

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 3 March 2015 7:17 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: Information on the Regulatory Status of NBTs [SEC=UNCLASSIFIED]

Dear [REDACTED]

Thank you for your email seeking information on New Zealand's domestic policy and / or legislation targeting NBTs. This response covers environmental release and does not cover approvals for food which are looked after by FSANZ.

In New Zealand, the Hazardous Substances and New Organisms Act 1996 (HSNO Act) regulates genetically modified organisms (GMO). An approval is required from the Environmental Protection Authority (EPA) for the import, development, field testing or release of GMO.

The HSNO Act (section 2) defines GMO as:

Genetically modified organism means, unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material-

- (a) have been modified by *in vitro* techniques; or
- (b) are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by *in vitro* techniques.

You can access the HSNO Act and regulations at www.legislation.govt.nz.

There are 2 steps to deciding what is a GMO:

1. Does the organism meet the definition of a GMO in the HSNO Act 1996?
2. If so, is the organism expressly exempt in the HSNO Organisms Not Genetically Modified Regulations 1998?

In 2012, the EPA received an application for a determination under the HSNO Act whether organisms resulting from the use of ZFN-1 and TALENs would be GMO under the Act. It determined that organisms resulting from the use of these two techniques were exempted from being classed as GMO under the Organisms Not Genetically Modified Regulations.

An appeal of this determination based on the scope of the Regulations was lodged.

The resulting High Court judgment in 2014 upheld the appeal. The High Court decision held that the list of techniques in the Regulations (specifically regulation 3(1)(b)) is exhaustive. This means new techniques are not exempted by Regulations and are treated in law as GMOs.

The Ministry intends to review the Regulations but we are at the early stages of this review.

Regards, [REDACTED]

[REDACTED]

From: NBT Secretariat [<mailto:info@nbtplatform.org>]
Sent: Saturday, 17 January 2015 3:48 AM
To: [REDACTED]
Subject: Information on the Regulatory Status of NBTs

Dear Sir,

My name is [REDACTED] and I am contacting you on behalf of [REDACTED] the Chairman of the 'New Breeding Techniques (NBT) Platform'. The NBT Platform is a coalition of SMEs, large industry representatives and members of prominent academic and research institutes which strives to bring clarity to the European debate on plant new breeding techniques.

We contacted you in early 2013 in order to collect information on New Zealand's domestic policie(s) and/or legislation(s) targeting at NBTs. We are getting in touch with you again to ask you whether you could report to us any possible new developments on that subject.

As you may be aware, the European Commission is in the process of forming an official position with regards to regulating NBTs. We know by experience that the European Union usually takes account of policies in third countries when adopting its own position (and '*vice versa*'). We therefore strive to gather any relevant information on non-EU countries legislations on that subject.

In case you are not following this particular topic, could you please direct me to one of your colleagues.

Thanking you in advance for your collaboration, I remain at your disposal in case you require any precisions concerning the above request or the NBT Platform activities.

Best regards,

[REDACTED]

The NBT Platform is a coalition of SMEs, large industry representatives and members of prominent academic and research institutes which strives to bring clarity to the European debate on NBTs. Its aim is to provide policy makers and stakeholders with clear and precise information on NBTs and to generate awareness about their widespread benefits for the European economy and society as a whole. NBT Platform Secretariat, Rue Belliard 199, bte 22, 1040 Brussels, T: +32-2-5022008, info@nbtplatform.org

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