



CONVENTION ON BIOLOGICAL DIVERSITY

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WORKSHOP ON LIABILITY AND REDRESS IN
THE CONTEXT OF THE CARTAGENA
PROTOCOL ON BIOSAFETY
Rome, 2–4 December 2002
Item 2.2 of the provisional agenda*

ANNOTATIONS TO THE PROVISIONAL AGENDA

INTRODUCTION

1. The Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) invited, both at its second and third meetings, Parties to the Convention, to organize workshops on liability and redress for damage resulting from transboundary movements of living modified organisms (LMOs), as soon as possible but before the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (recommendations 2/1 and 3/1). In response to those invitations, the Government of Italy offered to organize a workshop on this subject. Additional financial contributions have also been made available from the European Community. The workshop will take place in Rome, Italy, from 2 to 4 December 2002.

2. In accordance with the established practice, the Executive Secretary requested Parties to nominate suitably qualified experts to be considered for selection as participants at the workshop. On the basis of the nominations received, the Executive Secretary selected participants for the workshop taking into consideration the following criteria:

(a) Knowledge and experience of international environmental law, international law relating to liability and redress for transboundary harm, or issues concerning LMOs;

(b) Equitable geographical representation; and

(c) Gender balance.

3. In addition, preferable consideration was also given to experts nominated by countries that have already ratified or acceded to the Protocol.

4. Representatives of competent intergovernmental and non-governmental organizations, as well as stakeholders, were invited to participate.

* UNEP/CBD/BS/WS-L&R/1.

ITEM 1: OPENING OF THE MEETING

5. The Workshop will be opened by the representative of the Government of Italy on 2 December 2002. A representative of the Secretariat of the Convention on Biological Diversity will make introductory remarks.

ITEM 2: ORGANIZATIONAL MATTERS

2.1. Election of officers

6. Participants will be invited to elect a Chairman and Rapporteur for the meeting.

2.2. Adoption of the agenda

7. The Workshop may wish to adopt its agenda on the basis of the provisional agenda proposed in document UNEP/CBD/BS/WS-L&R/1/1, which has been prepared by the Executive Secretary.

2.3. Organization of work

8. The language of the meeting will be English. The proposed organization of work for the Workshop is contained in annex I below.

9. A list of documents for the Workshop is contained in annex II below. In addition to normal distribution, documents are also available on the Secretariat's website at <http://www.biodiv.org>

10. The Secretariat has also distributed an information note for participants containing details of registration and logistical arrangements for the meeting, including information on travel, visa requirements, accommodation and other matters.

**ITEM 3: REVIEW OF EXISTING LEGISLATION IN THE FIELD OF
LIABILITY AND REDRESS FOR DAMAGE RESULTING FROM
TRANSBOUNDARY MOVEMENTS OF LIVING MODIFIED
ORGANISMS AND RELEVANT INTERNATIONAL LAW ON
LIABILITY AND REDRESS**

11. Information on national legislation in the field of liability and redress for damage resulting from LMO-related activities as well as on the relevant international liability regimes has been reviewed and analysed by the Executive Secretary in notes prepared, respectively, for the second and third meetings of the ICCP (UNEP/CBD/ICCP/2/3 and UNEP/CBD/ICCP/3/3). Participants will be given an opportunity to brief the Workshop on their national or regional legislation regarding liability and redress for damage caused by LMO-related activities. Information will be provided with respect to the on-going process of developing a legally binding instrument on civil liability for transboundary damage caused by hazardous activities within the scope of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the Convention on the Transboundary Effects of Industrial Accidents. Participants will also be informed of the outcome of the workshop on liability and redress concerning the use and intentional introduction into the environment of persistent organic pollutants (POPs), held in Vienna from 19 to 21 September 2002 under the Stockholm Convention on POPs.

12. The Workshop will then be invited to take stock of the information received, with a view to assessing the status of national, regional and international law related to liability and redress. It may then wish to draw lessons and experience that may be relevant to consideration of issues under Article 27 of the Protocol.

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**ITEM 4 CONSIDERATION OF ISSUES ON LIABILITY AND REDRESS
PURSUANT TO ARTICLE 27 OF THE PROTOCOL**

13. Under this item, participants may wish to focus the discussion on the following sub-items:

- (a) Types of activities or situations that may be covered;
- (b) Other possible elements for consideration in the elaboration of international rules and procedures as referred to in Article 27 of the Protocol;
- (c) Any other issues that may be relevant to the process provided for in Article 27 of the Protocol.

14. To assist the discussion at the Workshop, the Executive Secretary has prepared a note (UNEP/CBD/BS/WS-L&R/1/2) to help identify the activities and the main elements to be covered in the context of Article 27 of the Protocol. Participants are invited to consider the issues raised in this document, and forward their findings to the Executive Secretary who will make them available through the Internet and in hard copy, as requested by the ICCP in its recommendation 2/1 (UNEP/CBD/ICCP/2/15, annex).

ITEM 5: OTHER MATTERS

15. Under this item, Workshop participants may wish to raise and discuss other matters related to the subject-matter of the Workshop.

ITEM 6. ADOPTION OF THE REPORT

16. The Workshop will consider and adopt its report, on the basis of a draft report of to be prepared and presented by the Rapporteur.

17. The final report of the Workshop will be submitted by the Chairperson to the first meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol for its consideration.

ITEM 7. CLOSURE OF THE MEETING

18. It is expected that the Workshop will be closed at 5.30 p.m. on Wednesday, 4 December 2002.

Annex I

**PROPOSED ORGANIZATION OF WORK FOR THE WORKSHOP ON
LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA
PROTOCOL ON BIOSAFETY**

<i>Date and time</i>	<i>Agenda item</i>
2 December 2002 9:30 a.m. to 10 a.m. ----- 10 a.m. to 12:30 p.m.	1. Opening of the meeting. ----- 2. Organizational matters: 2.1. Election of officers; 2.2. Adoption of the agenda; 2.3. Organization of work. 3. Review of existing legislation in the field of liability and redress for damage resulting from transboundary movements of LMOs and relevant international law on liability and redress
2:30 p.m. to 5:30 p.m.	3. Review of existing legislation in the field of liability and redress for damage resulting from transboundary movements of LMOs and relevant international law on liability and redress. (<i>continued</i>) 4. Consideration of issues relating to Article 27 of the Protocol: (a) Types of activities or situations that may be covered.
3 December 2002 9:30 a.m. to 12:30 p.m.	4. Consideration of issues relating to Article 27 of the Protocol: (a) Types of activities or situations that may be covered; (<i>continued</i>) (b) Other possible elements for consideration in elaboration of the international rules and procedures as referred to in Article 27 of the Protocol.
2:30 p.m. to 5:30 p.m.	4. Consideration of issues relating to Article 27 of the Protocol: (b) Other possible elements for consideration in elaboration of the international rules and procedures as referred to in Article 27 of the Protocol; (<i>continued</i>)
4 December 2002 9:30 a.m. to 12:30 p.m.	4. Consideration of issues relating to Article 27 of the Protocol: (b) Other possible elements for consideration in elaboration of the international rules and procedures as referred to in Article 27 of the Protocol; (<i>continued</i>) (c) Any other issues that may be relevant to the process provided for in Article 27 of the Protocol.
2:30 p.m. to 5:30 p.m.	5. Other matters. 6. Adoption of the report. 7. Closure of the meeting.

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Annex II

**LIST OF DOCUMENTS FOR THE WORKSHOP ON LIABILITY AND REDRESS IN THE
CONTEXT OF ARTICLE 27 OF THE CARTAGENA PROTOCOL ON BIOSAFETY**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/WS-L&R/1/1	Provisional agenda
UNEP/CBD/BS/WS-L&R/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/WS-L&R/1/2	Identification of activities and main elements to be covered in the context of Article 27 of the Protocol
UNEP/CBD/ICCP/2/3	Liability and redress for damage resulting from the transboundary movements of living modified organisms – review of existing relevant instruments and identification of elements
UNEP/CBD/ICCP/3/3	Liability and redress for damage resulting from the transboundary movements of living modified organisms: note by the Executive Secretary
Information documents:	<p>Economic Commission for Europe: Draft legally binding instrument on civil liability for transboundary damage caused by hazardous activities, within the scope of both Conventions</p> <p>Report of Stockholm Convention on liability and redress concerning the use and international introduction into the environment of persistent organic pollutants</p>
