



CONVENTION ON BIOLOGICAL DIVERSITY

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COMPLIANCE COMMITTEE UNDER THE
CARTAGENA PROTOCOL ON BIOSAFETY
Second meeting
Montreal, 6-8 February 2006

ANNOTATIONS TO THE PROVISIONAL AGENDA

Note by the Executive Secretary

INTRODUCTION

1. The Compliance Committee under the Cartagena Protocol on Biosafety held its first meeting from 14 to 16 March 2005 in Montreal. At that meeting, the Committee developed its rules of procedure and a work plan, which were eventually submitted to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its second meeting, held in Montreal from 30 May to 3 June 2005. The rules of procedure for the meetings of the Committee were considered and approved, with some amendments, by the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its second meeting. The rules of procedure as adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol are contained in the annex to its decision BS-II/1.
2. Following the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the Chair of the Committee reviewed the outcome of the Conference of the Parties serving as the meeting of the Parties to the Protocol and prepared and circulated a note to members of the Committee. The Chair shared his views to fellow members of the Committee on several issues, in particular on the decision taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol to amend certain rules of the rules of procedure for the meetings of the Committee, which were submitted to it for approval. He also solicited the views of fellow members as to how to undertake the review of general issues of compliance, an area, that the Committee decided to focus on at its second meeting. The provisional agenda and its annotations of the present meeting were, therefore, prepared on the basis of the outcome of these consultations among members of the Committee.
3. The present meeting of the Committee is organized in accordance with the decision of the Committee taken at its first meeting to have its second meeting in the first quarter of 2006. Accordingly, the second meeting of the Compliance Committee is scheduled to take place at the office of the Secretariat in Montreal from 6 to 8 February 2006. In this regard, it is noteworthy that in accordance with paragraph 5 of section II of the Procedures and Mechanisms of Compliance adopted in the annex to decision BS-I/7 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the Committee could meet twice a year unless it decides otherwise.

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ITEM 1. OPENING OF THE MEETING

4. Mr. Veit Koester, Chair of the Compliance Committee will open the second meeting of the Committee at 9.30 a.m. on Monday, 6 February 2006. The Executive Secretary may also make welcoming remarks.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Adoption of the agenda

5. The Committee may wish to adopt its agenda on the basis of the provisional agenda proposed by its Chair (UNEP/CBD/BS/CC/2/1).

2.3. Organization of work

6. The Committee may wish to consider and approve the proposed programme of work as contained in annex I below.

7. The language of the meeting will be English.

8. A list of documents for the meeting is contained in annex II below. The documents are also available on the Secretariat's website at: <http://www.biodiv.org> as well as the Compliance Committee collaborative portal in the Biosafety Clearing-House.

9. An information note will also be made available for members of the Compliance Committee containing details of registration and logistical arrangements for the meeting, including information on travel, visa requirements, accommodation and other matters.

ITEM 3. CONSIDERATION OF THE IMPLEMENTATION OF THE RULES OF PROCEDURE OF THE COMMITTEE APPROVED BY THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

10. Under this item, the Committee is invited to consider the implications and possible modalities of implementing the decision that the Conference of the Parties serving as the meeting of the Parties to the Protocol has taken at its second meeting (decision BS-II/1) as regards the rules of procedure that the Committee proposed for its meetings. The Conference of the Parties serving as the meeting of the Parties to the Protocol has decided to vary some of the rules proposed by the Committee. In that regard, the Committee may wish to consider the following:

Rule 18 on voting

11. The Committee had unanimously supported a two-thirds majority voting for taking decisions within the Committee in the absence of consensus, and submitted that to the Conference of the Parties serving as the meeting of the Parties to the Protocol for its approval. However, some Parties present at the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol were not in favour of the two-third majority voting. This rule is now placed under square brackets by the Conference of the Parties serving as the meeting of the Parties to the Protocol for lack of consensus.

12. In this regard, it is important to note that other similar compliance mechanisms such as the Compliance Committee of the Basel Convention work on a two-thirds-majority voting system, and subsidiary bodies under the Convention on Biological Biodiversity too, are governed by a rule that allows these bodies to take decision by a majority of Parties present and voting (rule 26 paragraph 5 (c), of the

rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity).

13. The Committee may wish to explore possibilities on how this matter could be revisited by the Conference of the Parties serving as the meeting of the Parties to the Protocol and resolved without further delay.

Rule 14, open or closed sessions

14. The Committee had proposed to have a rule in its rules of procedure that provides for all its sessions to be closed unless it decides otherwise. But as a result of concern expressed by some Parties against such rule, the Conference of the Parties serving as the meeting of the Parties to the Protocol finally agreed that the Committee takes a decision case-by-case on whether it meets in open or closed sessions.

15. In this regard, the Committee may wish to consider a number of relevant issues, including the development of criteria upon which to determine whether a session should be open or closed; whether non-State and/or non-Party observers would be allowed to attend sessions of the Committee which may be decided to be open; and the question of financial support for the participation of developing country Parties and Parties with economies in transition, when they wish to be present at some of the open sessions of the Committee.

ITEM 4. REVIEWING GENERAL ISSUES OF COMPLIANCE

16. The Committee adopted a work plan at its first meeting. It agreed to review at its forthcoming meetings, general issues of compliance. It was also indicated in the work plan that such a review would be undertaken by the Committee on the basis of those issues of compliance that might arise from interim national reports, as well as from information that would be made available in the Biosafety Clearing-House (BCH).

17. The Secretariat has prepared review of general issues of compliance (UNEP/CBD/BS/CC/2/2) to facilitate the work of the Committee under this agenda item. The document highlights the major findings from the analysis of interim national reports, on the one hand, and the review of information available in the BCH on the other. The Committee may, therefore, wish to consider the general compliance issues that emerged through the analysis process of the reports and the BCH, with a view to making recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol on how to promote compliance in those areas where compliance was identified to be lacking or less satisfactory.

Item 4.1. Analysis of the interim national reports

18. Interim national reports on the implementation of the Protocol were due at the end of the first two years after entry into force of the Protocol in accordance with decision BS-I/9 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. By 11 October 2005, the Secretariat received interim national reports from 44 Parties. The Secretariat prepared an analysis of the interim national reports for submission to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/COP-MOP/3/12). The document will be made available to the Compliance Committee.

Item 4.2. Review of information available in the Biosafety Clearing-House

19. The Biosafety Clearing-House (BCH) is considered as one source of information that would show the extent to which Parties are fulfilling their obligations under the Protocol and consequently instrumental for identifying general issues of compliance. In order to facilitate the review of general issues of compliance, based on information available in the BCH, the Committee will have before it a note (UNEP/CBD/BS/COP-MOP/3/3) on the operation and activities of the BCH. The document is being prepared by the Secretariat for the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The information in this document together with the relevant information that would be derived from the analysis of the information on the BCH in the interim national reports, would

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provide an adequate basis for the Compliance Committee to look into general issues of compliance that may be relevant to the fulfilment of obligations by Parties to make a wide range of information available to the BCH as required by the relevant provisions of the Protocol, in particular paragraph 3 of Article 20.

ITEM 5. OTHER MATTERS

20. Under this item, the members of the Compliance Committee may wish to raise and discuss other relevant matters.

ITEM 6. ADOPTION OF THE REPORT

21. The Compliance Committee will consider and adopt its report, which would eventually be submitted to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration and appropriate action.

ITEM 7. CLOSURE OF THE MEETING

22. It is expected that the meeting will be closed at 5 p.m. on Wednesday, 8 February 2006.

Annex I

**PROPOSED ORGANIZATION OF WORK FOR THE SECOND MEETING OF THE
COMPLIANCE COMMITTEE UNDER THE BIOSAFETY PROTOCOL**

<i>Date and time</i>	<i>Agenda item</i>
<i>6 February 2006</i>	
9.30 a.m. to 9.45 a.m.	1. Opening of the meeting.
9.45 a.m. to 10 a.m.	2. Organizational matters: 2.1. Adoption of the agenda; 2.2. Organization of work.
10 a.m. to 12.30 p.m.	3. Consideration of the implementation of the rules of procedure of the Committee approved by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol
2.30 p.m. to 5.30 p.m.	4. Reviewing general issues of compliance 4.1. Analysis of the interim national reports.
<i>7 February 2006</i>	
9.30 a.m. to 12.30 p.m.	Continuation of agenda item 4.1
2.30 p.m. to 5.30 p.m.	4.2. Review of information available in the Biosafety Clearing-House.
<i>8 February 2006</i>	
9.30 a.m. to 12.30 p.m.	Continuation and finalization of outstanding matters under 4.1 and 4.2
2.30 p.m. to 5 p.m.	5. Other matters. 6. Adoption of the report. 7. Closure of the meeting.

Annex II

**LIST OF DOCUMENTS FOR THE SECOND MEETING OF THE COMPLIANCE
COMMITTEE UNDER THE BIOSAFETY PROTOCOL**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/CC/2/1	Provisional agenda
UNEP/CBD/BS/CC/2/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/CC/2/2	Review of general issues of compliance
UNEP/CBD/BS/COP-MOP/3/12	Monitoring and reporting (Article 33): analysis of interim national reports on the implementation of the Biosafety Protocol
UNEP/CBD/BS/COP-MOP/3/3	Operation and activities of the Biosafety Clearing-House
