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COMPLIANCE COMMITTEE UNDER THE
CARTAGENA PROTOCOL ON BIOSAFETY
Fourteenth meeting
Montreal, Canada, 16-18 May 2017

ASSESSMENT OF THE OUTCOMES OF THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY REGARDING ITEMS RELEVANT TO COMPLIANCE

Note by the Executive Secretary

I. INTRODUCTION

1. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety held its eighth meeting in Cancun, Mexico, from 4 to 17 December 2016. The meeting was held concurrently with the thirteenth meeting of the Conference of the Parties and the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol considered the report submitted by the Compliance Committee on the work of its twelfth and thirteenth meetings, including recommendations, and adopted a number of decisions.
2. The present document provides an overview of decisions with relevance to compliance adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its eighth meeting. It assesses the extent to which the decisions reflect the recommendations of the Compliance Committee and sets out the activities of the Committee for the current intersessional period, as mandated by the Conference of the Parties serving as the meeting of the Parties and taking into account the Committee's previously agreed upon organization of work.
3. Section II of the document provides an overview of relevant decisions that build on or incorporate the recommendations by the Committee. The decisions are reviewed vis-à-vis the recommendations that the Committee proposed, as contained in the annex to its report to the Conference of the Parties serving as the meeting of the Parties.¹ For ease of reference, the annex contains a table showing how and to what extent the recommendations of the Compliance Committee have been integrated in the decisions adopted by the Parties to the Protocol. Section II also considers other relevant decisions adopted at the Conference of the Parties serving as the meeting of the Parties that may require the attention of the Compliance Committee. Section III proposes a possible work plan for the Committee for the next biennium, taking into account the overall organization of work agreed upon earlier by the Committee and the elements derived from decisions adopted by the Conference of the Parties serving as the meeting of the Parties that are relevant to compliance.

¹ UNEP/CBD/BS/COP-MOP/8/2.

4. For information purposes, the new composition of the Committee, following the election of members by the Conference of the Parties serving as the meeting of the Parties, is indicated in section IV. Conclusions are presented in section V.

II. DECISIONS TAKEN BY THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES WITH RELEVANCE TO COMPLIANCE

5. The report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties was a consolidated report on the work of the Committee's twelfth and thirteenth meetings, including recommendations, as adopted at the Committee's thirteenth meeting, held in February 2016.

6. Ms. Jimena Nieto Carrasco, the Chair of the Committee, made a statement at the opening plenary of the eighth meeting of the Conference of the Parties serving as the meeting of the Parties and submitted the report of the Committee.

7. Following past practice and taking into account the suggestion of the Committee as specified in the annex to its report, the recommendations of the Committee were referred to the relevant agenda items of the Conference of the Parties serving as the meeting of the Parties. Accordingly, the recommendations of the Committee were allocated to the following agenda items:

- (a) Recommendations 1 to 6 were considered under item 4, Compliance;²
- (b) Recommendation 7 was considered under item 7, Operation and activities of the Biosafety Clearing-House;³
- (c) Recommendation 8 was considered under item 8, Matters related to the financial mechanism and resources;⁴
- (d) Recommendation 9 was considered under item 12, Unintentional transboundary movements and emergency measures;⁵
- (e) Recommendations 10 to 15 were considered under item 14.1, Monitoring and reporting;⁶
- (f) Recommendations 16 and 17 were considered under item 14.2, Third assessment and review of the effectiveness of the Cartagena Protocol and mid-term evaluation of the Strategic Plan.⁷

8. Below is a description of the way in which relevant decisions taken by the Conference of the Parties serving as the meeting of the Parties reflect the recommendations of the Committee. A description of other decisions that require the consideration of the Committee is also provided.

CP-VIII/1. Compliance

9. The Committee's first, second and third recommendations concerned the progress made by Parties in complying with their obligations under the Protocol. The Committee noted with concern that a number of Parties were not in full compliance with most obligations under the Protocol. It urged Parties to put in place legal, administrative and other measures to implement their obligations under the Protocol and requested the Secretariat to continue following up with Parties that had not yet fully complied with their obligations. The Conference of the Parties serving as the meeting of the Parties adopted these recommendations with a few editorial changes. Notably, it added the adjective "large" to the phrase "number of Parties". In addition to adopting the recommendations by the Committee, it also decided to urge Parties to make use of all available

² See CBD/CP/COP-MOP/8/17, Section II, paras. 26-46.

³ Ibid., paras. 86-95.

⁴ Ibid., paras. 96-102.

⁵ Ibid., paras. 140-153.

⁶ Ibid., paras. 162-169.

⁷ Ibid., paras. 170-175 and 180-185.

means of support and emphasized the importance of continuous and predictable support by the Global Environment Facility (GEF) to support eligible Parties in complying with their obligations.

10. In its recommendations 4 through 6, the Committee had recommended that the Conference of the Parties serving as the meeting of the Parties caution three Parties that had not submitted their interim, first, second or third national reports, despite numerous efforts undertaken by the Committee and the Secretariat to offer support to these Parties in preparing their reports.⁸ Following the adoption of the recommendations on this matter at the Committee's thirteenth meeting, two of the three Parties submitted their third national report. Consequently, the recommendation considered by the Conference of the Parties serving as the meeting of the Parties only concerned the cautioning of one remaining Party, the Marshall Islands. The Conference of the Parties serving as the meeting of the Parties did not adopt the recommendation of the Compliance Committee to caution the Party. It decided to refer in its decision to "one Party" rather than to identify the individual Party. As a result, in decision CP-VIII/1, the Conference of the Parties serving as the meeting of the Parties noted with regret that one Party had not submitted its interim, first, second or third national reports and urged the Party to submit its third national report to fulfil its obligation. The Conference of the Parties serving as the meeting of the Parties also encouraged the Party to accept the offers of assistance of the Committee and any other assistance, should it require support to prepare its report. It further noted that the Committee and the Executive Secretary had contacted the Party on numerous occasions.

CP-VIII/2. Operation and activities of the Biosafety Clearing-House

11. In its seventh recommendation, the Committee had recommended that the Conference of the Parties serving as the meeting of the Parties urge Parties that had not already done so to make certain types of information available to the Biosafety Clearing-House and to keep their records up-to-date. The Conference of the Parties serving as the meeting of the Parties adopted this recommendation as reflected in paragraph 4 of decision CP-VIII/2. Following the Committee's organization of work agreed to at the eighth meeting, the Committee is expected to review the consistency of information provided in national reports and in the Biosafety Clearing-House at its fifteenth meeting, where this issue may be addressed.

CP-VIII/5. Financial mechanism and resources

12. In the Committee's eighth recommendation, it recommended that the Conference of the Parties serving as the meeting of the Parties invite GEF to make specific funding available to eligible Parties to put in place their national biosafety frameworks and to extend funding to projects and capacity-building activities necessary for the implementation of the Protocol. The Conference of the Parties serving as the meeting of the Parties decided to recommend to the Conference of the Parties, in adopting its guidance to the financial mechanism, that it invite the Global Environment Facility to continue to make specific funding available to eligible Parties to put in place their national biosafety frameworks and that it continue to fund projects and capacity-building activities on issues identified by the Parties to facilitate further implementation of the Protocol, including regional cooperation projects with a view to facilitating the sharing of experiences and lessons learned, and harnessing associated synergies. In addition, the Conference of the Parties serving as the meeting of the Parties recommended that the Conference of the Parties invite the Global Environment Facility to ensure that the policy, strategy, programme priorities and eligibility criteria adopted in annex I to decision I/2 of the Conference of the Parties are duly followed in an efficient manner in relation to access and utilization of financial resources. These recommendations were incorporated, as recommended by the Conference of the Parties serving as the meeting of the Parties, in Conference of the Parties decision XIII/21, with the addition of an example of regional cooperation projects.⁹

⁸ Further information on the steps taken by the Committee prior to recommending the caution are provided in CBD/CP/CC/14/INF/1.

⁹ The example added in decision XIII/21 appears in italics: "To continue to fund projects and capacity-building activities on issues identified by the Parties to facilitate further implementation of the Cartagena Protocol on Biosafety, including regional cooperation projects, *such as those using regional and subregional networks to build capacity for the detection of living modified organisms*, with a view to facilitating the sharing of experiences and lessons learned, and harnessing associated synergies;"

CP-VIII/16. Unintentional transboundary movements and emergency measures (Article 17)

13. At its thirteenth meeting, the Compliance Committee considered what constitutes unintentional transboundary movements in contrast with illegal transboundary movements and, in this context, recommended that the Conference of the Parties serving as the meeting of the Parties adopt operational definitions with a corresponding explanatory note.

14. In decision CP-VIII/16, the Conference of the Parties serving as the meeting of the Parties adopted operational definitions of the terms “unintentional transboundary movement” and “illegal transboundary movement”, as contained in the annex to its decision. It deemed it appropriate to use the operational definitions for the purpose of facilitating the implementation of the Protocol. It furthermore encouraged Parties to make use of the operational definitions when completing their reports.

15. The Conference of the Parties serving as the meeting of the Parties made several changes to the operational definitions of the two terms, as reflected in the table below. It did not adopt a separate explanatory note.¹⁰

Term	Operational definition recommended by the Committee	Operational definition adopted by the Conference of the Parties serving as the meeting of the Parties
Illegal transboundary movement	<i>“Illegal transboundary movement”</i> is a transboundary movement carried out in contravention of the domestic measures to implement the Protocol that have been adopted by the affected Party;	<i>“Illegal transboundary movement”</i> is a transboundary movement of living modified organisms carried out in contravention of the domestic measures to implement the Protocol that have been adopted by the Party concerned;
Unintentional transboundary movement	<i>“Unintentional transboundary movement”</i> is a transboundary movement of a living modified organism that has inadvertently crossed the national borders of a Party whereby the living modified organism was released either deliberately or accidentally.	<i>“Unintentional transboundary movement”</i> is a transboundary movement of a living modified organism that has inadvertently crossed the national borders of a Party where the living modified organism was released, and the requirements of Article 17 of the Protocol apply to such transboundary movements only if the living modified organism involved is likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, in the affected or potentially affected States.

CP-VIII/14. Monitoring and reporting under the Protocol (Article 33)

16. The Compliance Committee, at its thirteenth meeting, reviewed compliance by Parties with the obligation to report on measures taken to implement the Protocol and made recommendations in this regard.

17. The Conference of the Parties serving as the meeting of the Parties adopted the Committee’s recommendations 10 through 12 with a few changes and updates. Following the Committee’s thirteenth meeting, a number of additional countries submitted their third national reports, which was reflected accordingly in the decision adopted by the Conference of the Parties serving as the meeting of the Parties. In recommendation 11, the word “funding” was replaced by the word “support”. Recommendation 12, related to the negative impact on the reporting rate caused by the introduction of administrative changes within the United Nations, was adopted

¹⁰ The explanatory note is not reproduced in the table.

with more substantive amendments, whereby, among others, the reference to the delay in accessing funding was omitted. Recommendations 13 through 15 were adopted as recommended by the Committee, with an update of the footnote identifying the Parties that had not yet submitted their third national report in recommendation 14.

18. In addition to taking up the recommendations of the Compliance Committee, the Conference of the Parties serving as the meeting of the Parties also requested the Committee to explore the reasons for the lower rate of submission of the third national reports. Information on this matter is presented to the Committee in document CBD/CP/CC/14/4, for its consideration.

19. In the preamble to decision CP-VIII/14, the Conference of the Parties serving as the meeting of the Parties recognized the challenges with the reporting format identified by the Committee. The Committee had identified these challenges at its thirteenth meeting and had made suggestions with a view to improving the format, as reflected in the report of the Committee on that meeting. In the operative part of decision CP-VIII/14, the Conference of the Parties serving as the meeting of the Parties requested the Executive Secretary to develop a revised format for the fourth national reports, addressing, among other things, issues identified by the Committee.

CP-VIII/15. Assessment and review of the effectiveness of the Protocol and mid-term evaluation of the Strategic Plan

20. In its decision BS-VII/3, the Conference of the Parties serving as the meeting of the Parties requested the Subsidiary Body on Implementation, including contributions from the Liaison Group on Capacity-Building, to undertake the third assessment and review of the effectiveness of the Protocol and mid-term evaluation of the Strategic Plan. The Conference of the Parties serving as the meeting of the Parties also requested the Compliance Committee to provide an input to this process. The Compliance Committee at its thirteenth meeting provided an input to the third assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan. The Committee requested the Executive Secretary to submit the Committee's input to the Subsidiary Body on Implementation for its consideration. The Subsidiary Body made a recommendation on this matter, which was adopted, with amendments, by the Conference of the Parties serving as the meeting of the Parties.

21. In its recommendations 16 and 17, the Committee recommended that the Conference of the Parties serving as the meeting of the Parties welcome the Committee's input to the assessment and review of the effectiveness of the Protocol and mid-term evaluation of the Strategic Plan and request the Committee to continue providing its inputs to the final evaluation of the Strategic Plan. The Committee furthermore recommended that the Conference of the Parties serving as the meeting of the Parties welcome the Committee's supportive role, carried out pursuant to decision BS-V/1, as a contribution to the progress reported, and that the Conference of the Parties serving as the meeting of the Parties request the Committee to continue carrying out its mandate accordingly. These recommendations were adopted with minor editorial changes by the Conference of the Parties serving as the meeting of the Parties.

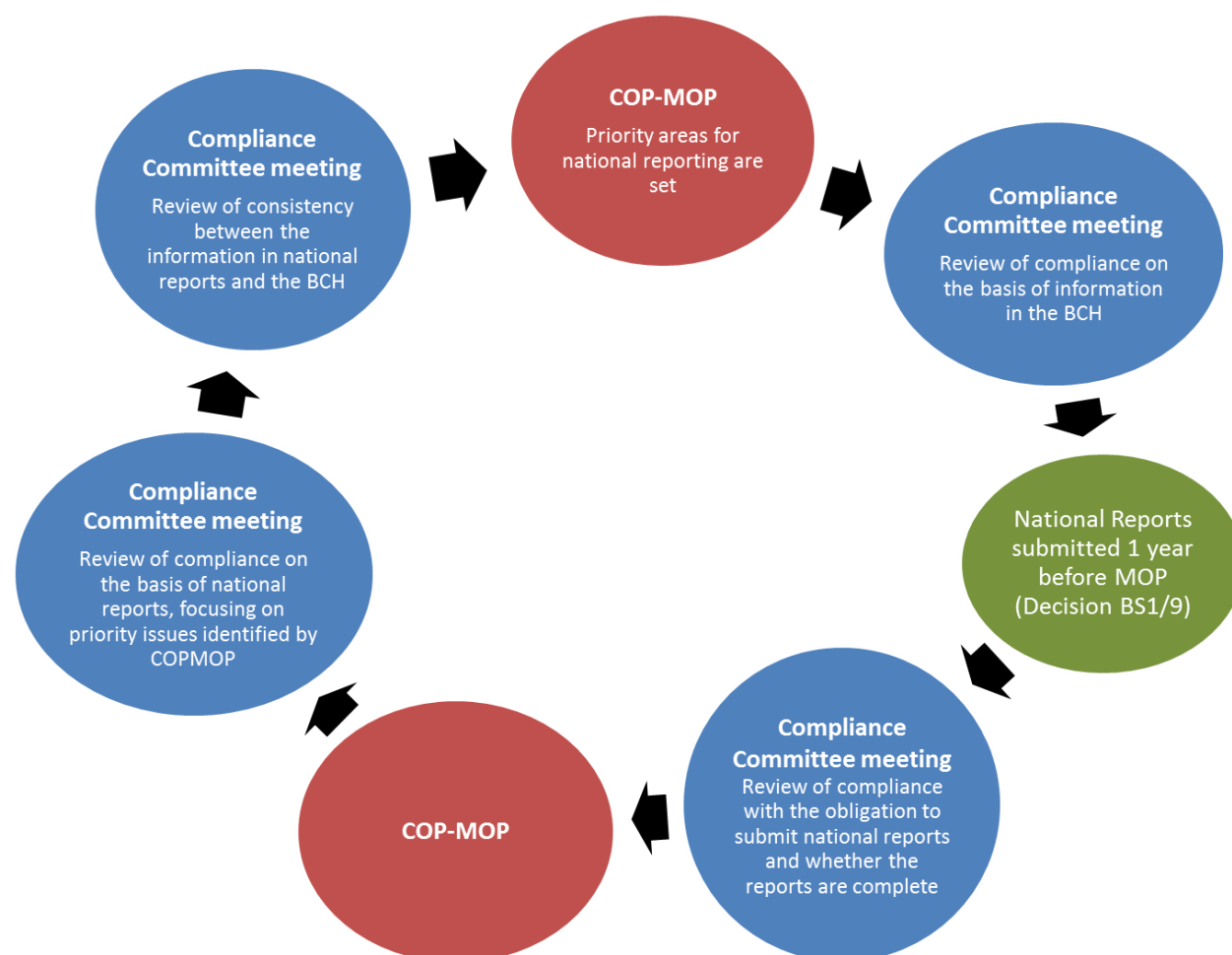
CP-VIII/17. Transit and contained use of living modified organisms (Article 6)¹¹

22. The Conference of the Parties serving as the meeting of the Parties considered the issue of contained use and had before it a note prepared by the Executive Secretary containing a compilation of information provided by Parties in their national reports and in the Biosafety Clearing-House, as well as a synthesis of views submitted relating to contained use. The note showed that in several cases Parties had labelled decisions concerning field trials as decisions concerning contained use. In its decision CP-VIII/17, the Conference of the Parties serving as the meeting of the Parties requested the Compliance Committee to assess if information that had been submitted to the Biosafety Clearing-House under contained use is in accordance with Article 6 of the Cartagena Protocol and to make a recommendation in this regard to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its ninth meeting.

¹¹ The Compliance Committee had not considered transit and contained use of living modified organisms in the intersessional period, and, consequently, no recommendations on this matter were submitted by the Committee to the Conference of the Parties serving as the meeting of the Parties at its eighth meeting.

III. PROPOSED WORK PLAN FOR THE COMPLIANCE COMMITTEE FOR THE PERIOD PRIOR TO THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES⁹

23. The Compliance Committee at its eighth meeting agreed on the organization of work as set out in the figure below, noting that this organization of work was intended to complement any work plan or existing arrangement for the consideration of specific items by the Committee.



24. Accordingly, and taking into account the outcomes of the Conference of the Parties serving as the meeting of the Parties as reviewed above, the Committee may wish to consider the following activities and agree to its work plan for the biennium before the ninth meeting of the Conference of the Parties serving as the meeting of the Parties:

- (a) Fourteenth meeting (second quarter of 2017):¹²
 - (i) Assessment of the outcomes of the Conference of the Parties serving as the meeting of the Parties relating to compliance;
 - (ii) Review of compliance on the basis of national reports, focusing on priority issues identified by the Conference of the Parties serving as the meeting of the Parties (step 6 in the organization of work above);

¹² These proposed items have already been taken into account in developing the provisional agenda for the current meeting.

- (iii) General issues of compliance, (including an update on the submission of national reports and consideration of reasons for lower rate of submission of the third national reports) (decision CP-VIII/14, para. 7);
 - (iv) Any other matter;
- (b) Fifteenth meeting (second quarter of 2018):
- (i) Review of consistency between information in national reports and the Biosafety Clearing-House (step 7 in the organization of work above);
 - (ii) Assessment of whether information submitted to the BCH under contained use is in accordance with Article 6 of the Protocol (decision CP-VIII/17, para. 5);
 - (iii) General issues of compliance;
 - (iv) Any other matter;
 - (v) Preparation and adoption of the report and the recommendations of the Committee for submission to the Conference of the Parties serving as the meeting of the Parties at its ninth meeting.

IV. MEMBERSHIP

25. As the Committee had noted at its last meeting, the term of ten members came to an end on 31 December 2016. Accordingly, the Conference of the Parties serving as the meeting of the Parties has elected or re-elected the following members to serve on the Compliance Committee:

- (a) *Africa* – Mr. Rigobert Ntep (Cameroon), Mr. Dorington O. Ogoyi (Kenya);
- (b) *Asia and the Pacific* – Mr. Letchumanan Ramatha (Malaysia), Mr. Mohammad Ali Zare Zare (Islamic Republic of Iran);
- (c) *Latin America and the Caribbean* – Ms. Jimena Nieto Carrasco (Colombia), Mr. Malachy Pilgrim Dottin (Grenada);
- (d) *Central and Eastern Europe* – Ms. Shirin Karryeva (Turkmenistan), Ms. Dubravka Stepic (Croatia);
- (e) *Western Europe and Others Group* – Mr. Andreas Heissenberger (Austria), Mr. Casper Linnestad (Norway);

26. Accordingly, the composition of the Committee for the biennium 2017-2018 is as follows:

1. Ms. Martha Kandawa-Schultz (Namibia) (31 December 2018)
2. Mr. Rigobert Ntep (Cameroon) (31 December 2020)
3. Mr. Dorington O. Ogoyi (Kenya) (31 December 2020)
4. Mr. Letchumanan Ramatha (Malaysia) (31 December 2020)
5. Mr. Choi Seung-Hwan (Republic of Korea) (31 December 2018)
6. Mr. Mohammad Ali Zare Zare (Islamic Republic of Iran) (31 December 2020)
7. Dr. Martin Batic (Slovenia) (31 December 2018)
8. Ms. Shirin Karryeva (Turkmenistan) (31 December 2020)
9. Ms. Dubravka Stepic (Croatia) (31 December 2020)
10. Ms. Jimena Nieto Carrasco (Colombia) (31 December 2020)
11. Ms. Sol Ortíz García (Mexico) (31 December 2018)

12. Mr. Malachy Pilgrim Dottin (Grenada) (31 December 2020)
13. Ms. Clare Hamilton (United Kingdom of Great Britain and Northern Ireland) (31 December 2018)
14. Mr. Andreas Heissenberger (Austria) (31 December 2020)
15. Mr. Casper Linnestad (Norway) (31 December 2020)

V. CONCLUSION

31. The Conference of the Parties serving as the meeting of the Parties to the Protocol, at its eighth meeting, considered most of the recommendations of the Committee favourably and, in particular, welcomed the Committee's supportive role, carried out pursuant to decision BS-V/1, as a contribution to the progress reported, and requested the Committee to continue carrying out this supportive role in accordance with its mandate. The table in the annex below shows how the recommendations were considered, accepted, and, as appropriate, included in the decisions of the Conference of the Parties serving as the meeting of the Parties under the items to which they were considered to be relevant.

Annex

**THE EXTENT OF INTEGRATION OF THE RECOMMENDATIONS OF THE COMPLIANCE COMMITTEE INTO THE DECISIONS OF
THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES¹³**

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
<p>The Compliance Committee recommends that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety decide, at its eighth meeting, to:</p> <p align="center"><u>A. Compliance</u></p> <p>1. General issues</p> <p>1. <i>Welcome</i> progress made by Parties in complying with their obligations under the Protocol, yet note with concern that, 13 years after the entry into force of the Protocol, a number of Parties are not in full compliance in relation to most obligations under the Protocol;</p> <p>2. <i>Urge</i> Parties that have not yet completely done so to put in place legal, administrative and other measures to implement their obligations under the Protocol, paying particular attention to the importance of putting in place monitoring systems as a prerequisite for effective reporting;</p> <p>3. <i>Request</i> the Secretariat, as appropriate and following guidance provided by the Committee, to continue following up with Parties that have not yet fully complied with their obligations under the Protocol, and to request Parties to collaborate fully in this regard;</p>	<p align="center"><u>CP-VII/1. Compliance</u></p> <p>1. <i>Welcomes</i> the progress made by Parties in complying with their obligations under the Protocol, yet notes with concern that, 13 years after the entry into force of the Protocol, a large number of Parties are not in full compliance in relation to most obligations under the Protocol;</p> <p>4. <i>Urges</i> Parties that have not yet completely put in place legal, administrative and other measures to implement their obligations under the Protocol to do so, paying particular attention to the importance of putting in place monitoring systems as a prerequisite for effective reporting;</p> <p>5. <i>Requests</i> the Executive Secretary, as appropriate and following guidance provided by the Committee, to continue following up with Parties that have not yet fully complied with their obligations under the Protocol, and requests Parties to collaborate fully in this regard;</p>	<p>Parties decided to describe the number of Parties not in full compliance as “large”.</p> <p>Some editorial changes to recommendation 2.</p> <p>Request is to the Executive Secretary.</p>

¹³ Changes introduced by COP-MOP to the wording of the recommendations of the Committee appear in bold in the second column.

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
<p style="text-align: center;">2. Caution</p> <p><i>Recalling</i> Article 33 of the Protocol,</p> <p><i>Also recalling</i> section VI, paragraph 2 (b) of the Procedures and Mechanisms on Compliance under the Cartagena Protocol on Biosafety as contained in the annex to decision BS-I/7,</p> <p><i>Noting</i> with regret that Luxembourg, the Marshall Islands and Nicaragua have not submitted their interim, first, second or third national reports,</p> <p><i>Also noting</i> that the Compliance Committee and the Executive Secretary have contacted Luxembourg, the Marshall Islands and Nicaragua on numerous occasions, in accordance with decision BS-V/1, including by offering support to these Parties in preparing their reports,</p> <p>4. <i>Caution</i> Luxembourg, the Marshall Islands and Nicaragua for failure to fulfil their obligations;</p> <p>5. <i>Request</i> Luxembourg, the Marshall Islands and Nicaragua, as a matter of urgency, to submit their third national reports;</p>	<p>2. <i>Urges</i> Parties to make use of all available means of support to assist them in fulfilling their obligations;</p> <p>3. <i>Emphasizes</i> the importance of continuous and predictable support by the Global Environment Facility to eligible Parties to support their compliance with obligations under the Protocol;</p> <p>6. <i>Notes</i> with regret that one Party has not submitted its interim, first, second or third national reports;</p> <p>7. <i>Also notes</i> that the Compliance Committee and the Executive Secretary have contacted the Party referred to in paragraph 6 above on numerous occasions, in accordance with decision BS-V/1, including by offering support in preparing its reports;</p> <p>8. <i>Urges</i> the Party referred to in paragraph 6 above, as a matter of urgency, to submit its third national report to fulfil its obligation;</p>	<p>Although not in the recommendations of the Committee, Parties decided to urge Parties to make use of all available means of support and emphasized the importance of continuous and predictable support by the Global Environment Facility to support eligible Parties in complying with their obligations.</p> <p>Luxembourg and Nicaragua submitted their national report before the eighth meeting of the Parties. Consequently, the Conference of the Parties serving as the meeting of the Parties only considered the cautioning of the Marshall Islands.</p> <p>The Conference of the Parties serving as the meeting of the Parties decided to refer to the Marshall Islands as “the Party” rather than naming the country.</p>

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
<p>6. <i>Encourage</i> Luxembourg, the Marshall Islands and Nicaragua to seek the assistance of the Compliance Committee, in accordance with decision BS-V/1, should they require support to prepare their reports;</p>	<p>9. <i>Encourages the Party referred to in paragraph 6 above to accept the offers of assistance of the Compliance Committee and any other assistance, should it require support to prepare its report.</i></p>	<p>The Conference of the Parties serving as the meeting of the Parties did not adopt the recommendation of the Compliance Committee to caution and instead urged, rather than requested, “the Party” to submit its third national report to fulfil its obligation.</p> <p>Recommendation 6 was adopted with some minor changes.</p>
<p><u>B. Operation and activities of the Biosafety Clearing-House</u></p> <p>7. <i>Urge</i> Parties that have not yet completely done so to make all required information available to the Biosafety Clearing-house and keep the records up-to-date focusing in particular on information related to: (a) national biosafety frameworks, legislation, regulations and guidelines; (b) summaries of risk assessments; (c) final decisions regarding living modified organisms and living modified organisms intended for direct use as food or feed, or for processing; (d) national focal points and national points of contact; (e) information on bilateral, regional or multilateral agreements or arrangements into which they have entered and which have relevance for biosafety;</p>	<p><u>CP-VII/2. Operation and activities of the Biosafety Clearing-House</u></p> <p>4. <i>Urges</i> Parties that have not yet completely done so to make all required information available to the Biosafety Clearing-House and keep the records up-to-date focusing in particular on information related to: (a) national biosafety frameworks, legislation, regulations and guidelines; (b) summaries of risk assessments; (c) final decisions regarding living modified organisms and living modified organisms intended for direct use as food or feed, or for processing; (d) national focal points and national points of contact; and (e) information on bilateral, regional or multilateral agreements or arrangements into which they have entered and which have relevance for biosafety;</p>	<p>Recommendation adopted.</p>
<p><u>C. Matters related to the financial mechanism and resources</u></p> <p>8. <i>Recommend</i> that the Conference of the Parties, in adopting its guidance to the financial mechanism, with respect to support for the implementation of the Cartagena Protocol on</p>	<p><u>CP-VIII/5. Financial mechanism and resources</u></p> <p>4. <i>Further recommends</i> to the Conference of the Parties, in adopting its guidance to the financial mechanism, with respect to support for</p>	

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
<p>Biosafety, invite the Global Environment Facility :</p> <p>(a) To make specific funding available to eligible Parties to put in place their national biosafety frameworks;</p> <p>(b) To extend funding for projects and capacity-building activities necessary for the implementation of the Cartagena Protocol on Biosafety;</p>	<p>the implementation of the Cartagena Protocol on Biosafety, that it invite the Global Environment Facility:</p> <p>(a) To continue to make specific funding available to eligible Parties to put in place their national biosafety frameworks;</p> <p>(b) To continue to fund projects and capacity-building activities on issues identified by the Parties to facilitate further implementation of the Cartagena Protocol on Biosafety, including regional cooperation projects with a view to facilitating the sharing of experiences and lessons learned, and harnessing associated synergies;</p> <p>(c) To ensure that the policy, strategy, programme priorities and eligibility criteria adopted in annex I to decision I/2 of the Conference of the Parties are duly followed in an efficient manner in relation to access and utilization of financial resources.</p>	<p>The Conference of the Parties serving as the meeting of the Parties recognized that the support already existed and recommended that it be ‘continued’. The recommendation was adopted with the specification that the projects and capacity-building activities funded should be on <i>issues identified by the Parties</i> and also included some additional wording on regional cooperation projects.</p> <p>In addition, the Conference of the Parties serving as the meeting of the Parties recommended that COP invite the Global Environment Facility to ensure that the policy, strategy, programme priorities and eligibility criteria adopted in annex I to decision I/2 of COP are duly followed.</p>
<p><u>D. Unintentional transboundary movements</u></p> <p>9. <i>Adopt</i> the operational definitions of the terms “unintentional transboundary movement” and “illegal transboundary movement”, with corresponding explanatory notes, as follows:</p>	<p><u>CP-VII/16. Unintentional transboundary movements and emergency measures</u> <u>(Article 17)</u></p> <p>1. <i>Adopts</i> the operational definitions of the terms “unintentional transboundary movement” and “illegal transboundary movement”, as contained in the annex to the present decision, and <i>deems it appropriate</i> to use them for the purpose of facilitating the</p>	<p>Changes were made to the definitions proposed by the Compliance Committee. The explanatory note was not included in the decision adopted by Parties.</p> <p>Parties deemed it appropriate to use the operational</p>

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
<p>(a) “Illegal transboundary movement” is a transboundary movement carried out in contravention of the domestic measures to implement the Protocol that have been adopted by the affected Party;</p> <p>(b) “Unintentional transboundary movement” is a transboundary movement of a living modified organism that has inadvertently crossed the national borders of a Party whereby the living modified organism was released either deliberately or accidentally.</p> <p><i>Explanatory note:</i> An illegal transboundary movement may include transboundary movements of living modified organisms that have not been approved for a particular use in the jurisdiction of the affected Party. A transboundary movement can still be considered illegal, if it results in a</p>	<p>implementation of the Protocol;</p> <p>2. <i>Encourages</i> Parties to make use of the operational definitions of the terms “unintentional transboundary movement” and “illegal transboundary movement” when completing their national reports;</p> <p><i>Annex</i></p> <p>Operational definitions of the terms “unintentional transboundary movement” and “illegal transboundary movement”</p> <p>“<i>Illegal transboundary movement</i>” is a transboundary movement of living modified organisms carried out in contravention of the domestic measures to implement the Protocol that have been adopted by the Party concerned.</p> <p>“<i>Unintentional transboundary movement</i>” is a transboundary movement of a living modified organism that has inadvertently crossed the national borders of a Party where the living modified organism was released, and the requirements of Article 17 of the Protocol apply to such transboundary movements only if the living modified organism involved is likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, in the affected or potentially affected States.</p>	<p>definitions for the purpose of facilitating the implementation of the Protocol.</p> <p>The Conference of the Parties serving as the meeting of the Parties furthermore encouraged Parties to make use of the operational definitions when completing their reports.</p>

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
contravention of the affected Party's domestic measures to implement the Protocol, even if the transboundary movement is unintentional.		
<p><u>E. Monitoring and reporting</u></p> <p>10. <i>Express</i> concern about the lower rate of submission of the third national reports in comparison to the previous reporting cycle, and <i>note</i> with concern that third national reports are still due from 58 Parties, including 12 Parties that have accessed GEF funds for the preparation of their third national reports;</p> <p>11. <i>Welcome</i> the funding that has once again been made available by the Global Environment Facility to a number of eligible Parties to support the preparation of their national reports, but note with concern that 39 Parties that were eligible for Global Environment Facility funding to complete their national reports either did not apply for that funding or were unable to access them;</p> <p>12. <i>Note</i> with regret that administrative changes within the United Nations created systems challenges that resulted in delays for a number of eligible Parties in accessing funding, and also note that this has caused difficulties for a number of Parties in fulfilling their obligations under the Protocol, for example as regards submission of their third national reports;</p> <p>13. <i>Welcome</i> the efforts made by the</p>	<p>CP-VII/14. Monitoring and reporting</p> <p>1. <i>Expresses</i> concern about the lower rate of submission of the third national reports in comparison to the previous reporting cycle, and <i>notes</i> with concern that third national reports are still due from 37 Parties, including 4 Parties that have accessed funds from the Global Environment Facility for the preparation of their third national reports;</p> <p>2. <i>Welcomes</i> the financial support provided by the Global Environment Facility to a number of eligible Parties to support the preparation of their national reports, but notes with concern that 39 Parties that were eligible for Global Environment Facility funding to complete their national reports either did not apply for that funding or were unable to access the financial support;</p> <p>4. <i>Notes</i> the effect of the challenges posed by new administrative changes within the United Nations and its impact on the current reporting cycle, such as delays in the submission of the third national reports;</p> <p>3. <i>Also welcomes</i> the efforts made by the Secretariat to assist Parties in submitting national</p>	<p>Recommendation 10 was updated and adopted.</p> <p>In recommendation 11, the word “funding” was replaced by the word “support”.</p> <p>Recommendation 12 was adopted with more substantive amendments, whereby, among others, the reference to the delay in accessing funding was omitted.</p> <p>Recommendation 13 was adopted as</p>

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
<p>Secretariat to assist Parties in submitting national reports and to ensure their completeness;</p> <p>14. <i>Urge</i> Parties that have not yet submitted their third national report to do so as soon as possible;</p> <p>15. <i>Urge</i> Parties that have not submitted a complete third national report to do so as soon as possible;</p>	<p>reports and to ensure their completeness;</p> <p>5. <i>Urges</i> Parties that have not yet submitted their third national report to do so as soon as possible;*</p> <p>6. <i>Also urges</i> Parties that have not submitted a complete third national report to do so as soon as possible;</p> <p>7. <i>Requests the Compliance Committee to explore the reasons for the lower rate of submission of the third national reports;</i></p> <p><i>Considering</i> the challenges with the reporting format for the third national report identified by the Liaison Group on Capacity-building at its eleventh meeting and the Compliance Committee at its thirteenth meeting,</p> <p>8. Requests the Executive Secretary:</p> <p>(a) To develop a revised format for the fourth national reports with a view to ensuring that complete and accurate information is captured while striving to ensure the applicability of the baseline information, as established in decision BS-VI/15, in particular by:</p> <p>(i) <i>Improving the formulation of questions for</i></p>	<p>recommended.</p> <p>Recommendation 14 was adopted with an update of the footnote identifying the Parties that had not yet submitted their third national report.</p> <p>Recommendation 15 was adopted.</p> <p>The Conference of the Parties serving as the meeting of the Parties also requested the Committee to explore the reasons for the lower rate of submission of the third national reports.</p> <p>Although not recommended by the Committee, the Conference of the Parties serving as the meeting of the Parties referred to the Committee's identification of challenges with the reporting format, in the preamble to its decision. In the report on its thirteenth meeting, the Committee had noted, in particular, "that a few questions in the reporting format could be interpreted in different ways and that as a result, the data per se might not always provide an accurate reflection of the state of implementation of the Protocol".</p> <p>The Conference of the Parties serving as the meeting of the Parties requested the Executive Secretary to develop a revised format for the fourth</p>

* Afghanistan, Algeria, Angola, Armenia, Azerbaijan, Belize, Cabo Verde, Comoros, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Fiji, Greece, Guyana, Jamaica, Jordan, Libya, Malta, Marshall Islands, Montenegro, Myanmar, Nauru, Palau, Papua New Guinea, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Serbia, Seychelles, Solomon Islands, Somalia, State of Palestine, Syrian Arab Republic, The Former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, and Turkmenistan.

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
	<i>their clarity, providing further explanation where necessary;</i> (ii) Eliminating the redundancy observed in the questions used for the third national report; (iii) Adding questions that address mainstreaming of biosafety into national biodiversity strategies and action plans, other policies and legislation;	national reports, addressing also the specific issue identified by the Committee (shown in the column to the left in italics).

Recommendation of the Committee (UNEP/CBD/BS/COP-MOP/8/2, annex)	Decision of the Conference of the Parties serving as the meeting of the Parties	Remarks/clarifications
<p><u>F. Third assessment and review of the effectiveness of the Cartagena Protocol and midterm evaluation of the Strategic Plan</u></p> <p>16. <i>Welcome</i> the Committee's input to the assessment and review and mid-term evaluation, and request the Committee to continue providing inputs to the final evaluation of the Strategic Plan;</p> <p>17. <i>Welcome</i> the Committee's supportive role, carried out pursuant to decision BS-V/1, as a contribution to the progress reported, and <i>request</i> the Committee to continue carrying out its mandate accordingly</p>	<p><u>VIII/15. Third assessment and review of the effectiveness of the Cartagena Protocol on Biosafety and mid-term evaluation of the Strategic Plan</u></p> <p>2. <i>Also welcomes</i> the input of the Compliance Committee to the assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan, and requests the Committee to continue providing inputs to the final evaluation of the Strategic Plan;</p> <p>4. <i>Welcomes further</i> the Compliance Committee's supportive role, carried out pursuant to decision BS-V/1, as a contribution to the progress reported, and <i>requests</i> the Committee to continue carrying out this supportive role in accordance with its mandate;</p>	<p>These recommendations were adopted with minor editorial changes and highlighting the Committee's supportive role.</p>