



## CONVENTION ON BIOLOGICAL DIVERSITY

Distr.  
GENERAL

UNEP/CBD/BS/COP-MOP/3/3  
4 January 2005

ORIGINAL: ENGLISH

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### CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

Third meeting

Curitiba, Brazil, 13-17 March 2006

Item 5 of the provisional agenda \*

### OPERATION AND ACTIVITIES OF THE BIOSAFETY CLEARING-HOUSE

*Note by the Executive Secretary*

#### I. INTRODUCTION

1. Article 20, paragraph 1, of the Cartagena Protocol on Biosafety establishes a Biosafety Clearing-House as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention, in order to facilitate the exchange of information and experience pertaining to living modified organisms (LMOs) and assist Parties to implement the Protocol. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the modalities of operation for the Biosafety Clearing-House (decision BS-I/3, annex). The Biosafety Clearing-House website is available at <http://bch.biodiv.org>.

2. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol, in its decision BS-II/2, adopted a multi-year programme of work for the operation of the Biosafety Clearing-House. The programme of work contains five elements, namely: (i) structure and function of the central portal; (ii) information content and management; (iii) sharing information on and experience with LMOs; (iv) capacity-building and non-Internet accessibility; and (v) review of activities. It was understood that the programme of work would also include ongoing implementation of relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, as appropriate.

3. Following an initial review of the operation and development of the Biosafety Clearing-House that was considered by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its second meeting, the programme of work envisions a second review of the Biosafety Clearing-House, to be undertaken in time to allow for its consideration at the fourth meeting of the Parties.

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4. At its third meeting, therefore, the Conference of the Parties serving as the meeting of the Parties to the Protocol is invited to consider the ongoing implementation of the programme of work of the Biosafety Clearing-House, to adopt a decision relating to future activities to support information-sharing, and to prepare for the review of the Biosafety Clearing-House at its fourth meeting.

5. To support the Parties in their deliberations, this document contains a progress report on the multi-year programme of work for the Biosafety Clearing-House (section II), additional items for future consideration during the upcoming inter-sessional period (section III), and elements of a decision on the operation of the Biosafety Clearing-House (section IV). A summary of reporting statistics for the Biosafety Clearing-House is annexed to the document.

## **II. PROGRESS REPORT ON THE MULTI-YEAR PROGRAMME OF WORK FOR THE BIOSAFETY CLEARING-HOUSE**

6. This section provides a summary of inter-sessional activities and initiatives related to the implementation of the multi-year programme of work on the Biosafety Clearing-House, contained in the annex to decision BS-II/2.

7. In its decision BS-I/9, Parties agreed to submit interim national reports on the implementation of the Protocol two years after entry into force of the Protocol. In question 1 of the format for the interim report, Parties were requested to describe any obstacles or impediments encountered regarding provision of required information to the Biosafety Clearing-House, in cases where relevant information exists but has not been provided. In addition, question 31 requested any further details regarding experiences and progress in implementing Article 20 of the Protocol (Information-sharing and Biosafety Clearing-House). These reports are analysed in detail in document UNEP/CBD/BS/COP-MOP/3/12, but relevant points raised in the interim reports are discussed further under the appropriate programme elements below.

### ***A. Programme element 1: Structure and function of the Central Portal***

8. The objective of this programme element is to improve ease of reporting and accessing information in the Biosafety Clearing-House in response to identified needs of users. This programme element is being achieved through ongoing review of controlled vocabularies and common formats to better reflect country needs (such as changing technologies and types of information that are available), while ensuring support for interoperability options with partner Governments and organizations, and by making information more intuitively easy to find.

9. The next release of improvements to the Central Portal is scheduled for January 2006, and will include several new features that are intended make information more intuitively easy to find, for example, through clustering of search results, and through provision of a “virtual notebook” function that allows registered users to keep note of records that are pertinent to their work.

10. In addition, Governments are being invited to provide the Secretariat with information that will allow the Biosafety Clearing-House to differentiate between null responses (where information is not available because it does not exist) as opposed to information that has not been reported on.

11. One of the interim national report submissions noted problems experienced in functionality with non-English language versions of the Biosafety Clearing-House, and that this posed an impediment to reporting information. The Central Portal is updated regularly in response to requests by Parties for additional features; however, funding is made available for translation of the Central Portal only on an ad hoc voluntary basis. It is therefore often the case that parts of the site are available only in English for extended periods of time.

***B. Programme element 2: Information content and management***

12. The objective of this programme element is to increase the amount of information that is currently being reported to the Biosafety Clearing-House, and ensure it is provided in a timely manner. Under this element, user documentation and help functions are to be improved to provide greater assistance to Governments in reporting information through the Biosafety Clearing-House, and existing constraints on making information available in a timely manner should be identified and overcome at a national level.

13. Under this programme element, Governments were requested to undertake quarterly reviews of their existing information in the Biosafety Clearing-House to ensure it has been accurately reported and categorized. The Secretariat sent a notification to all Governments in December 2005 reminding them of the reporting obligations, and requesting Governments to review their records to ensure this information has been accurately reported and categorised.

14. A summary of the number of records made available through the Central Portal of the Biosafety Clearing-House is annexed hereto. It is clear from this table that some categories of information, for example, decisions taken under the advance informed agreement procedure, continue to contain very little data. However in this regard, although no decisions have been reported under the advance informed agreement procedure, analysis of the records suggests that some Governments may have reported their decisions to import living modified organisms for the purpose of introduction into the environment under the provisions of Article 11.

15. For other categories of information, some areas may be more adequately addressed than others, for example risk assessments (where the majority of records are being provided by a small number of governments, and the focus is primarily on issues related to contained use). From an analysis of the records themselves, it also appears that some information related to decisions that have been registered with the Biosafety Clearing-House, such as risk assessment reports, are available on national websites although not registered directly with the Central Portal (see paragraph 17 below).

16. Analysis of the interim national reports and records registered with the Biosafety Clearing-House reveals that in general, most Parties have made at least a core subset of information available to the Biosafety Clearing-House (usually national focal points and competent national authorities). However, in many developing country Parties, it was reported that information relating to national legislation and decisions has not yet been made available because the countries are still in the process of developing their national biosafety frameworks and such information is not yet officially approved for their country.

17. Several Parties noted in their interim national reports that information is being made available at a national level, but that although the information may be available on a national website that has been registered with the Biosafety Clearing-House, the detailed information is not being provided directly to the Central Portal. Others noted that they were currently in the process of developing national databases and expect to make these interoperable with the Central Portal of the Biosafety Clearing-House in future. It should be noted that information must be directly registered with the Central Portal to benefit from the translation functions and search features offered through the Biosafety Clearing-House, and to fulfil the information-sharing obligations under the relevant provisions of the Protocol.

18. Of particular relevance, many interim national reports from both developed and developing countries noted that a serious impediment to posting information in the Biosafety Clearing-House was not the absence of available information, but rather that the information was not available in an official United Nations language. Although information can be made available through the Biosafety Clearing-House in any language (for example, national legislation), a core subset of that information should be

provided in an official United Nations language through use of the appropriate common format for reporting (for example, keywords used to categorise the information).

19. In order to improve user documentation to assist focal points and other users of the Biosafety Clearing-House, the Secretariat continued to collaborate with the UNEP-GEF project “Building Capacity for Effective Participation in the Biosafety Clearing-House” during the inter-sessional period. Several training materials that have been developed under the project (in collaboration with the Secretariat and the United Nations Institute for Training and Research (UNITAR)) are being made fully available through the Central Portal of the Biosafety Clearing-House. This material includes five modules covering: (i) an introduction to the Cartagena Protocol (in the context of the Biosafety Clearing-House); (ii) an introduction to the Biosafety Clearing-House; (iii) an introduction to the Central Portal; (iv) finding information in the Central Portal; and (v) registering data in the Central Portal.

20. To ensure that full functionality of the Biosafety Clearing-House would be available to all governments, the Secretariat issued a notification in August 2005 advising Governments that had not yet provided nominations for national focal point for the Biosafety Clearing-House that national focal points for the Protocol would be deemed to be national focal points for the Biosafety Clearing-House.

***C. Programme element 3: Sharing information on and experience with living modified organisms***

21. The objective of programme element 3 is to make a broader range of biosafety information accessible to users of the Biosafety Clearing-House. This is being achieved through the ongoing development of the Biosafety Information Resource Centre, and future use of discussion forums and online conference facilities through the Biosafety Clearing-House to facilitate the exchange of information on, and experience with, living modified organisms.

22. Specific requests were issued to Parties, Governments and relevant organisations to share information through the Biosafety Clearing-House on research activities related to socio-economic impacts of living modified organisms on the conservation and sustainable use of biological diversity (decision BS-II/12), and to register further risk assessment guidance materials and other scientific and technical information (decision BS-II/9). Consequently, several risk assessment guidance materials have been submitted to the Secretariat, but as yet no materials relevant to socio-economic impacts have been registered with the Biosafety Clearing-House.

***D. Programme element 4: Capacity-building and non-Internet accessibility***

23. The objective of programme element 4 is to ensure that countries have the necessary capabilities to access the Internet-based Central Portal and are able to access information through the Biosafety Clearing-House in a timely manner. Priority areas for capacity-building include data collection and data management at a national level, strengthening of core human resources at a national level, and the establishment of appropriate infrastructure to share information at national, regional and international levels.

24. The Secretariat continues to provide assistance on request to those governments and organisations that have advised their difficulties in accessing the Internet-based elements of the Biosafety Clearing-House, for example, through sending by fax copies of the Current Awareness Service (i.e., bi-weekly summaries of new and updated records registered with the Biosafety Clearing-House), and by registering records with the Central Portal on behalf of governments or organisations that request assistance in this regard. In addition, the forthcoming future release of the Biosafety Clearing-House mentioned above will include the facility to download records from the central portal of the Biosafety Clearing-House in XML format, to enable them to be exported to a local database.

25. As part of its collaboration with the above-mentioned UNEP-GEF project on the Biosafety Clearing-House, the Secretariat convened a training workshop on the Biosafety Clearing-House in May 2005 on the margins of the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, with the generous financial assistance of the Netherlands and the Global Industry Coalition.

26. The Secretariat has also enabled a training site to be made available for use during capacity-building efforts for training at a national level in countries, for example by the Regional Advisors of the UNEP-GEF project and the Belgian capacity-building project "Biosafety Clearing-House: Data Search and Input". Secretariat staff members have also participated in several of the training workshops organized by the UNEP-GEF project during the inter-sessional period.

***E. Programme element 5: Review of activities***

27. The objective of programme element 5 is to ensure that the programme of work is effectively achieving the goals of the Biosafety Clearing-House. Work to this end is being carried out by eliciting ongoing feedback from Governments and other users, and will be further examined during a second review of the Biosafety Clearing-House for consideration at the fourth meeting of the Conference of the Parties serving as the Parties to the Protocol.

**III. ADDITIONAL ITEMS FOR CONSIDERATION DURING THE INTER-SESSIONAL PERIOD**

28. This section raises some points that may be relevant during the upcoming inter-sessional period for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

***A. Informal Advisory Committee of the Biosafety Clearing-House***

29. The next meeting of the Informal Advisory Committee of the Biosafety Clearing-House is scheduled for 2006, and it is expected that the Committee will be invited to consider any relevant issues raised by the third meeting of the Parties and ongoing implementation of the programme of work, in order to provide technical assistance to the Secretariat as required.

***B. Usability improvements***

30. At present, the design of the Central Portal is undertaken by the Secretariat. In order to improve usability by all stakeholders, Parties may wish to consider the need for engaging the services of a professional graphic designer to improve the layout of the Central Portal to ensure it fully meets the needs of Parties for easily accessing and reporting information, and to allocate the necessary financial resources accordingly.

***C. External security audit***

31. The Secretariat presently implements a set of policies, practices, procedures and software functions in order to preserve the integrity and availability of information through the Central Portal of the Biosafety Clearing-House. However, in order to better ensure full security of this information, and to minimize any chance of any loss of information, Parties may wish to consider the need for an external security audit of the Central Portal and its infrastructure, and to allocate the necessary financial resources accordingly.

#### **IV. ELEMENTS OF A DRAFT DECISION ON THE MODALITIES OF OPERATION OF THE BIOSAFETY CLEARING-HOUSE**

32. On the basis of the progress report on the implementation of the multi-year programme of work for the operation of the Biosafety Clearing-House, and relevant information contained in the interim national reports on implementation of the Protocol, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to adopt a decision on activities that would complement and strengthen the multi-year programme of work that was adopted in decision BS-II/2.

33. The provision of relevant information is essential for the effective operation of the Biosafety Clearing-House, yet there continue to be some delays in providing this information. Therefore, in addition to welcoming the participation of Governments and international organizations that have already provided information to the Biosafety Clearing-House, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to again urge Parties, Governments and other users to participate in the Biosafety Clearing-House by contributing information, whether directly through the management centre of the Central Portal, or through the development of nodes that are interoperable with the central portal, as soon as possible. Recognizing that some Parties and other Governments gained significant expertise prior to entry into force of the Protocol, and in view of the limited data available in some categories of information in the Biosafety Clearing-House, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to urge Parties and other Governments to include information pertaining to decisions on the release or import of living modified organisms and risk assessments taken prior to entry into force of the Protocol, with a focus on enhancing the amount of information available that relates to intentional introduction of living modified organisms into the environment, and risk assessments associated with such release.

34. In addition, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to invite those Governments that have identified constraints on making information available in a timely manner and/or implemented strategies to overcome these difficulties (in accordance with the multi-year programme of work) to share these experiences with the Secretariat for circulation to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

35. Taking into account the limited capacities of developing country Parties and Parties with economies in transition to provide information to the Biosafety Clearing-House in an official language of the United Nations, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to invite the Global Environment Facility (GEF) to make available financial resources for translation of information for this purpose. In the interests of transparency, the Conference of the Parties serving as the meeting of the Parties to the Protocol may also wish to urge Parties and other Governments to provide information through the Biosafety Clearing-House even where it is not yet available in an official language of the United Nations, or where it is available on a national website but not yet directly registered with the Central Portal.

36. Recognizing the importance of facilitating ease of access of the Biosafety Clearing-House to all Parties, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to consider allocating adequate budgetary resources to allow for regular (for example, quarterly) translation of the text of the Central Portal. The Conference of the Parties serving as the meeting of the Parties to the Protocol may also wish to consider requesting the Secretariat to undertake additional activities to facilitate ease of access to the Central Portal, such as through the use of professional graphic design expertise to improve the layout of the Central Portal, and to allocate resources accordingly.

37. The Conference of the Parties serving as the meeting of the Parties to the Protocol may also wish to consider requesting the Secretariat to undertake an external security audit of the Central Portal and its

infrastructure to ensure full security of this information, and to minimize any chance of any loss of information, and to allocate the necessary financial resources accordingly.

38. Recalling the need for capacity-building to enable developing countries to effectively use the Biosafety Clearing-House, including managing their information-reporting obligations, the meeting of the Parties may wish to invite Governments and international organisations to continue to make relevant biosafety information available through the Biosafety Information Resource Centre, and to remind donor Governments and organizations of the invitation, previously extended, to assist developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition as well as countries that are centres of origin and centres of genetic diversity, to access and use the Biosafety Clearing-House, particularly in the areas of improved capacity for data collection and data management at the national level, strengthening of core human resources at the national level, and the establishment of appropriate infrastructure to share information at national, regional and international levels.

39. As part of the review of the implementation of the Protocol envisaged in the medium-term programme of work for the Protocol, the meeting of the Parties may also wish to request the Executive Secretary to undertake another survey of Biosafety Clearing-House users to compare improvements against existing baseline data, and to submit this information for consideration by the Parties at their fourth meeting.

*Annex***NUMBER OF RECORDS IN THE BIOSAFETY CLEARING-HOUSE**

As at 9 November 2005

<b>Category of information</b>	<b>Number of countries represented</b>	<b>Number of records in database</b>
Protocol focal points	164	171
BCH focal points	193	199
Article 17 focal points	46	57
Competent National Authorities	106	226
National biosafety websites and databases	42	65
<b>Total records for national contacts</b>		<b>834</b>
National laws	68	236
Bilateral, multilateral and regional agreements	6	42
<b>Total records for laws &amp; regulations</b>		<b>278</b>
Decisions under AIA (introduction into the environment)	0	0
Decisions under Article 11.1 (LMO-FFPs)	14	404
Other decisions and declarations	10	32
<b>Total records for decisions and declarations</b>		<b>436</b>
<b>Total records for risk assessments</b>	4	<b>256</b>
<b>Total records for unique identification</b>		<b>98</b>
Capacity-building opportunities	N/A	61
Capacity-building projects	N/A	77
Capacity needs and priorities	52	54
Biosafety-related training and education programmes	N/A	44
Outcomes and lessons learned	N/A	25
<b>Total records for capacity-building activities</b>		<b>261</b>
Roster of experts members	75	584
Reports on expert assignments	0	0
<b>Total records for roster of experts</b>		<b>584</b>
<b>Total records for Biosafety Information Resource Centre</b>	N/A	<b>5282</b>
<b>TOTAL NUMBER OF RECORDS</b>		<b>8029</b>

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