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Note From the Secretariat

"Transshipment"

1. The Bureau of the BSWG has requested the Secretariat to prepare a note on the term "Transshipment" to assist governments during their negotiations. The Biosafety Bureau considered this matter and concluded that for the reasons given below, it is not necessary to introduce a new article on "Transshipment". It was further concluded that the concept of "Transshipment" can adequately be addressed under other articles currently under negotiation, to that end it was also observed that when discussing articles dealing with items such as transit, notification, application of the AIA procedure, unintentional transboundary movement, clearing house mechanism, risk assessment/management, handling, transport, packaging, labelling and liability & redress; the notion of transshipment may be seen as forming a part of such provisions.

2. In the absence of a special definition of the term, "Transshipment" can be defined as an international shipping operation whereby cargo carried from Country A is discharged en route in Country B- usually at a "hub port" - to be loaded immediately or after a period of time as such or with other cargoes onto another vessel - or another mode of transportation such as a boat, aircraft, lorry or train (hereafter for brevity referred to as "vessel") - bound for a final port destination in Country C. It would, therefore, merely be the physical transfer, or loading of cargo from the vessel of one carrier to a vessel of another in the course of transportation between two places. For example, a cargo of LMOs could initially be transported by road and then loaded ("Transshipped") from the lorry on to a ship or aircraft and when the ship or aircraft reaches another port the cargo can again be "Transshipped" to another vessel.

3. Transshipment operations appear to be simple actions of unloading a cargo from a vessel and re-loading onto another vessel to be carried ultimately to its final port of destination. The process involves a series of well- and long-defined documentation of processing activities and obligations from the shipowner's agents, including visas from the customs department of the transshipment point. The Bills of Lading (B/Ls) and the Manifest are basic shipping documents. The Manifest is a document prepared by the shipping company from the signed B/L. It is a comprehensive listing of all goods that are loaded on board a vessel. It provides details, such as: marks, amount (weight, types and quantity of bagging/packaging), shipper name and address, destination, and consignee name and address. Copies of the Manifest are sent to both the official responsible for managing the vessel transporting the cargo, and the shipping agents at the port of call. The Manifest enables them to check the cargo in the holds and take the appropriate steps for stevedoring readiness and customs inspection i.e. the mechanics of unloading and customs review.

4. In the current negotiating text the process described above can be addressed by means of several articles, including possibly the article on “Notification”, the article on handling, transport, packaging [and labelling] and/or under Annex I on “Information Required in notification for AIA”. There could be a requirement under those provisions that the notifier provides information on known and/or possible itineraries and/or whether it is anticipated that “Transshipment” will occur. Furthermore, in such cases, accompanying documentation could be identified.

5. It should be pointed out that the two other MEAs featuring a similar procedure, namely the Basel Convention (Transboundary Movements of Hazardous Wastes) and the Rotterdam Convention (Transboundary Movements of Chemicals), do not directly address the question of transshipment, neither in the definitions section, nor in the substantive provisions governing the PIC (AIA-equivalent) procedure, nor in the annexes.

6. The next question then is whether the concept of transshipment should be addressed in the Protocol under another aspect. One can argue that it is relevant in the context of risk assessment and risk management (transshipment could be seen as increasing the risk) and consequently under the aspect of liability and redress. This aspect may be adequately covered if pertinent requirements are included in the Annex on notification and/or in provisions on notification handling, transport, packaging [and labelling], but not in other substantive provisions. The provisions should remain relatively short, with possible technical points referred to the pertinent Annex. Information provided would be an adequate basis for any risk assessment or risk management required to be undertaken according to the Protocol or national provisions.