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Biotechnology

Annual Report

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Readers should note that since 2006 the Bolivarian Republic of Venezuela (BRV) is no longer a member of the Andean Community. The BRV will observe Andean Community regulations regarding biotech for a five-year period or until it established new norms and regulations.

Includes PSD Changes: No
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Section I. Executive Summary

Venezuela's Ministry of Environment and Natural Resources is responsible for biotechnology and biosafety issues. A fairly extensive list of international treaties and domestic laws provide the basic legal framework for agricultural biotechnology. In reality, the regulatory system is imprecise.

Venezuela is a significant importer of basic agricultural commodities. The main products imported are wheat, corn, soybean meal, animal fats and vegetable oils. Imports of wheat and yellow corn mainly come from the United States, and oilseed products are generally sourced from South American countries like Argentina, Brazil, Paraguay, Uruguay, and Bolivia. While not the major supplier, there are rather significant soybean and soybean meal imports from the United States.

Consumer concerns related to the planting of biotech crops or consumption of biotech food products are insignificant. Some environmental groups are resistant to biotech and are slowly raising their concerns to the government. The scientific community, mainly from universities and research entities, has conducted limited studies and favors development of science-based regulations within the government.

Section II. Biotechnology Trade and Production

According to sources contacted by FAS/Caracas there are no biotechnology crops under development. The Bolivarian Republic of Venezuela (BRV) has not granted approval for planting biotechnology crops from any source.

While the legislation does not prohibit imports of biotechnology crops and/or products, it does not automatically authorize them. Guidelines and procedures to oversee and regulate the introduction and marketing of biotechnology products were established through the Venezuelan Seed Law (Ley de Semillas) that was decreed on October 2002. The following articles from the Venezuelan Seed Law (Ley de Semillas) provide guidance regarding the use and imports of biotechnology materials (unofficial translation from FAS/Caracas):

Article N° 14. Any material subject to agricultural production, either seed, material for animal reproduction or biological inputs, should be reviewed by the "National Institute for Seeds and Material for Animal Reproduction", previous to its liberalization, production, marketing or any other use, in order to determine if it is a transgenic organism or genetically modified organism or that it comes from this kind of organism.

Article N°26. Any imported genetic material, previous to its liberalization on the national territory, should be subject to quarantine or official isolation, on the areas specially addressed for it and according to the customs authority's indications.

Penalties for non-compliance are unclear. The BRV is developing the regulatory framework for its Biodiversity law. It can be found on the following web site:

<http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/reglamentoparcialleydiversidadbiologica.pdf>

On March 20, 2005, President Chavez stated in his weekly speech "Alo. Presidente" that the country would not allow the use of biotechnology crops. This statement may lead to changes in the existing legislation, although, to date, it has not. (For a transcript of this speech, please refer to the following web page:

http://www.gobiernoenlinea.gob.ve/docMgr/sharedfiles/Alo_Presidente_216.pdf)

Venezuela is not a food aid recipient country and there is no indication it will be in the near future.

Section III. Biotechnology Policy

Venezuela's legal framework for agricultural biotechnology is based on both international treaties and the national legislation. The National Assembly must ratify international agreements signed by the BRV before it becomes legal in Venezuela. The following international treaties are legal in Venezuela:

- United Nations Treaty for Biodiversity.
- Cartagena Protocol for Biotechnology Safety (the BRV ratified it on January, 2002).
- Andean Community regulations:
 - Decision N° 345- Common Provisions on the Protection of the Rights of Breeders of New Plants (<http://www.comunidadandina.org/ingles/treaties/dec/d345e.htm>)
 - Decision N° 523- Regional Biodiversity Strategy for the Tropical Andean Countries (<http://www.comunidadandina.org/ingles/treaties/dec/D523e.htm>)
 - Decision N° 486- Common Intellectual Property Regime (<http://www.comunidadandina.org/ingles/treaties/dec/D486e.htm>)
 - Resolution N° 414
 - Resolution N° 416
- International Treaty on Phytogenetic Resources (1983)
- International Plant Protection Convention (IPPC)
- The Rotterdam Convention (1998)

In April 2006 the BRV withdrew from the Andean Community, therefore previously adopted Andean Community laws and regulations will be subject to a phase-out period of five years. The Andean Community regulations mentioned above are still valid in Venezuela. It is probable that the BRV will prepare new rules and new laws during this period.

The Venezuelan constitution calls for the state to be the promoter of new developments (articles 112, 236 and 289). It also mentions that the state is the sole owner of natural resources, including genetics (article 11). The constitution in article 326 talks about the concept of "national security", and agricultural biotechnology would fall under it. For information about these articles, please refer to: <http://www.embavenez-us.org/constitution/intro.htm>

The following set of laws also deal with biotech issues:

- Environmental Law (Ley Organica de Ambiente)
- Biodiversity Law (ley de Diversidad Biologica)
- Seed Law (Ley de Semillas, material para la reproducción animal e insumos biológicos)

Agricultural biotechnology is under the responsibility of Venezuela's Ministry of Environment and Natural Resources (MARN). The MARN has an office, called "Dirección de Bioseguridad y Biocomercio" that is in charge of administering and regulating genetic resources, biotechnology security and encouraging related activities that enhance the use of biodiversity. Among the specific functions of this office are (<http://www.vitalis.net/LDB.htm>):

- Evaluate all issues related to biotechnology security as well as traditional knowledge associated to biological diversity.
- Coordinate activities of the access committee of genetic resources.
- Develop the project " Venezuela's National Framework on Biotech Security".
- Propose a partial regulation to the Biodiversity Law.

- Develop the National Bio-Commerce Program.
- Negotiate "The National Business Project" based on Biodiversity on the Andean Region.
- Issue genetic resource access contracts.

The Biodiversity Law created the "Oficina Nacional de Diversidad Biologica (in English: National Office of Biodiversity or ONDB). The ONDB has the oversight authority for any matter related to biotech products.

In addition, a consultative body, the National Biotechnology Commission, was created on September 9, 1996, through Decree No. 1475. Government agencies involved in this commission are: Ministry of Development, Ministry of Health and Social Development, Ministry of Agriculture and Lands, Ministry of Environment, Ministry of Science and Technology and the Secretariat of the Presidency. The National Biotechnology Commission reports directly to the President's Cabinet. This commission has the following functions:

- Advise the National Assembly on studies and project laws necessary to develop and transfer biotechnology.
- Cooperate with public and private institutions involved in the development of biotechnology and in the development of programs, policies and activities necessary to create, strengthen and use scientific skills and resources.

The "Centro de Investigaciones de Biotecnología Agrícola" (in English: Agricultural Biotechnology Research Center, or CIBA") was founded in 1991 by the Agronomic Faculty of the Universidad Central de Venezuela (in English: Venezuela's Central University or UCV). This center has the following labs: Tissue Culture, Cytogenetic, Molecular Genetics and microorganisms. The CIBA is in charge of research studies based on agricultural biotechnology.

Section IV. Marketing

Consumers have not voiced any concerns about biotechnology products or products containing biotechnology raw materials as of this date.

On several occasions, an NGO organization called "Red de Accion en Alternativas al Uso de Agrotoxicos de Venezuela" (in English: Venezuelan Action Network of Alternative Uses of Agritoxics or RAPAL-VE)) has publicly urged the President to halt the liberalization of transgenic crops, based on the country's goal of becoming a "natural country" and on the application of the precautionary principle.

In 2002, this organization conducted a study to determine the presence of GMO's in food products sold in Venezuela. Lab analyses were done by *Genetic-ID* lab (based on Germany) and with funds from *Global Greengrant Funds* (GGF). There are no published results available.

Section V. Capacity Building and Outreach

Currently there are no U.S. Government or USDA-funded capacity building or outreach activities related to agricultural biotechnology carried out in Venezuela. The BRV through the MARN received funds from the United Nations Environment Program (UNEP) to conduct six seminars during 2005 with the goal of presenting a "Legal framework for a National Biotechnology Policy." The major objective of the seminars was to increase public awareness of agricultural biotech and have a consensus among the public and private sector regarding the national biotechnology framework. All six seminars were completed. During the last

seminar (December 2005) the final draft of the national biotechnology framework was presented. While it is unlikely that this draft be adopted by the BRV, it will stand as a reference for any further discussions.