biotechnology have been prepared.

Comprehensive study of status and works related to biotechnology and biosafety, science, agriculture, healthcare and industry is provided in the project frames. A significant attention is paid to examination of special local traditional methods and cultivation practice of growing, seeds provision, methods of products storage.

Concerning legislation review, all aspects of national and local legislation have been considered for identification of relevant law regulations applicable to biotechnologies regulation and biosafety. In particular, there has been considered phytosanitary systems, veterinary standards, import system, introduction of new varieties, etc.

Local databases on biotechnology and its methods were investigated. A review on national and international programs on biotechnology has been prepared. Also current mechanisms and systems of information receiving are established, as well as what national mechanisms of public information and involvement in decision making are acting.

Also international commitments of Tajikistan related to biosafety were considered.

On results of review of acting programs and legislation it was defined what is to be regulated and what kind of gaps are in the mechanisms of regulation and control.

All this served a basis for development of phase 2 of the project, where there appeared a possibility to extrapolate and/or change acting legislation for including issues of regulation the GMO use.

Additional stakeholders have been defined at the reviews at further phases.

Phase 2: Analysis and Consultations

During Phase 2 relevant consultations, analytical works and trainings on defining priority areas and parameters for development of National Biosafety Framework have been implemented. On the basis of materials received, the priorities of biosafety issues for Tajikistan were identified considering natural peculiarities and social-economic development of the country. According to the gaps identified, needs and mechanisms for decision of priority issues for Tajikistan has been developed.

In this period a number of trainings and meetings were organized. Many of them have inter-institutional character that allowed to unify approach to biosafety issues of experts from various thematic groups and prioritizing principles. Such trainings were aimed at various administrative steps (control system, risk assessment, biotechnology in agriculture, etc.) (*Annex 2*).

On the results of consultations, workshops, discussions the basis there were defined baseline of specific outlook of development the National Biosafety Framework as effective program, which provides safe application of modern biotechnology. All international commitments of the country and current regional cooperation mechanisms were considered.

Much attention was paid to development of legislative base, administrative structure, decision making and public involvement in decision making on biosafety. Consultations between various government institutions were devoted to development of policies and strategies.

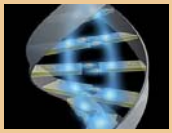
Representatives of scientific community, NGOs, and associations took active part at trainings and consultations. Besides special workshops on public awareness, involving interested community, students have been organized. Development of mechanisms for public awareness and participation in decision making on biosafety have been also considered.

Experience of public participation in decision making on various issues, participation in development of national strategies and action plans, preparation of reports on international Conventions has been analyzed.

Finally, on the basis of two project phases the national resources and possibilities of their development, as well as needs and gaps have been identified, basing on consultations and analysis with stakeholders.

Phase 3: Development of National Biosafety Framework for Tajikistan

To develop the National Biosafety Framework for Tajikistan the workshops and consultations on its components development has been organized involving all stakeholders. Prepared NBF draft has been discussed earlier with stakeholders identified. In



the process of this phase implementation valuable comments were received and introduced to NBF. All the project outcomes on the legislation review and further consultations with ministries and institutions serve the basis for preparation of the Draft Law on Biosafety developed at Phase 3 and submitted to the Parliament.

Phase 4. Agreement of the draft National Biosafety Framework

The developed document has been widely discussed and agreed with all stakeholders. During the process of its finalizing there have been taken into account all the acquired views and remarks.

7.2. Stakeholders

At the project initial phase various stakeholders in different biosafety areas have been identified. Experts from all interested ministries and institutions took part in NBF development, as well as reviews, surveys, workshops and consultations on biosafety.

Experts from relevant ministries and institutions (*Annex 3*) are included in various authorities on biosafety (Commission, Expert Board, etc.) and are involved in NBF development.

Stakeholders involved in the Project:

- Academy of Sciences RT,
- Ministry for Nature Protection (at present - State Committee on Environment Protection and Forestry),
- Ministry of Healthcare RT,
- Ministry of Agriculture RT,
- Ministry of Economy and Trade RT,
- Ministry of Finance RT,
- Ministry of Justice RT,
- TAAS,
- Parliament RT,
- Ministry of Foreign Affairs RT,
- Customs Committee under Ministry of State Incomes and Taxes,
- State Statistics Agency,
- Farmers association,
- NGOs,
- mass media,
- local administration,
- Private sector,
- Independent experts.

7.3. Publications

At all phases there was prepared information published for use in the country. (*Annex 4*).

As a result of survey, registers of organizations/departments dealing with biotechnology, lists of legislative documents, standards, lists of regional and international agreements were prepared. Priority tables on biotechnology development prospects have been designed.

On the results of thematic survey there were published articles and a specialized edition, as well as resume on thematic groups and branches.

Examining enforcement systems, guidelines for customs has been prepared and published for application in customs points of the country.

A number of informational booklets and manuals on biosafety issues were developed.

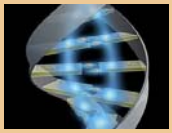
7.4. International and regional activity

In the process of project implementation representatives of various ministries, institutions, experts, and project staff took part in international workshops and sub-regional meetings (*Annex 5*). Such kind of workshops promoted to experience exchange with partners of similar projects in the region, as well as new approaches to the project development basing on other countries experience on NBF development.

Annex 1.

National Coordination Committee

No.	Name	Place of work
1.	Safarov Neimatullo	NCC Chairman, RLNP
2.	Khasanaliev Mirzovatan	NCC member, Security Council RT
3	Karimov Khurshed	NCC member, Academy of Science RT
4.	Novikova Tatyana	NCC member, Ministry of Transport RT
5	Sattorov Izatullo	NCC member, Research Institute on Veterinary, TAAS
6.	Rakhmatov Akram	NCC member, Ministry on Incomes and Duties
7.	Afgonov Zievutdin	NCC member, Ministry for Healthcare RT
8.	Mukimov Erkin	NCC member, Ministry of Economy and Trade RT
9.	Khairulloev Rakhmatullo	NCC member, Ministry of Nature Protection RT
10.	Kaumov Abdulkhamid	NCC member, Institute of Nutrition, Ministry for Healthcare RT
11.	Ruzieva Jamilya	NCC member, State Standard Agency RT
12.	Idrisov Timur	NCC member, NGO «For the Earth!»
13.	Salomov Davlatier	NCC member, Farmers Association of Yavan region RT
14.	Idrisova Anastasia	NCC Secretary, National Project Coordinator, RLNP



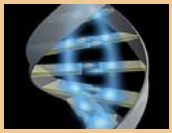
Annex 2.

List of Workshops Conducted Within the Project

No.	Date	Name
1.	27.11.2002	NEA Meeting for NCC establishment
2.	28.12.2002	Introductory Workshop on NBF Development
3	23.01.2003	Phytotherapy and medical treatment in Tajikistan (preserving national traditions in drugs preparation technology)
4.	01.02.2003	Risk assessment and management on GMO use
5	22.02.2003	Biotechnology in cattle breeding (review of cattle breeding research works)
6.	28.02.2003	Epidemiology and sanitary (discussion of monitoring system, export status, research)
7.	06.03.2003	National Workshop on Cartagena Protocol and stakeholders awareness
8.	14.03.2003	Risk assessment in agriculture (veterinary monitoring, plants quarantine, international agreements, medico-social aspects of biosafety)
9.	25.03.2003	Review of outcomes on biotechnology research and prospects of its development
10.	28.03.2003	NCC Meeting
11.	02.05.2003	Agricultural aspects of biosafety in Tajikistan
12.	16.05.2003	Medicine-social aspects of biosafety in Tajikistan
13.	07.06.2003	Risk assessment and public participation as primary components of National Biosafety Framework (summary of the subregional workshop)
14.	12.06.2003	NCC Meeting
15.	26.06.2003	Biosafety: Participation of Custom Authorities in Implementation of Cartagena Protocol
16	02.07.2003	Expert group meeting to discuss conducting of First National Workshop
17.	29.07.2003	Public participation in implementation of Cartagena Protocol

Continuation Annex 2.

1	2	3
18.	30.07.2003	Agricultural aspects of biosafety
19.	18-19.08.2003	National Workshop on Biosafety: on the results of 1-st project phase and capacity assessment.
20.	19.09.2003	Public participation in implementation of Cartagena Protocol
21.	23.09.2003	Modern biotechnology and biosafety issues
22.	26.09.2003	Modern biotechnology and biosafety issues
23	30.09.2003	NCC Meeting
24	10.10.2003	Expert group meeting on risk assessment
25.	25.10.2003	Expert group meeting to discuss main components of National Biosafety Framework
26	27.11.2003	NCC Meeting
27.	29.11.2003	GMO and Cartagena Protocol on Biosafety
28.	03.12.2003	Modern biotechnology and biosafety issues
29.	17.03.2004	Expert group meeting to discuss draft Law on Biosafety
30.	26.03.2004	NCC Meeting
31.	14.05.2004	GMO and Cartagena Protocol on Biosafety
32.	27.05.2004	National Biosafety Framework
33.	29.05.2004	National Biosafety Framework
34.	19.06.2004	Preparatory meeting to the National workshop on biosafety
35.	25-26.06.04	Final National Workshop on Biosafety
36.	30.06.2004	NCC Meeting
37.	19-21.10.2004	Workshop on Central Asia and the Cartagena Protocol on Biosafety: National Biosafety Frameworks, Regional Cooperation and Information Sharing



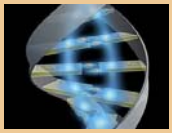
Annex 3.

List of Experts and Consultants of the Project

No.	Name	Place of Work
1	Abdusalomov Rustam	Ministry for State Income and Taxes RT
2	Aliev Kurbon	Institute of Plant Physiology and Genetics
3	Asoev Khasan	Institute of Forest SCEPF RT
4	Bobodjanov Vakhob	Tajik State National University
5	Bobohonov Bobonazar	Ministry of Foreign Affairs RT
6	Chistyakov Dmitry	National Biodiversity and Biosafety Center
7	Davlyatnazarova Zulfia	Institute of Plant Physiology and Genetics
8	Dustov Saidakhmad	State Ecological Expertise RT
9	Irgashev Tolib	Tajik Cattle-Breeding Research Institute of Tajik Agricultural Academy
10	Isoev Ismat	Independent expert
11	Karimov Khurshed	Institute of Plant Physiology and Genetics
12	Kaumov Abdulkhamid	Tajik National Medical University
13	Khairullaev Rakhmatullo	State Committee for Environment Protection and Forestry RT
14	Khisoriev Khikmat	Institute of Botany AS RT
15	Khodjiev Akhmad	Government of the Republic of Tajikistan
16	Kholmatova Mavluda	Institute of Plant Physiology and Genetics
17	Maskaev Abdukadir	Research Laboratory for Nature Protection
18	Mukimov Erkin	Ministry of Economy and Trade
19	Murodov Turakul	State Committee for Environment Protection and Forestry RT
20	Musoev Azam	Newsletter «Sadoi Mardum»
21	Nasirova Firuza	NGO “International Academy of Sciences of High School”

Continuation Annex 3.

1	2	3
22	Nazarov Aziz	Forestry Production Enterprise “Tajikles»
23	Nesmeyanova Elena	National Biodiversity and Biosafety Center
24	Novikova Tatyana	National Biodiversity and Biosafety Center
25	Nuritdinov Alidjon	Independent expert
26	Oripov Safarali	State Commission on Sorts Testing Ministry of Agriculture RT
27	Pirova Aziza	Institute of water issues and ecology AS RT
28	Raimnazarov Zafar	State Commission on Plant Quarantine
29	Rakhimov Safarbek	Institute of Botany AS RT
30	Rakhimova Mavluda	Ministry of Economy and Trade
31	Rakhmatov Akram	Ministry for State Income and Taxes RT
32	Raufi Abdugaffor	Institute of Economy RT
33	Ruzieva Jamilya	State Agency “Tajikstandart”
34	Saidov Abdusattor	Institute of zoology and parasitology AS RT
35	Salomov Davlatier	Association of Farmers
36	Sattorov Izatullo	Institute of veterinary of Tajik Agricultural Academy
37	Sattorov Rakhmatullo	Tajik State National University
38	Temurova Makhbuba	Ministry of Justice RT
39	Varnavskaya Elena	State Committee on Statistics RT
40	Vazirov Khabib	Ministry of Finance RT
41	Vosiev Gadoi	Parliament RT
42	Ziderer Igor	Independent expert



Annex 4.

List of Materials Published within the Project

No.	Title	Authors/Editors
1.	Resume of Guidelines of National Biosafety Framework	Edited by Safarov N., Novikova T., Idrisova A.
2.	"Cartagena Protocol – the basis of biosafety"	Collected articles
3.	Survey Review "Economics of Republic of Tajikistan"	Mukimov E., Rakhimova M., Varnavskaya E.
4.	Survey Review "Legislative and Control on Biosafety"	Rakhmatov A., Ruzieva Dj., Abdusalomov R.
5.	Survey Review "Medicine Aspects of Biosafety"	Kayumov A., Nasirova F.
6.	Survey Review "Contemporary State of Plant Biotechnology in Tajikistan"	Karimov Kh., Aliev K., Bobojanov V., Davlatnazarova Z., Nasirova F., Kholmatova M.
7.	Survey Review "Alien and Invasive Species of Flora and Fauna in Tajikistan"	Saidov A., Sattorov R., Muminov N., Rakhimnazarov Z.
8.	Survey Review "Primary Directions of Scientific Strategy on Biotechnology and Biosafety in Cattle Breeding and Veterinary Medicine"	Irgashev T., Sattorov I.
9.	Thesis Review "Biosafety and Contemporary Biotechnology in Tajikistan"	Collected articles
10.	Guidance "Custom legalization and control of export and import of foodstuffs, plants and living animals through custom border of Republic of Tajikistan"	Rakhmatov A., Abdusalomov R.
11.	Guidance on public participation in the implementation of Cartagena Protocol and NBF	Safarov N., Novikova T., Idrisova A.
12.	"Biosafety: questions and answers»	Prepared by Idrisov T.
13.	Cartagena Protocol on Biosafety" (in Russian and Tajik languages)	
14.	Materials of National Workshop on Cartagena Protocol	Edited by Safarov N., Novikova T., Idrisova A.
15.	Collection of reports for the National Workshop on Biosafety	Edited by Safarov N., Novikova T., Idrisova A.
16.	Collection of articles for the workshops on public participation in implementation of Cartagena Protocol	Edited by Idrisov T.
17.	Booklets on biosafety and biotechnology	Edited by Safarov N., Novikova T., Idrisova A.

Annex 5.

List of International Workshops Attended

№	Title	Date	Venue
1.	Central and Eastern European Regional Meeting on capacity-building for the Biosafety Clearing-House	5-9 February 2002	Nitra, Slovakia
2.	First experimental workshop on assessment of safety of food stuff and forage made from the genetic modified organisms	September 2002	Moscow, Russia
3.	International Workshop “Implementation of National Biosafety Framework”	October 20-26, 2002	Godollo, Hungary
4.	Sub-regional Biosafety Workshop on Risk Assessment and Public Participation	May 27-30, 2003	Vilnius, Lithuania
5.	Biosecurity II - Access to Genetic Resources and Benefit Sharing, Traditional Knowledge and Biosafety in Central Asia and Mongolia	July 1-3, 2003	Lake Issyk-Kul, Kyrgyzstan
6.	National Workshop on Implementation of the Cartagena Protocol on Biosafety	August 15-16, 2003	Almaty, Kazakh-stan
7.	Sub-Regional Biosafety Workshop on devel-oping a Regulatory Regime and Administra-tive Systems for National Biosafety Frame-work	December 9-12, 2003	Antalya, Turkey
8.	First meeting of the Conference of the Parties serving as the Meeting of the Parties to the Biosafety Protocol	February 23-27, 2004	Kuala Lumpur, Malaysia
9.	Biosafety Clearing House Mechanism Training	February 24-26, 2004	Kuala Lumpur, Malaysia

LAW
OF THE REPUBLIC OF TAJIKISTAN
on Biological Safety

[Note: this is a detailed summary of the draft law, which is currently being reviewed by the Parliament working group; the detailed provisions will be finalized after consultations with appropriate experts and stakeholders.]

Chapter I. General provisions

Article 1. Objective

The Law regulates the activity related to production, testing, use and commercialization of genetically modified organisms with application methods of modern biotechnology.

Special regulation, permission and management of the above activities are proposed to provide their implementation in terms of biological safety, which allow to avoid or manage the risk of negative impact of genetically modified organisms on human health, biological diversity, ecological balance and environment.

Article 2. Main terms

Organism – any kind of biological formation able to transfer or replicate genetic material;

Genetically modified organism – is presented by any organism with exception of human one, with genetic material being changed by the method varying from cross breeding and/or natural recombination;

Microorganism – is any microbe, cellular or non-cellular formation able to transfer or replicate genetic material, including viruses, cells of animals and plants in a culture;

Modern biotechnology – is an application of methods of recombination of nucleic acids and methods of cells fusion varying from methods of selection and traditional improvement, which remove natural physiological barriers of reproduction or genetic recombination;

Use of genetically modified organisms – activity aimed at production and release at the market of genetically modified organisms and its products, including investigation, testing and industrial production;

Contained use – any procedure changing microorganisms/organisms at genetic level or cultivating, reproducing, storing, using, transporting, destroying and/or neutralizing genetically modified organisms, carrying at closed loop, self-contained spaces or environments to limit or exclude their contact with people and nature;

User – a person responsible for the activity related to production, testing and commercialization of genetically modified organisms in terms of contained and non-contained use, as well as production, testing and commercialization of their products;

Deliberate release into the environment – deliberate release of genetically modified organisms and their combinations into the environment, requiring no specific isolation measures and safe for people and the environment;

Non-deliberate release into the environment – any case of release of genetically modified organisms and their combinations not resulting from deliberate release;

Release at the market – supply of genetically modified organisms or their products to a third party subject to payment or free of charge;

Accident – incident causing a considerable non-deliberate release into the environment of genetically modified organisms in the process of their contained use having immediate or distant impacts for human health and the environment;

GM-products – a product consisting of one genetically modified organism or combination of such organisms released at the market;

Processed product – a product received by processing of genetically modified organisms, some parts or some metabolites and substances produced by them;

Refined product – a product received from genetically modified organisms by way of processing including depuration (e.g. insulin, various enzymes, oils, etc.);

Field testing – experiment studying genetically modified organisms on fields if sure that these organisms will not remain in the environment after completion of the experiment;

Culture, field production, territory spreading – deliberate release into the environment a genetically modified organism with the purpose of its cultivation, production or reproduction having no experimental character or purpose any more;

Risk assessment – assessment of direct or non direct immediate or distant impacts of the release of genetically modified organisms into the environment for human health and environment itself;

Risk management – development and application of activities on risk monitoring as well as actions taken in case of accident;

Transboundary movement of genetically modified organisms – any movement of genetically modified organisms or their combinations and products from the territory of one country to the territory of another one;

Deliberate transboundary movement – any export-import procedure with genetically modified organisms or their combinations carried out with permission of competent national authorities in accordance with national and international regulations;

Non-deliberate transboundary movement – any non-deliberate movement of genetically modified organisms through the border with consequences to be assessed from biological safety point of view, as well as safety for human health taking relevant measures;

Import – deliberate import of genetically modified organisms from the territory of one country to the other one and/or their products;

Importer – physical or juridical person under the jurisdiction of state carrying and responsible for import of genetically modified organisms, their combinations or products;

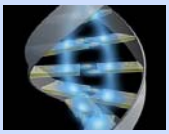
Export – deliberate export of genetically modified organisms from the territory of one country to the other one and/or their products;

Exporter – physical or juridical person under the jurisdiction of state carrying and responsible for export of genetically modified organisms, their combinations or products;

National Competent Authority – state institution established for implementing commitments at a national level, which relate to the requirements of international legislation concerning the activity on biological safety while using genetically modified organisms;

Notification – a paper notifying the National Biosafety Commission on the activity to be carried out to receive a permission;

Area of genetic safety – the territory where any activity related to the use of genetically modified organisms is prohibited.



Article 3. Scope

3.1. The present Law is focused on the activity related to:

- production, reproduction, testing and contained use of microorganisms, plants and animals, genetically modified with application of modern biotechnology;
- deliberate release of living modified organisms into the environment with application of modern biotechnology including any living organisms able to reproduce, that is seeds, cuttings, pollen, tubers, spores, etc.;
- non-deliberate release of genetically modified organisms into the environment;
- deliberate release into the environment and at the market of the processed products containing genetically modified organisms and/or processed or non-processed non-living components of living genetically modified organisms;
- any type of investigation of genetically modified organisms including laboratory, clinic, field and production testing;
- non-deliberate or illegal transboundary movement of genetically modified organisms;
- storage, burial, elimination of genetically modified organisms and/or their products, waste utilization being the result of modern biotechnology methods.

3.2. The present Law shall not apply to:

a) organisms produced by genetic engineering, being pharmaceuticals for people,

b) transportation activity not depending on the way of transportation, as well as procedures on import/export regulated by other legal documents,

c) activities with genetically modified organisms and their categories which are acknowledged by the National Competent Authority as probably not capable to provide negative impact on conservation and sustainable use of biological diversity considering also risks for human health.

Article 4. Legislation of the Republic of Tajikistan on biological safety

Legislation of the Republic of Tajikistan on biological safety is based on the Constitution (main legal document) of the Republic of Tajikistan, consists of the present Law, other regulation documents, as well as international legal documents admitted by the Republic of Tajikistan.

Chapter II. State management on biological safety

Article 5. Competence of Government of the Republic of Tajikistan in regulation the relations to provide biosafety

The Government's of the Republic of Tajikistan power concerning regulation of the relations on biological safety is the following:

- establishment of state policies on biological safety, financing and technical supply of the activities in this area;
- coordination of the activity of ministries, institutions and local authorities on biosafety issues;
- establishment of special authorized institution to control genetically modified organisms;
- policy focusing on biodiversity conservation and ensuring biosafety in the country;
- other functions in accordance with legislation of the Republic of Tajikistan.

Article 6. National Competent Authority

6.1. National Competent Authority established by Government RT is the National Biodiversity and Biosafety Center. It is organizes the activity on national legislation on biosafety and establishes coordination, expert, research and technical implementing institutions on biosafety and is in charge for:

- realization of a single state policy on biological safety;
- regulation and coordination of the activity on realization the requirements of the present Law and other sub-normative documents;
- development of projects and activity on biosafety issues;
- development and implementation of international projects and coordination activity with international organizations;
- other functions in accordance with legislation of the Republic of Tajikistan.

Article 7. Coordination Authority

7.1. Coordination Authority provides coordination of the activities of all stakeholders and institutions on biosafety,

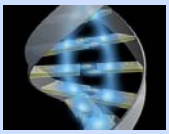
7.2. Coordination Authority includes environmental specialists, experts on agriculture, food industry, healthcare, and other institutions providing biosafety in the country.

Article 8. Permission for the activities

Permission for the activities, regulated by the present Law, is issued by a special authorized state institution on biological safety.

The activity in the regions regulated by the present Law is implemented by:

- physical persons whose health condition and professionalism have to provide safety in the region;
- juridical persons possessing buildings, equipment, supply and a staff able to provide the activity in terms of safety for human health and environment.



Article 9. Licensing of biological safety activity

Juridical persons implementing the activity related to risk classes III and IV receive the permission for the activity only under the license issued in accordance with legislation of the Republic of Tajikistan.

Order and conditions of licensing, list of activity for which license is issuing are compulsory, are identified in the order stipulated by legal documents of the Republic of Tajikistan.

Chapter III. Contained use of genetically modified microorganisms/organisms

Article 10. Contained use of genetically modified microorganisms/organisms

10.1. Before starting the activity on the contained use of genetically modified microorganisms the risk assessment has to be carried to identify which of the below protection levels are required for the activity planned:

- level I – relates to the activity with genetically modified microorganisms having small risk for human health and the environment;
- level II – relates to the activity with genetically modified microorganisms having low risk level for human health and the environment;
- level III – relates to the activity with genetically modified microorganisms having medium risk level for human health and the environment;
- level IV – relates to the activity with genetically modified microorganism having high risk level for human health and the environment.

10.2. Before starting the activity with genetically modified microorganisms of Class II the National Competent Authority has to be informed on the activity proposed. The activity can be launched unless the Competent Authority has other decision during 60 days form the date of notification and according to the commitments under the present Law.

10.3. A wide-scale activity with genetically modified microorganisms of classes III and IV is prohibited without the written permission issued by the National Competent Authority.

10.4. Assessment and the protection measures have to be reviewed, as well as in case of evidence that the assessment is not proper, therefore the updated information of research and technical surveys are taken into account.

Article 11. Contained use of genetically modified organisms diverse from microorganisms

11.1. Before starting the activity on the contained use of genetically modified organisms diverse from microorganisms, the risk assessment has to be carried to identify the protection level.

11.2. Before starting the activity on the use of genetically modified organisms diverse from microorganisms, the National Competent Authority has to be informed on the activity proposed.

The activity can be launched unless the Competent Authority has other decision during 60 days from the date of notification and according to the commitments under the present Law.

11.3. Assessment and the protection measures have to be reviewed, as well as in case of evidence that the assessment is not proper, therefore the updated information of research and technical surveys are taken into account.

Article 12. Proceedings

12.1. At the notifications on the Items 10.2 and 11.2 a minimum information is noted, which is prescribed in the Regulation of the National Competent Authority.

12.2. In 15 days after receiving the notification under the Items 10.2 and 11.2 the National Competent Authority has to inform an Applicant on:

- the relevance of the notification and confidential information to the requirements, or
- the additional information is required and what kind of information.

12.3. In case of notification on the planned wide-scale activity in relation to the classes 3 and 4 the Competent Authority has to inform an Applicant during 60 days:

- if the activity planned can be carried and in which terms
- the activity planned cannot be carried and why.

12.4. The Competent Authority on the basis of the notification submitted according to the Items 10.2 and 11.2 may request an additional information from an Applicant. While counting days noted in the Items 10.2, 11,2 and 12.3 the number of days when the Competent Authority awaits the additional information are not considered.

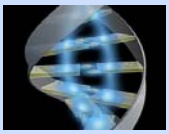
12.5. On receiving the updated information or in case of change the terms of contained use having serious impacts from the point of possible risks, the user has to inform immediately the National Commission and change the notification.

12.6. If after the receiving of the permission the National Commission will be informed that the contained use may have negative impacts on human health and the environment, it has to request the user the change of terms of use and in case the request ignoring, suspend or ban the activity.

Article 13. National Commission Rights

The National Commission is eligible to:

- consider the compliance of the notification to the Regulation requirements, correctness of risk assessment, protection measures and actions in case of accident, as well as measures on waste management.
- request user's submission of the additional information, changes of terms of the planned management or identification of the risk class. Thus, the National Commission can order not to launch the planned management and, in case of its launching, suspend or terminate it, until the Commission on the basis of additional information or change of terms of management issues the proper permission;



- limit the term of the permission for use contained use or identify special terms of management.

Article 14. The National Commission Responsibilities

The National Commission is committed to:

- consult with competent authorities of other countries on the issues related to accidents including measures in case of emergency;
- inform competent international authorities on any accident with detailed description of the accident, types and number of genetically modified microorganisms/organisms, actions taken and their effectiveness, as well as with analysis of the accident and recommendations on the consequences reduction and further prevention of such accidents.
- the National Commission has to provide exchange of information on the accidents in accordance with Part 1, therefore runs a register of accidents including also analysis of the reasons of accidents and actions taken for further prevention of such accidents.

According to the requirements of international legislation, Republic of Tajikistan being the party of, the National Commission submits reports and information to the competent international institutions, according to the established procedures by them and first on the contained use related to the risk classes III and IV including description, reasons and risk of such use.

Article 15. Confidential information on the genetically modified microorganisms/organisms

In the Notification send to the National Commission an Applicant can note information as confidential basing on the facts.

Decision on the acknowledgement of confidential information is made by the National Commission after consultations with an Applicant who is informed on the decision made.

The following information is not considered as confidential:

- general characteristics of genetically modified microorganisms/organisms, name and address of an Applicant, purpose and place of use;
- risk class relating to the activity on the contained use of genetically modified microorganisms/organisms and actions on their isolation;
- summary provided as a result of investigation the risk assessment for human health and the environment;
- methods and plans of monitoring as well as measures taken in case of accident.

The National Commission shall protect any information considered as confidential, particularly with respect to intellectual property rights .

In case of recalling the Notification by an Applicant, the National Commission has to keep confidentiality of the information received.

Article 16. Testing before the contained use of genetically modified microorganisms/organisms

Before the contained use of genetically modified microorganisms/organisms the National Commission provides testing on the issues:

- if the operational plan is developed for the contained use in case when the ineffectiveness of the isolation actions may have immediate or distant consequences for human health and/or the environment.
- if the information submitted concerning operational plans, including security measures for the institutions to prevent an accident. The information has to be actual and open to the public.

The National Commission submits information to the relevant competent authorities of other countries, stipulated in Part 1 according to the international regulations in this area.

Article 17. User's responsibilities in case of accident

17.1. In case of accident the user has to inform immediately the National Commission and submit:

- information on the terms of the accident;
- information on the type and number of used genetically modified microorganisms/ organisms;
- any information required for the assessment of the accident's impact on human health and the environment;
- information on the measures taken.

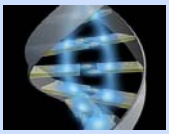
17.2 In case of accident the National Commission:

- informs immediately the public, having assessed the degree of risk for human health and the environment;
- makes full assessment of the accident and if required provides recommendations on further prevention of such accidents and elimination of the accidents possible impacts;
- takes required measures, informs competent authorities which may be impacted by such accidents.

Chapter IV. Deliberate release of genetically modified organisms into the environment

Article 18. The process of release of genetically modified organisms into the environment

18.1. Any physical or juridical person before release of genetically modified organisms into the environment or their combinations for the purpose of investigation, testing, development and/or other purposes, with exception of production for release at the market, has to submit a Notification to the National Commission.



The Notification comprises:

- technical record with the information stipulated in the Regulation, required for the assessment of foreseeable risks, being immediate or distant, which may come from genetically modified organisms and their impact for human health and/or the environment;
- assessment of risk impacts for human health and/or the environment caused by release of genetically modified organisms into the environment.
- information obtained by an Applicant at the territory of the Republic of Tajikistan and/or outside, on the results of introduction of genetically modified organisms or their combination, being notified on earlier or at once.

18.2. The National Commission can allow the release of the combination of genetically modified organisms into the environment on the point identified, or a particular genetically modified organism at various points, which is attached by one notification with one purpose.

18.3. On further release of the same genetically modified organism or same combination, notified earlier as a part of the investigation program, an Applicant has to submit a new notification comprising the information from prior notifications and/or information of the registered results of prior release.

18.4. In case of change the terms of deliberate release causing possible impact on human health and/or the environment or revealing the updated information and risks an Applicant is committed:

- revise the measures stipulated in the notification;
- inform the National Commission on this issue;
- take required actions for protection of human health and the environment;
- Applicant has to submit additional information;

18.5. The term not stipulated in the Part does not include timeframes required for:

- submission of additional information inquired from the Applicant.
- submission of summaries;
- carrying social survey and consultations with public and organizations by the National Commission.

18.6. If the information on possible impacts of the release of genetically modified organism into the environment became popular after receiving a relevant permission by the user, the National Commission has to request the change of the release terms. In case of ignoring the request the National Commission suspends or prohibits such activity.

Article 19. Proceedings

19.1. An Applicant can launch the activity only after the permission issued by the National Commission and following all the terms stipulated by it, including identification of the area of genetic safety. The width of the area for nature protected areas is counted not less 3 km.

19.2. If the National Commission considers there is enough experience for the release of the relevant genetically modified organisms into the environment, then considering the criteria stipulated in the Regulation it can allow the simplified release procedure.

19.3. Permission for deliberate release of genetically modified organisms into the environment issued by the National Commission, is needed for sorts registration when testing on agronomic and technological value carried by the State Committee on plants sorts testing for their production in the Republic of Tajikistan.

19.4. All sorts produced from genetically modified organisms corresponding to the terms of testing on agronomic and technological value, are listed in the Register of plants sorts of the Republic of Tajikistan.

Chapter V. Release of genetically modified organisms and their products at the market

Article 20. The process of release of genetically modified organisms and their products at the market

Release of genetically modified organisms and their products at the market is carried only on the basis of permission issued by the National Commission according to the regulations of Chapter IV.

If the activity on the release of genetically modified organisms and their products at the market includes import/export, it is covered by the articles 28-36.

The permission stipulated at Part 1 is issued only if:

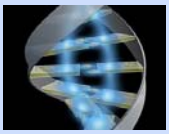
- the organisms and products noted correspond to the regulations of the national legislation;
- their correspondence to the requirements related to risk assessment for human health and the environment.

Article 21. Notification on the first release of genetically modified organisms at the market

21.1. Before the first release of genetically modified organisms at the market the manufacturer or importer submits a Notification to the National Commission comprising:

- information envisaged in the Regulation containing also the data obtained by the user in the process of investigation, testing and development carried according to the regulations of Chapter IV;
- risk assessment for human health and the environment;
- terms of the release of the product at the market including special conditions of use and handling as well as recommendations on packaging, labeling and marking.

The Applicant includes information into the Notification, received as a result of the release of the same genetically modified organisms or their combinations into the environment, notified earlier or which he carried earlier on the territory of the Republic of Tajikistan or outside.



21.2. If on the basis of the results of any release of genetically modified organisms into the environment notified earlier and with the permission obtained according to the regulations of the present Law, or on the basis of the survey results an Applicant concluded that release at the market and use of the product have no any risk for human health and/or the environment, he/ she may request in the Notification on the non-proliferation of one or a number of the Regulation requirements or application of a simplified procedure of the permission in relation to him/her.

Article 22. Main activity on import/export of genetically modified organisms and/or their products

22.1. Activity on import/export of genetically modified organisms and/or products can be carried in case of the fulfillment of terms of the notification and terms of the permission envisaged by the Articles 23 and 24, or if special requirements concerning notification, agreement and permission stipulated by the international legal documents are acknowledged by the Republic of Tajikistan.

22.2. Activity on import/export has to meet the following requirements:

- applying of the procedure of advanced informed agreement according to the Article 22 by the National Commission;
- risk assessment in accordance with regulations of the Article 26;
- meet the requirements on packaging, transportation and handling;
- providing exchange of information;
- confidentiality and enforcement of the intellectual property rights;
- prevention of illegal carriage, non-deliberate transboundary movement and providing adequate measures in case of accidents.

Article 23. Advanced informed agreement procedure

23.1. Advanced informed agreement procedure includes:

- identification of the activities upon which the procedure is applied;
- notification on import/export;
- permission of the activity on import/export;
- revise, if required, the decision made earlier by the National Commission.

23.2. Advanced informed agreement procedure covers the activity on import/export of genetically modified organisms or their products, carried with a purpose of:

- field tests on the country's area;
- deliberate release of genetically modified organisms into the environment.

23.3. Advanced informed agreement procedure is not applied in case of:

- transboundary transit of genetically modified organisms
- transboundary movement for the contained use.

Article 24. Notification on import for the National Commission

Importers before importing the genetically modified organisms and/or their products have to notify the National Commission in written format.

The National Commission provides procedure of the notification and informs the stakeholders.

An Applicant is responsible for the information validity that is submitted to the National Commission upon its request.

Confidentiality and intellectual property rights are provided with application of the regulation of Article 11, as well as other legislation.

The National Commission in 90 days from the date of receiving notification provides written approval on its receiving for an Applicant.

The following information has to be notified:

- date of the notification receiving;
- the information necessary for decision making;
- other information.

Article 25. Decision of the National Commission on the import permission

25.1. Decision of the National Commission on the import permission is based on the regulations of Article 21, in particular, on the risk assessment information.

The National Commission in the term stipulated in Chapter 4 Article 23, has to inform an Applicant on the issues:

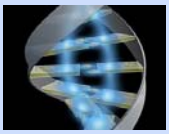
- import is carried without issuing permission noting the terms of its carrying, or
- import is carried only with the permission issued by the National Commission.

25.2. In 180 days the National Commission after receiving confirmation on the notification, makes one of the decisions:

- allow the import with terms or without, noting how they apply for further import of the same genetically modified organism or its products;
- prohibit import;
- require additional information according to the Regulation;
- prolong the term of decision making for the period of the evaluation of additional information obtained from an Applicant or other sources;
- on the decision made the National Commission informs an Applicant in written form.

Article 26. Reconsideration of the National Commission decision

26.1. The National Commission can reconsider the decision made according to Article 24 and change it basing on the updated research information on possible affect of a product on human health and/or the environment. In such cases the National Commission informs immediately an Applicant on its decision and on the reasons of rejection or change.



26.2. Applicant may request the review of the decision, made according to Article 24, by submitting the notification, if considers that:

- the circumstances changed, which identified the results of risk assessment being the base of decision making;
- he/she has additional technical and research information or there is evidence that the decision was not scientifically confirmed.

26.3. The National Commission has to make a decision on the notification according to the regulations in Part 2 and inform an Applicant of this.

Article 27. Risk assessment

27.1. Risk assessment has to be carried on scientific principles and transparence taking into account the requirements of the Regulation and applying relevant methods of risk assessment. The assessment goal is revealing and identifying the negative impact of genetically modified organisms or their products on human health and the environment considering social-economic status.

27.2. The National Commission makes a decision which competent authorities or research institutions will carry the risk assessment.

The National Commission has to confirm the risk assessment implementation, being the basis of decision making according to Article 24.

The National Commission is responsible for carrying the risk assessment relating to microorganisms and sometimes other genetically modified organisms in contained use.

27.3. Financial expenditures on risk assessment are covered by an Applicant.

Article 28. Movement of the genetically modified organisms

28.1. Importer before carrying import has to confirm that the exporter of genetically modified organisms and/or their products provides:

- packaging, identification, labeling and transportation at the level of such arrangements on the part of export;
- implementing other terms envisaged by the present Law.

28.2. Importer has to provide the relation of the documentation accompanied to the requirements of the national and international legislation on transboundary movement of genetically modified organisms and their products.

Article 29. Actions in case of illegal transportation of the genetically modified organisms

29.1. In case of illegal transportation of the genetically modified organisms a special authorized state institution on biological safety has to request from the country-exporter their repatriation or elimination on its own account according to the regulations of international legislation.

29.2. Special authorized state institution on biological safety is informed of the illegal transportation of genetically modified organisms according to the procedures stipulated by international legislation in this area.

29.3. In case of non-deliberate transboundary movement of genetically modified organisms and/or their products a special authorized state institution on biological safety provides notification stipulated in the international legislation as well measures to exclude any risks for human health and the environment.

29.4. The National Commission informs the public on preventing situations while carrying non-deliberate movement of genetically modified organisms and/or their products.

Article 30. Public awareness and participation

30.1. Permission procedure of the deliberate release of genetically modified organisms and/or their products into the environment and at the market is opened to the public. National Commission provides transparency of the activity for which the permission is inquired.

30.2. In 10-days term from the date of receiving the notification the National Commission has to inform the public providing the source of information.

30.3. The public comments are received during 60 days from the date of informing and considered by the National Commission in decision making on the activity permission. Public discussions of any aspects of the issue will be organized depending on the comments received.

30.4. The National Commission provides public participation in decision making on allowing the activity regulated by the present Law according to the regulations of national and international legislation admitted by the Republic of Tajikistan.

Chapter VII. Final provisions

Article 31. Order of settlement the disputes on biological safety issues

Disputes on biological safety issues and the related property debates are settled by legal proceedings.

Article 32. Liability for the present Law violation

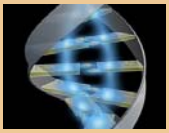
Physical and juridical persons are called to account for violation of the present Law regulations according to the legislation of the Republic of Tajikistan.

Article 33. Order of acting of the present Law

The present Law will put into operation after its official publication.

President

Republic of Tajikistan



BIBLIOGRAPHY

1. Алиев К.А., Каримов Б.Х., Каримов М.К., Каримов Х.Х. *Перспективы использования биотехнологии в сельском хозяйстве Таджикистана*. (2001). // Научные труды Таджикского аграрного университета. Душанбе. С. 81-84;
2. *Закон Республики Таджикистан «Водный кодекс»* (2000);
3. *Закон Республики Таджикистан «Земельный кодекс»* (1996);
4. *Закон Республики Таджикистан «Лесной кодекс»* (1996);
5. *Закон Республики Таджикистан «О карантине растений»* (2001);
6. *Закон Республики Таджикистан «О недрах»* (1994);
7. *Закон Республики Таджикистан «Об особо охраняемых природных территориях»* (1996);
8. *Закон Республики Таджикистан «Об отходах производства и потребления»* (2002);
9. *Закон Республики Таджикистан «Об охране атмосферного воздуха»* (1996);
10. *Закон Республики Таджикистан «Об охране здоровья населения»* (1997);
11. *Закон Республики Таджикистан «Об охране и использовании животного мира»* (1994);
12. *Закон Республики Таджикистан «Об охране природы»* (1994);
13. *Конвенция о биологическом разнообразии* (1995) Текст и приложение. Швейцария;
14. *Концепция государственной научно-технической политики Республики Таджикистан*.
15. (1988). Душанбе. – С. 38;
16. Материалы Субрегионального Семинара ЮНЕП-ГЭФ. (2003) // *ЦВЕКЦА по Созданию НСБ.* Анталия, Турция;
17. Муминджанов К.А. *Физиолого-биотехнологический подход к селекции и семеноводству контроля*. (2002). Душанбе. – 128 с.
18. Пирузян Э.С. *Генетическая инженерия растений*. (1988). Москва, Знание. – С. 64;
19. Пирузян Э.С., Андрианов В.А. *Генетическая инженерия растений*. (1990).
20. Практическое руководство. / Москва: Наука. – С. 200;
21. Республика Таджикистан. *Национальный отчет по устойчивому развитию. РИО+10*. (2002). Душанбе. – С.61-63;
22. Рут Макензи, Франсуаза Бурен Гийман, Антонио Г.М. Лавинья, и Д. Верксман Джэкоб и др. (2003). *Пояснительное руководство по Картахенскому протоколу по биобезопасности*. / МСОП, Экологическая политика и право.
23. Секретариат Конвенции о биологическом разнообразии (2000) *Картахенский протокол по биобезопасности к конвенции о биологическом разнообразии.* Текст и приложения; Монреаль;
24. Фоули Р. *Еще один неповторимый вид*. (1990). Москва: Мир. – 368 с.;
25. Biosafety and the environment. (1995). *The Secretariat of the Convention on Biological Diversity*. Quebec, Canada;
26. *National Biosafety Framework for Slovenia*. (2003). Ljubljana;
27. Public Participation and the Cartagena Protocol on Biosafety, a review for DFID and GEF. Part I: The main report. (2003);
28. Public Participation and the Cartagena Protocol on Biosafety, a review for DFID and GEF. Part II: The Case Studies. (2003);
29. Research Centre for Biotechnology Indonesian Institute of Sciences-LIPI. (2003). *Survey on existing national biosafety frameworks in the countries of the sub-region*;
30. Thailand Country Report on Biosafety – *Risk Assessment and Management*. (2001). Nipon, Thailand Biodiversity Center, National Science and Technology Development Agency Building, Rama VI Road, Rajdhevee, Bangkok, Thailand.
31. UNEP-GEF projects on Implementation of National Biosafety Framework, Guidance document. (2003);

English version:

***Translators*:** Lola Rakhmonova, Valentina Glavcheva, Ekaterina Yuldasheva

Technical advisors:

Rakhmonova L., Nesmeyanova E., Chistyakov D., Irgashev S.

Designed by:

Idrisova A.

National Biodiversity and Biosafety Center

Address: 44 Aini str., 734025, Dushanbe, Tajikistan
Phone: (992 372) 21-89-78, 27-44-90
Fax: (992 372) 21-89-78
E-mail: biodiv@biodiv.tojikiston.com