



CONVENTION ON
BIOLOGICAL DIVERSITY

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OPEN-ENDED AD HOC WORKING
GROUP ON BIOSAFETY
First meeting
Aarhus, 22-26 July 1996

TERMS OF REFERENCE FOR THE OPEN-ENDED AD HOC WORKING GROUP*

1. The Open-ended Ad Hoc Working Group should be composed of representatives, including experts, nominated by Governments and regional economic integration organizations.
2. The Open-ended Ad Hoc Working Group shall, in accordance with operative paragraph 1 of the present decision:
 - (a) elaborate, as a priority, the modalities and elements of a protocol based on appropriate elements from Sections I, II and III, paragraph 18 (a), of Annex I of the report of the Open-ended Ad Hoc Group of Experts on Biosafety;
 - (b) consider the inclusion of the elements from Section III, paragraph 18 (b), and other elements, as appropriate.
3. The development of the draft protocol shall, as a priority:
 - (a) elaborate the key concepts and terms that are to be addressed in the process;
 - (b) include consideration of the form and scope of advance informed agreement procedures;
 - (c) identify relevant categories of LMOs resulting from modern biotechnology.
4. The protocol will have to reflect that its effective functioning requires that Parties establish or maintain national measures, but the absence of such national measures should not prejudice the development, implementation and scope of the protocol.

* As adopted by the Conference of the Parties at its second meeting, held in Jakarta from 6 to 17 November 1995 (see UNEP/CBD/COP/2/19, annex II, decision II/5, annex).

5. The protocol will take into account the principles enshrined in the Rio Declaration on Environment and Development and, in particular, the precautionary approach contained in Principle 15 and will:

- (a) not exceed the cope of the Convention;
- (b) not override or duplicate any other international legal instrument in this area;
- (c) provide for a review mechanism;
- (d) be efficient and effective and seek to minimize unnecessary negative impacts on biotechnology research and development and not to hinder unduly access to and transfer of technology.

6. The provisions of the Convention will apply to the protocol.

7. The process will take into account the gaps in the existing legal framework identified through analysis of existing national and international legislation.

8. The process shall be guided by the need for all Parties to cooperate in good faith and to participate fully, with a view to the largest possible number of Parties to the Convention ratifying the protocol.

9. The process will be carried out on the basis of the best available scientific knowledge and experience, as well as other relevant information.

10. The process of developing a protocol should be conducted as a matter of urgency by an open-ended ad hoc group, which will report on progress to each subsequent meeting of the Conference of the Parties. The Open-ended Ad Hoc Working Group should endeavour to complete its work in 1998.
