



## Convention on Biological Diversity

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### COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Fifth meeting

Kuala Lumpur, 19-21 November 2008

### ANNOTATIONS TO THE PROVISIONAL AGENDA

*Note by the Executive Secretary*

#### INTRODUCTION

1. The Compliance Committee under the Cartagena Protocol on Biosafety held its fourth meeting from 21 to 23 November 2007, in Montreal. The Committee reviewed further information on the experience of other multilateral environmental agreements regarding measures concerning cases of repeated non-compliance. The Committee also addressed other issues arising from its previous meetings, namely the issues of open or closed sessions and the evaluation of the compliance procedures and mechanisms to be undertaken at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It also considered the election of new members of the Committee replacing those whose term expires at the end of 2008, and the structure of the final report of the Committee, including its recommendations, for consideration at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Committee submitted its report and recommendations to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety held in Bonn, from 12 to 16 May 2008.

2. The fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-IV/1 on compliance. It has also adopted other decisions relevant to compliance under other items of its agenda on the basis of elements of recommendations from the Compliance Committee.

3. A review of the outcome of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol was conducted by the Chair of the Committee with the assistance of the Secretariat, and circulated to members. The review also includes a proposal of a work plan for the Committee for the biennium. The work plan was prepared taking into account the outcome of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and the items that were left open by the last meeting of the Committee to be addressed by its subsequent meetings.

4. The provisional agenda of the present meeting has been developed taking into account the work plan for the current biennium as proposed by the Chair of the Committee and within the framework of the

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overall functions of the Committee as specified in section III of the Compliance Procedures adopted by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

5. Following the generous offer by the Government of Malaysia, the meeting will be held in Kuala Lumpur, from 19 to 21 November 2008. It will be held in open session as agreed by members of the Committee at their fourth meeting (UNEP/CBD/BS/CC/4/3, paragraph. 28).

## **ITEM 1. OPENING OF THE MEETING**

6. Mr. Veit Koester, the Chairperson of the Committee will open the meeting at 9.30 a.m. on Wednesday, 19 November 2008.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### ***2.1. Adoption of the agenda***

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

### ***2.2. Organization of work***

8. The Committee may wish to consider the proposed organization of work as contained in annex I below. The language of the meeting will be English.

9. 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.cbd.int>.

10. 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 similar matters.

## **ITEM 3. REVIEW OF THE OUTCOMES OF THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY RELATING TO COMPLIANCE**

11. As indicated above, the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted a number of decisions containing elements of recommendations from the Compliance Committee. The Chair of the Committee, with the assistance of the Secretariat, has prepared a review of the outcomes of the meeting that has been circulated to members. Some members have reacted to the review and some others have suggested further consideration of some of the issues addressed in the review. The Compliance Committee may, therefore, wish to discuss the review of the outcomes of fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol relating to compliance and the possible implications for the functions of the Committee. The same document on the review that has already been circulated to members will be used to facilitate deliberations under this agenda item.

## **ITEM 4. REVIEW OF GENERAL ISSUES OF COMPLIANCE BASED ON THE REVISED ANALYSIS OF THE FIRST NATIONAL REPORTS**

12. In paragraph 4 of decision BS-IV/14 on monitoring and reporting, the Parties requested the Executive Secretary to repeat the analysis of the first national reports in order to take into account those

reports submitted after the deadline. The revised analysis is to be completed within three months after the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and is to be made available through the Biosafety Clearing-House. Accordingly, the Secretariat has revised the analysis which currently includes national reports from 78 Parties and 2 non-Parties. This is an addition of 28 new national reports that have been submitted between 16 October 2007 and 18 August 2008.

13. The Compliance Committee may wish to repeat its review of general issues of compliance based on the revised analysis of the first national reports as contained in the note by the Executive Secretary on monitoring and reporting under the Protocol (Article 33): revised analysis of information contained in the first national reports (UNEP/CBD/BS/CC/5/2). This activity would be in accordance with paragraph 1(d) of section III of the Procedures and Mechanisms on Compliance as contained in decision BS-I/7. The Secretariat has prepared a review of general issues of compliance from the revised analysis of information contained in the first national reports (UNEP/CBD/BS/CC/5/3) to assist in this task.

#### **ITEM 5. OTHER MATTERS**

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

#### **ITEM 6. ADOPTION OF THE REPORT**

15. The Compliance Committee will consider and adopt its report, which will eventually be submitted to the fifth 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**

16. It is expected that the meeting will be closed at 5 p.m. on Friday, 21 November 2008.

*Annex I*

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

<i>Date and time</i>	<i>Agenda item</i>
<i>19 November 2008</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. Review of the outcomes of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety relating to compliance.
2.30 p.m. to 5.30 p.m.	Continuation of agenda item 3.
<i>20 November 2008</i> 9.30 a.m. to 12.30 p.m.	4. Review of general issues of compliance based on the revised analysis of the first national reports.
2.30 p.m. to 5.30 p.m.	Continuation of agenda item 4.
<i>21 November 2008</i> 9.30 a.m. to 12.30 p.m.	5. Other matters.
2.30 p.m. to 5 p.m.	6. Adoption of the report. 7. Closure of the meeting.

*Annex II*

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

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/CC/5/1	Provisional agenda
UNEP/CBD/BS/CC/5/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/CC/5/2	Monitoring and reporting (Article 33): Revised analysis of information contained in the first national reports
UNEP/CBD/BS/CC/5/3	Review of general issues of compliance from the revised analysis of information contained in the first national reports

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