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Report Highlights:

On July 26, 2016, Cote d'Ivoire announced the implementation of the national biosafety law after its adoption by parliament. Although the country is in the early stages of adopting agricultural biotechnology, its biosafety law is the foundation on which the country will manage the approval processes, risk management, containment, and labelling for genetically engineered (GE) products developed domestically or by a third country.

EXECUTIVE SUMMARY

Although in the nascent stages of adopting the use of GE products, Cote d'Ivoire is well on its way to accepting agricultural biotechnology, as the Government of Cote d'Ivoire (GOCI) recognizes the potential of biotechnology as a key innovation in the quest for national food and nutrition security. The push for the move toward biotechnology began in June of 2015, when the GOCI adopted and ratified the Cartagena Protocol. The following year, the GOCI advanced its GE agenda further by developing the country's first biosafety law, which was approved by parliament in July of 2016.

The biosafety law, Law 2016-553, outlines the steps needed to import GE products into Cote d'Ivoire while also identifying different agencies tasked with ensuring that imported products are safe for human and animal health. Since the biosafety law was approved, not much else has been developed to advance the use of GE products. However, since the GOCI is faced with strong growth in food demand resulting from rapid demographic shifts and changing consumption habits, Cote d'Ivoire is poised to continue working towards taking advantage of the many benefits GE products can provide.

There is a lack of educational outreach, especially in rural areas about the many benefits GE products can provide. Willingness to adopt innovative biotechnology tools and GE products will depend on GOCI's efforts to inform as well as educate the Ivorian population.

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CHAPTER 1: PLANT BIOTECHNOLOGY

PART A: PRODUCTION AND TRADE

a) RESEARCH AND PRODUCT DEVELOPMENT:

Post is not aware of any GE product being researched or developed in the country.

b) COMMERCIAL PRODUCTION:

There is no commercial production of GE products in Cote d'Ivoire.

c) EXPORTS:

Not applicable.

d) IMPORTS:

Post is not aware of any GE product that are currently being imported to Cote d'Ivoire. However, a biosafety law (Law 2016-553) has been approved by Parliament and gives details on import regulations for GE products. The law states in article 23 that imports of GE products are allowed, however, a special request needs to be submitted to the National Biosafety and Biosecurity Commission (CNBIOS) to do so. However, it is very important to note that the CNBIOS is not operating at the moment, and therefore, no GE products are currently allowed into the country. Once the agency is established and a request for authorization is submitted, the CNBIOS will transfer the request to the Ministry of Environment (MOE) that will then have 90 days to determine whether the product will be allowed to enter the country. The CNBIOS requires the following information to gain authorization for GE products:
-Information on the taxonomy, ecological and reproductive behavior of the GE organism and its derived products,
-Information on the exporter, the recipient organization, the vector, and the gene introduced,
-Information about the risks that exist from the gene when transferred to other organisms as well as the type of accidental dissemination it may cause and its method of usage.

All GE plants and derived products must be packaged and labeled. The words "this product contains genetically modified organisms" must appear on a label or on an administrative document associated with the product.

Once allowed into the country, the GE products need to be placed in quarantine before dissemination, commercialization, and all other usages. The amount of time the products need to be in quarantine is not clear.

e) FOOD AID:

Cote d'Ivoire has been the recipient of U.S. food assistance under USDA's Food for Education program. There are no known cases where GE products have been imported for food assistance.

f) TRADE BARRIERS:
There are no biotechnology-related trade barriers in Cote d'Ivoire except for the requirements stipulated in Law 2016-553.

PART B: POLICY

a) REGULATORY FRAMEWORK:

The GOCI adopted the Cartagena Protocol in June of 2015. In July of 2016, parliament adopted Law 2016-553 on biosafety management. The purpose of the law is to establish the biosafety legal framework in order to ensure the safe and effective distribution of GE products throughout Cote d'Ivoire.
i.

Legal term (in official language)	**Legal term (in English)**	**Laws and Regulations where term is used**	**Legal Definition (in English)**
Organisme Génétiquement Modifié	Genetically Modified Organism abbreviated GMO	Law 2016-553 Article 3,4,8,11,12,14,18 to 27,32,34-36,38,41,46,49,50,52-53.	any biological entity or organism whose genetic material has been altered through the use of modern biotechnology
Organisme Vivant Modifié	Living Modified Organism abbreviated LMO	Law 2016-553	any GMO in its living form; capable of natural reproduction and propagation in the environment
Dissémination	Dissemination	Law 2016-553 Article: 3,14-16,24,26,29,32,46,49.	the release of a GMO or its derivatives into an environment other than the laboratory or the greenhouse.
Confinement	Containment	Law 2016-553 Article: 3,7,12,15,46	any physical isolation through the use of appropriate equipment and facilities and/or biological isolation through the use of organisms whose ability to survive or reproduce in the environment is limited, in order to effectively restrict the contact of these Genetically Modified Organisms, abbreviated

			as GMOs or derived products, with the external environment and their impact on this environment
Biosécurité	Biosafety	Law 2016-553	any measure aimed at avoiding risks arising from modern biotechnology on biological diversity, human and animal health, on the environment and on social activities and economic practices
biosûreté	Biosecurity	Law 2016-553	the technological and practical principles of containment put in place to avoid accidents and unintended exposure to pathogens or toxins
Biotechnologie moderne	Modern Biotechnology	Law 2016-553	a. the application of in vitro techniques to nucleic acids, including deoxyribonucleic acid, abbreviated as DNA, and the direct introduction of nucleic acids into cells or organelles b. cell fusion of organisms that do not belong to the same taxonomic family, that overcome the natural barriers of reproductive physiology or recombination and that are not techniques used for conventional breeding and selection

ii. Responsible Institutions for Implementing the Biosafety Law (Law 2016-553):

The following institutions are mentioned in the biosafety law but are not yet operational.

The key institutions tasked with the implementing the biosafety law are:
- The National Biosafety and Biosecurity Commission (CNBIOS)
- The National Biosafety Observatory (ONBIOS)

iii. Role of the CNBIOS and ONBIOS:

The CNBIOS is the competent authority in Côte d'Ivoire regarding biotechnology. It is housed within the MOE and is responsible for regulating all uses of GE organisms. This agency reviews requests for GE product authorization and provides a decision whether the product can enter the country based on scientific evidence. The CNBIOS is meant to decide on the GE products within 90 days from the time authorization was requested.

During the review, the CNBIOS will:
- Ask to be notified on transboundary movements of GE products;
- Request additional information from the notifier if needed;
- Respond to decision appeals from exporting Parties or the notifier;
- Conduct consultations with the notifier regarding confidential information.

The ONBIOS is an independent body designated to:
- Participate in public debates;
- Ensure transparency in the monitoring and evaluation of GE-related issues;
- Encourage informed public participation in decision-making process.

iv Assessment of Political Factors:

The biosafety law aims to ensure an adequate level of safety is adhered to regarding GE products within Cote d'Ivoire. To formulate an adequate policy, the GOCI took the following factors into consideration:
- Ensure that the products are safe;
- Protect the environment and biodiversity;
- Compatibility of the application and ethical values;
- Ensure that the biosafety law is compatible with regional and sub-regional integration instruments, such as, the ECOWAS biotechnology policy.

v. Any Regulatory Distinctions between GE plants containing DNA and those who do not:

There is no distinction between GE plant products containing DNA and those that do not.

vi. Any Regulatory Distinctions between GE plants considered living versus non-living:

There is no distinction between GE plants considered living versus non-living.

vii. Any Regulatory Distinctions between regulatory approval/authorization and environmental release:

The uses of GE plant or derived products in Cote d'Ivoire are subject to the approval of the CNBIOS. The guidelines for issuing GE product authorization in Cote d'Ivoire were determined by decree from the Council of Ministers.

The MOE may require that the applicant or the beneficiary modify the conditions of dissemination based on certain situations. The MOE can suspend or withdraw approvals if necessary.

viii. Pending legislation or regulations that have the potential to affect U.S. exports:

The Law 2016-553 states under Article 26 that "Any GMO or its derivatives must undergo quarantine before dissemination, commercialization or any other use". Currently there is no guidance as to how long GE products will need to be quarantined.

ix. Timeline for Approvals:

When an import request is made to the CNBIOS, the MOE is required to respond within 90 days after receiving the notification. The MOE may notify the applicant that an additional 60-days is required in order to facilitate the approval. If the MOE does not respond within 90 days, the application is rejected.

x. Regulations on Biosafety:

The biosafety law was passed in July 2016. The law aims to ensure an adequate level of protection for human and animal health, biodiversity and the environment from risks associated with the use of biotechnology and derived products.

xi. Additional product and/or seed registration:

No additional registration processes are required for GE products or seeds.

xii. Is re-registration required?

Re-registration is not required; however, the MOE must be informed of any changes regarding the release of GE products to protect human health and the environment.

xiii. Are approvals/authorizations limited?

There are no limits to the number of approvals.

b) APPROVALS/AUTHORIZATIONS:

At present, no GE crops (industrial crops, food crops, or feed) have been officially approved or registered in Cote d'Ivoire for open cultivation, import or export.

c) STACKED OR PYRAMIDED EVENT APPROVALS:

There are no additional approvals required for stacked or pyramided events.

d) FIELD TESTING:
There are no field trials in Cote d'Ivoire. However, Cote d'Ivoire allows for field testing if authorization is granted by the competent authority. Confined field trials must have four levels of security depending on the risk to human and animal health and the environment.

Security levels 2 to 4 require close coordination and monitoring with the competent authority while level 1 only requires a certificate from the CNBIOS that the field trial is approved.

e) INNOVATIVE BIOTECHNOLOGIES:

Law 2016-553 under article 3 stipulates that GE animals fall under the same regulations and guidelines as GE plants.

f) COEXISTENCE:

Law 2016-553 ensures the coexistence of GE and non-GE crops.

g) LABELING AND TRACEABILITY:

Law 2016-553 stipulates that any GE products intended for intentional release or for import or export must be packaged and labeled. As such, the words "this product contains genetically modified organisms" must appear on a label or on an accompanying document.

h) MONITORING AND TESTING:

The Ivorian Law 2016-553 does not stipulate any details on monitoring and testing for GE traits.

i) LOW LEVEL PRESENCE (LLP) POLICY:
There is no LLP policy.

j) ADDITIONAL REGULATORY REQUIREMENTS:

There are no additional regulatory requirements.

k) INTELLECTUAL PROPERTY RIGHTS (IPR):

All GE and derived products in Cote d'Ivoire can be marketed if authorized by the GOCI.

l) CARTAGENA PROTOCOL RATIFICATION:

Cote d'Ivoire adopted the Cartagena Protocol on Biosafety (CPB) in June 2015.

m) INTERNATIONAL TREATIES and FORUMS:

Cote d'Ivoire is member of the Food and Agriculture Organization (FAO), World Trade Organization (WTO) and Codex Alimentarius.

n) RELATED ISSUES:

Not applicable.

PART C: MARKETING

a) PUBLIC/PRIVATE OPINIONS:

Biotechnology in Cote d'Ivoire is just starting to take hold therefor public and private opinions about the adoption of GE products hasn't been developed.

b) MARKET ACCEPTANCE/STUDIES:

Post is not aware of any market studies in Cote d'Ivoire.

CHAPTER 2: ANIMAL BIOTECHNOLOGY

PART D: PRODUCTION AND TRADE

a) RESEARCH AND PRODUCT DEVELOPMENT:

Post is not aware of the development of bioengineered animal products in Cote d'Ivoire.

b) COMMERCIAL PRODUCTION:

Not applicable.

c) EXPORTS:

Not applicable.

d) IMPORTS:

There are no differences between animal and plant biotechnology imports in Cote d'Ivoire.

e) TRADE BARRIERS:

Not applicable.

PART E: POLICY

a) REGULATORY FRAMEWORK:

The regulatory framework is the same for plant biotechnology.

b) APPROVALS/AUTHORIZATIONS:

Not applicable.

c) INNOVATIVE BIOTECHNOLOGIES:

Not applicable.

d) LABELING AND TRACEABILITY:

Not applicable.

e) ADDITIONAL REGULATORY REQUIREMENTS:

Not applicable.

f) INTELLECTUAL PROPERTY RIGHTS (IPR):

Not applicable.

g) INTERNATIONAL TREATIES AND FORUMS:

Not applicable.

h) RELATED ISSUES:

Not applicable.

PART F: MARKETING

a) PUBLIC/PRIVATE OPINIONS:

Not applicable.

b) MARKET ACCEPTANCE/STUDIES:

Not applicable.

CHAPTER 3: MICROBIAL BIOTECHNOLOGY

PART G: PRODUCTION AND TRADE

a) COMMERCIAL PRODUCTION:

Not applicable.

b) EXPORTS:

Not applicable.

c) IMPORTS:

Not applicable.

d) TRADE BARRIERS:

Not applicable.

PART H: POLICY

a) REGULATORY FRAMEWORK:

The regulatory framework is same as that of plant biotechnology.

b) APPROVALS/AUTHORIZATIONS:

Would not be any different from that of plant biotechnology.

c) LABELING AND TRACEABILITY:

Same as that of plant biotechnology.

d) MONITORING AND TESTING:

Same as that of plant biotechnology.

e) ADDITIONAL REGULATORY REQUIREMENTS:

Same as that of plant biotechnology.

f) INTELLECTUAL PROPERTY RIGHTS (IPR):

Same as that of plant biotechnology.

g) RELATED ISSUES:

Not applicable.

PART F: MARKETING

a) PUBLIC/PRIVATE OPINIONS:

Not applicable.

b) MARKET ACCEPTANCE/STUDIES:

Not applicable.

POST CONTACT AND FURTHER INFORMATION

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End of Report

BEGIN TRANSLATION OF THE BIOSAFETY LAW

REPUBLIC OF COTE D'IVOIRE
UNITY – DISCIPLINE – WORK

LAW NO. 2016-553 of July 26th, 2016
ESTABLISHING A BIOSAFETY REGIME

THE NATIONAL ASSEMBLY has adopted,

THE PRESIDENT OF THE REPUBLIC promulgates the following law

CHAPTER 1: GENERAL PROVISIONS

SECTION 1: DEFINITIONS

Article 1: For the purposes of this Law, the following definitions apply:

- **prior agreement given with full knowledge of the facts in abbreviated APCC**, the agreement obtained on the basis of the information provided by the applicant and required by the Competent National Authority before the start of any activity.

-**Biosafety**, any measure aimed at avoiding risks arising from modern biotechnology on biological diversity, human and animal health, on the environment and on social activities and economic practices

-**Biosafety**, the technological and practical principles of containment put in place to avoid accidents and unintended exposure to pathogens or toxins

-**Modern Biotechnology**:

a. the application of in vitro techniques to nucleic acids, including deoxyribonucleic acid, abbreviated as DNA, and the direct introduction of nucleic acids into cells or organelles

b. cell fusion of organisms that do not belong to the same taxonomic family, that overcome the natural barriers of reproductive physiology or recombination and that are not techniques used for conventional breeding and selection

- **containment**, any physical isolation through the use of appropriate equipment and facilities and/or biological isolation through the use of organisms whose ability to survive or reproduce in the environment is limited, in order to effectively restrict the contact of these Genetically Modified Organisms, abbreviated as GMOs or derived products, with the external environment and their impact on this environment

-**release**, the release of a GMO or its derivatives into an environment other than the laboratory or the greenhouse.

the release can be deliberate, accidental, controlled, for scientific purpose, commercial purpose; limited to national borders, extended beyond national borders.

-**damage**, the adverse effect on the conservation and sustainable use of biological diversity including socio-economic aspects thereof, taking into account risks to human and animal health.

-**donor**, any organism from which a piece of genetic material (DNA) has been extracted to be introduced into another organism;

-**exporter of GMOs**, any natural or legal person undertaking any intentional transboundary movement of GMOs to another country and from Cote d'Ivoire.

-**GMO importer**, any natural or legal person undertaking any intentional transboundary movement of GMOs from a country to Côte d'Ivoire

-**placement on the market of GMOs**, the making available to third parties, in return for payment or free of charge;

-**notification** means the submission by a person called the notifier of documents containing the information required by the competent national authority

- **Genetically Modified Organism** in short GMO, any biological entity.or organism whose genetic material has been altered through the use of modern biotechnology;

- **Living Modified Organism abbreviated LMO**, any GMO in its living form; capable of natural reproduction and propagation in the environment

-**quarantine**, the set of safety isolation measures that any GMO or its derivatives must undergo before its commercialization or other use

-**recipient**, the organism which receives genetic material from a donor organism.

-**risk**, the magnitude of the consequences of a hazard, if the event under consideration occurs, combined with the probability that the event will occur

-**taxonomy**, the science that describes living organisms and groups them into entities called taxa in order to identify, name and classify them;

-**user**, any person or legal entity, proceeding to the development experimentation, production, marketing and distribution of Genetically Modified Organisms or derived products, excluding direct consumers.

-**Use**, any operation or set of operations during which organisms are genetically modified or during which genetically modified organisms are cultivated, implemented, stored, destroyed or disposed of

-**Contained use**, any operation in which GMOs are used in an isolated system, constitutes

containment system, constituted by physical barriers alone or combined with chemical or biological barriers with the objective of limiting their contact with the environment.

-**vector** means any organism or object used to transfer genetic material from a donor organism to a recipient organism.

SECTION II: PURPOSE AND SCOPE

Article2: The purpose of this law is to establish the legal regime of biosafety.

It aims to ensure an adequate level of protection of human and animal health, biodiversity and the environment against potential risks associated with the use of modern biotechnology and derived products

Article 3: This law applies to:

-to the import of GMOs and their derived products.

-the export of GMOs and their derived products.

-the transit of GMOs and their derived products

-the transfer, marketing and use of GMOs and their derivatives

-the use of GMOs and their derived products in a contained environment

-genetic transformation of plants and animals.

-recombinant DNA technology in the development of vaccines and pharmaceutical products

- the production and dissemination of microorganisms, plants, animals and products derived from recombinant DNA technology.

-the placement on the market of GMOs.

The following are not considered to be placement on the market:

-the making available of genetically modified microorganisms: for

making available genetically modified microorganisms for contained use, including for crop collections

-the making available of GMOs other than the micro-organisms referred to in the first indent, intended to be used exclusively for activities that are subject to appropriate strict containment measures appropriate stringent containment measures to limit the contact of these organisms with the general public and the environment and to ensure a high level of safety for the latter.

-the provision of GMOs to be used exclusively for deliberate releases that meet the requirements set forth in this law.

Article 4: The present law does not apply to pharmaceutical products derived from GMOs, intended for human use GMOs, intended for humans and animals.

SECTION III: PRINCIPLES OF BIOTECHNOLOGICAL RISKS PREVENTION

Article 5: For the prevention of biotechnological risks, the State ensures the application of the following principles

- the precautionary principle, during the planning or execution of any action preliminary measures are taken in order to avoid or reduce any risk or danger to the environment or any danger for the environment.

-Any person whose activities, are likely to have an impact on the environment must before acting take into consideration the interests of third parties as well as the need to protect the environment.

If, in the light of experience or scientific knowledge, an action is deemed likely to cause a risk or danger to the environment, it shall be undertaken only after a prior assessment indicating that it will not have a detrimental impact on the environment.

- the principle of prevention, which recommends that in the presence of a known risk, preventive, mitigating and corrective action should be taken as a priority at the source

-the polluter pays principle, any natural or legal person whose actions and/or activities cause or are likely to cause damage to the environment is subject to a tax and/or a fee. It also assumes all the measures of restoration.

-the principle of participation, according to which every person has the right to be informed about the state of the environment and to participate in the procedures prior to the taking of a decision that may have harmful effects on the environment

-the principle of coordination and intersectoral cooperation which implies the coordination of the different actions related to biosafety and the cooperation between the different structures involved in biosafety management

-the principle of the use of proven scientific techniques according to which the principle of the use of proven scientific techniques according to which the technical measures of evaluation and management of the biotechnological risks must be based on proven scientific knowledge

-the principle of regional and international cooperation which, because of the transboundary or even global nature of certain ecological phenomena, requires States to take cooperative action

CHAPTER. II: IMPLEMENTING BODIES

Article 6: The following bodies are hereby created for the implementation of the biosafety rules following bodies:

-a National Biosafety and Biosecurity Commission. A National Biosafety and Biosecurity Commission, abbreviated as CNBIOS

-a National Biosafety Observatory, abbreviated to ONBIOS.

The powers, organization and functioning of CNBIOS and ONBIOS are defined by decree by the Council of Ministers.

CHAPTER III CONTAINED USE OF GENETICALLY MODIFIED ORGANISMS (GMO) AND THEIR DERIVED PRODUCTS

SECTION 1 CONTAINMENTS

Article 7: All research and development and all use of Genetically Modified Organisms must be subject to prior containment.

Article 8: modern biotechnology works are carried out in accordance with the four following safety levels:

-Safety level 1: Biotechnology projects that are recognized as not presenting any risk to the community or the environment:

-Safety level 2: Biotechnology projects recognized as presenting minor risks to the community or the environment.

-Safety level 3: Biotechnology projects recognized as presenting slight risks to the community or the environment

-Safety level 4: Biotechnology projects recognized as presenting major or high probability risks for the community or the environment

The classification of GMOs by level, according to the risks they present for human or animal health or for the environment, is based on criteria prescribed by order of the Minister in charge of the Environment, on the proposal of the CNBIOS.

Article 9: The CNBIOS can modify the level of safety mentioned in the file provided by the user and provided by the user and motivate its choice.

Article 10: The safety standards corresponding to each of the levels mentioned in Article 8 of this law are fixed by the Minister in charge of the Environment, on the proposal of CNBIOS.

SECTION II: APPROVAL AND DECLARATION

Article 11: Contained uses of GMOs or derived products, particularly transgenic plants and animals, are subject to approval or declaration, as the case may be.

Article 12: GMOs or derived products classified in the containment classes 2 to 4 are subject to approval and those classified in the containment class 1 are subject to declaration.

However, when a contained use classified in the class of containment 2 is implemented in a facility in which a use of GMOs of the same class of containment or higher has already been approved, this use is subject to declaration.

Article 13: The modalities of delivery of the approval, as well as the conditions of declaration are defined by decree taken in the Council of Ministers

CHAPTER IV: DISSEMINATION AND COMMERCIALIZATION OF GENETICALLY MODIFIED ORGANISMS

SECTION I: APPLICATION FOR APPROVAL FOR UNCONFINED RELEASE FOR PURPOSES OTHER THAN FOR PLACEMENT ON THE MARKET

Article 14: Any release of GMOs into the open environment is subject to prior authorization

The modalities for the delivery of the authorization are determined by decree taken in the Council of Ministers.

Article 15: The Minister in charge of the Environment must be informed of any intentional or unintentional modification of the deliberate release of a GMO as well as of the existence of new information and take the necessary measures to protect human health and the environment

These requirements prevail in the examination of the application for approval.

Article 16: In the cases provided in the previous article, the Minister in charge of Environment shall assess the environmental and health risks.

He can require the notifier or the beneficiary to proceed to the modification of the conditions of the release. He can proceed. If necessary, to suspend or withdraw the approval.

In all cases, he informs the public.

Article 17: During and after the release, the beneficiary of the approval sends to the Minister in charge of the Environment, a report evaluating the possible risks for human health or the environment:

SECTION II - COMMERCIALIZATION OF GENETICALLY MODIFIED ORGANISMS AND DERIVED PRODUCTS

Article 18: Any marketing of a GMO or a combination of GMOs as products or elements of products is subject to obtaining an authorization

The modalities for the delivery of the authorization are determined by decree taken in the Council of Ministers

Article 19: GMOs intended for marketing must be packaged and labelled under the conditions determined by decree of the Council of Ministers

Article 20: the use or sale of any GMO may be restricted or prohibited by an order of the Minister in charge of the Environment after consultation with the Ministers concerned

Article 21: The Minister in charge of the Environment shall make available to the public through ONBIOS the summary of the notification file as well as the evaluation reports.

The public has a period of thirty days to submit comments to the Minister in charge of the Environment.

This requirement is also valid for all GMOs that have been the subject of a Marketing Authorization or whose marketing as products or elements of products has been refused.

SECTION III PRIOR INFORMED AGREEMENT

Article 22: The import or export of any GMO is subject to prior informed consent. GMOs imported for research in a contained environment or in transit, as well as GMOs intended for direct use as food, feed or for processing, are excluded from the AIA procedure. However, the imports or exports mentioned in the previous paragraph are subject to a prior risk assessment.

Article 23: In case of a request for prior informed consent by an importer or exporter of GMOs and derived products, the Minister in charge of the environment is obliged to respond within ninety days of receipt of the notification.

The Minister in charge of the Environment may, if necessary:

-Approve with or without conditions the import or export, indicating the conditions of application of its decision with respect to subsequent imports or exports of GMOs;

-Prohibit the import or export;

-Request additional appropriate information, in accordance with the provisions of this Law:

-Notify the applicant of the extension of sixty days of the period indicated in this article, in order to reach a reasoned decision

In case of silence of the Minister in charge of Environment, at the end of the ninety days deadline, the request is presumed to be rejected.

Article 24: Any request for import of GMOs and their derivatives must be accompanied by documents, the list of which is established by the National Biosafety Commission:

The importer is required to provide information on:

-the taxonomy, ecological and reproductive behavior of the GMO and its derivatives;

-the donor, the recipient organism, the vector and the introduced genes

-the risks of transferring the genes to other organisms as well as the forms of accidental release and the methods of use

-In the case of GMO derivatives, the exporter must specify the methods of use if it is a new product or if it already exists in its natural state and provide information on the basic GMO and the measures to be taken in case of accident

Article 25: Any GMO or its derived products intended for intentional release or for import or export, must be packaged and labeled in an indelible and unforgeable manner.

As such, the words "This product contains genetically modified organisms" must appear on a label or on an accompanying document

Article 26: Any GMO or its derivatives, resulting from import or export, must undergo quarantine before its release, marketing or any other use

The modalities for the execution of the quarantine are determined by decree of the Council of Ministers.

Article 27: The information relating to the transport, transit on the national territory, import, export and marketing of GMOs and derived products, is the subject of a technical sheet containing the measures taken to ensure the safety of biotechnological products in accordance with the international standards in force.

In case of transit, the mention of a transit period on the documents accompanying the escorted containers and certified by the customs services is required

The content of the technical sheet is established by the CNBIOS.

Article 28: Any transboundary transfer must be covered by an insurance or any other guarantee in conformity with the regulations in force.

Article 29: In case of accidental release, the applicant must inform CNBIOS in writing, providing all relevant documents. An emergency plan is set up at the expense of the applicant.

The modalities for the implementation of the emergency plan are determined by a decree issued by the Council of Ministers.

Article 30: In case of fraudulent circulation of GMOs and their derivatives are subject to seizure by the competent authorities.

Article 31: Any GMO or its derivatives, resulting from biological materials existing naturally, created or modified in Cote d'Ivoire, can be commercialized on the international market only with the agreement of Cote d'Ivoire, based on a fair and equitable sharing of the benefits drawn from its exploitation and its marketing

Article 32: The public is adequately informed about the use, release and marketing of GMOs and their derivatives.

Article 33: The public participates in the decision-making process, within the framework of the examination of files under the Prior Informed Agreement through ONBIOS.

CHAPTER IV. RIGHT OF COMMUNITIES TO HAVE GMO-FREE AREAS

Article 34: Activities related to the use of modern biotechnology or products consisting of and containing GMOs shall be prohibited in sensitive areas endemic sites, wetlands, protected areas and their

buffer zones require a special procedure buffer zones require a special procedure in the process of prior authorizations of the competent national authority.

This particular procedure is defined by order of the Minister in charge of the Environment

In any case, the national sanitary and phytosanitary safety measures must be applied by the users of GMOs and/or products consisting of and containing GMOs.

Article 35: The State shall take measures relating to:

-the coexistence of transgenic and non-transgenic crops,

-the prior containment of any GMO and products containing GMOs not intended for direct consumption or processing.

These measures are taken by inter-ministerial order.

CHAPTER VI: DAMAGE AND LIABILITY

SECTION 1: DAMAGES

Article 36: The evaluation of damages for the purpose of compensation shall take into account

the cost of restoration measures and the reinstatement, rehabilitation, or cleaning of the site:

-the cost of restoration and rehabilitation measures to repair, rehabilitate or clean up the degraded environment the conservation and sustainable use of biological diversity

-The cost of response measures taken or to be taken, including any damage or loss attributable to such measures

- the monetary valuation of the loss incurred at the time the damage or loss was incurred pending the restoration of the environment for the conservation and sustainable use of biological diversity

-the monetary evaluation of the difference: between the value of the environment the conservation and sustainable use of biological diversity before it is damaged or damaged or degraded

-the costs of damage related to the quality of the genetic modification or the Genetically Modified Organism or products consisting of GMOs and containing GMOs

-the negative effects on the way of life and local knowledge of one or more communities

-the total or partial destruction of agricultural and animal production systems.

Article 37: The significance or seriousness of an adverse or deleterious effect on the conservation and sustainable use of biological diversity, as defined in Article 2 of the Convention on Biological Diversity, is determined on the basis of factors relating to

-a lasting or permanent change that cannot be corrected by natural means. and within a reasonable time ;

-a qualitative or quantitative reduction in the components of biological diversity and their potential to provide a qualitative or quantitative reduction in the components of biological diversity and their potential to provide goods and services

- a proven effect on human and animal health;

-a hindrance or limitation to the exercise of positive customary practices

SECTION II RESPONSIBILITIES

Article 38: Without prejudice to penal sanctions, every operator is responsible for damages caused by his activities.

When the operator is not at the same time the user, he is not held responsible for the damage if he proves that :

-the user has not applied all the measures of prudence, good practice and safety

-the user did not apply all the precautionary, good practice and safety measures provided for by the present law

-the damage is caused by the fault of a person for whom the user is responsible

-the GMO was not put into circulation by the user

-the damage is not related to the genetic modification.

Article 39: In case of damage, the amount of compensation shall take into account the costs of restoration and, if necessary, the costs related to intervention measures

Article 40: The operator is exempted from any responsibility; when the damage undergone results from a fortuitous case or force majeure of armed conflict or civil disorder.

Article 41: The time limit for legal action for compensation for damage caused by any GMO or products consisting of and containing GMOs shall run from the moment when the person or community having suffered the damage has become aware of the damage

In assessing the time period, the following elements must be taken into account

-the time necessary for the damage to manifest itself

- the time necessary to make the link between the damage and the GMO or its products containing GMOs;

-the circumstances in which the damage occurred

SECTION II, REPARATION AND COMPENSATION

Article 42: - In case of damage to human health or death, the compensation includes :

-the total amount of expenses incurred in finding and obtaining the required medical treatment

-the amount of disability benefits

-damages for moral and economic loss

- all expenses incurred for the funeral of the deceased

Article 43: In case of damage to agricultural production: or to animal health

The compensation includes:

-the total amount of costs incurred in finding and obtaining the required treatment

-the economic value of the resource.

Article 44: Local authorities, duly declared associations or any person may bring a civil action in the event of failure to comply with the obligations of this law or for facts constituting an offence under this law that directly or indirectly harm collective or individual interests.

The Minister in charge of the Environment shall contribute to the compensation of the damage in accordance with the provisions of this law.

Article 45: Any monetary compensation for the restoration of the environment must be for this purpose. It must serve to restore the reference conditions of the environment.

When it is impossible to restore the baseline conditions, other additional monetary compensation mechanisms may be considered, including market value or the value of replacement services.

CHAPTER VII ADMINISTRATIVE MEASURES AND PENAL PROVISIONS

SECTION I: ADMINISTRATIVE MEASURES

Article 46: Is liable to suspension of the activity of the establishment, closure or seizure and destruction of the GMOs or products containing GMOs in question, at the expense of the offender without prejudice to the measures of reparation of damages caused to human and animal health and to the environment:

-Any natural or legal person who omits, for any research, to make the preliminary containment prescribed in the present law;

-Any natural or legal person who has not obtained approval for the contained use of GMOs or derived products

-Any natural or legal person who does not have prior authorization for the release of GMOs in the open

-Any natural or legal person who does not inform the Minister in charge of the Environment of any intentional or unintentional modification of the deliberate release of a GMO, as well as of the existence of new elements of information entering into the composition of a GMO;

-Any natural or legal person who markets, intentionally releases, imports or exports a GMO or a combination of GMOs that has not been packaged and labelled;

-Any natural or legal person who imports or exports GMOs without having complied with the AIA procedure

-Any natural or legal person who, in case of accidental release, does not inform CNBIOS

SECTION II: PENAL PROVISIONS

Article 47: The investigation and recording of violations of the provisions of this law and its implementing regulations are carried out by

-biosafety inspectors designated for this purpose

-judicial police officers and other sworn agents of the public administration

Article 48: Biosafety inspectors shall take an oath before the competent court of first degree.

The biosafety inspectors are provided with a professional identity card during the exercise of their functions

The conditions of exercise of these: different bodies of biosafety control agents are determined by decree taken in the Council of Ministers

Article 49: Any person who fails to comply with any of the conditions does not respect one of the conditions related to the authorization of import, contained use, development, voluntary release or marketing of GMOs and/or products consisting of and containing GMOs

The legal person is criminally responsible for the offences provided for in this article. The penalty of fine as far as it is concerned, is brought to the double.

Article 50: Is punished by a fine. 1.000.000 to 2.000.000 francs whoever

1. refuses to **provide** without legitimate reason the information provided for **in article 37**: the present law

2. fails to communicate to the competent national authority any new information received after the authorization, which could have changed the risk assessment of his project

3. fails to comply with the obligations of labeling, packaging and identification of a GMO and/or products consisting of and containing GMOs provided for in this Law

4. labels, packages, or identifies a GMO and/or products consisting of and containing GMOs in a false or misleading manner.

Article 51: Any person who accidentally releases a GMO or products containing GMOs into the environment and does not inform the Minister in charge of the Environment shall be punished by a fine of 2,500,000 to 5,000,000 francs.

Article 52: Any person who develops, imports, exports, transits, releases, uses in a confined environment, stores or markets a GMO or products consisting of and containing GMOs, without prior informed authorization from the competent national authority, shall be punished by a prison sentence of two to five years and a fine of 5,000,000 to 10,000,000 francs.

Article 53: Anyone who knowingly uses a GMO or products containing GMOs with the aim of endangering the population or the environment shall be punished by a prison sentence of five to ten years and a fine of 50,000,000 to 100,000,000 francs.

CHAPTER VIII: FINAL PROVISIONS

Article 54: The modalities of application of the present law are determined by decree taken in the Council of Ministers.

Article 55:

This law shall be published in the Official Gazette of the Republic of Côte d'Ivoire and executed as a law of the State.

Done in Abidjan, July 26, 2016

Certified copy of the original

The Secretary General of the Government

Attachments:

No Attachments