



## CONVENTION ON BIOLOGICAL DIVERSITY

Distr.  
GENERAL

UNEP/CBD/ICCP/1/1/Add.1  
16 September 2000

ORIGINAL: ENGLISH

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### INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY

First meeting

Montpellier, France, 11-15 December 2000

Item 2 of the provisional agenda\*

### ANNOTATIONS TO THE PROVISIONAL AGENDA

*Note by the Executive Secretary*

#### Introduction

1. The open-ended ad hoc Intergovernmental Committee for the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (ICCP) was established by the Conference of the Parties to the Convention in decision EM-I/3, adopted at its first extraordinary meeting in January 2000. In paragraph 6 of that decision, the Conference of the Parties gave ICCP a mandate to undertake, with the support of the Executive Secretary, the preparations necessary for the first meeting of the Parties to the Protocol (MOP) to the Cartagena Protocol. At its fifth meeting, held in May 2000, the Conference of the Parties reaffirmed this mandate and adopted the work plan for ICCP (decision V/1, annex).

2. Following the offer made by the Government of France to host the first meeting of the ICCP and after consultations with the bureaus of ICCP and of the Conference of the Parties, arrangements have been made to convene the first meeting of ICCP at the Palais des Congrès- Le CORUM in Montpellier, France, from 11 to 15 December 2000.

#### ITEM 1. OPENING OF THE MEETING

3. The meeting will be opened by the Chair of the Intergovernmental Committee, Ambassador Philemon Yang (Cameroon), at 10 a.m. on 11 December 2000. Other opening and welcoming remarks will be made by, *inter alia*, representatives of the host country, the Executive Director of UNEP and the Executive Secretary of the Convention on Biological Diversity.

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\* UNEP/CBD/ICCP/1/1.

## ITEM 2. ORGANIZATIONAL MATTERS

### 2.1. Adoption of the agenda

4. Under this item, the provisional agenda of the first meeting of the Intergovernmental Committee (UNEP/CBD/ICCP/1/1) will be presented for adoption. The provisional agenda was prepared on the basis of the work plan for ICCP adopted by the Conference of the Parties at its fifth meeting and after consultation with the ICCP Bureau.

### 2.2. Election of a Rapporteur

5. It will be recalled that, in paragraph 8 of its decision EM-I/3, the Conference of the Parties designated Ambassador Philemon Yang (Cameroon) as the Chair of ICCP and invited the Intergovernmental Committee to convene an organizational meeting for the purpose of electing its Bureau. That organizational meeting was held on 29 January 2000, immediately following the closure of the extraordinary meeting of the Conference of the Parties. At the meeting, following nominations from the representatives of the regional groups, the Committee decided that, in addition to the Chair, the Bureau should comprise the representatives of the following countries: Denmark, India, Iran (Islamic Republic of), Peru, Poland, Saint Kitts and Nevis, South Africa, Switzerland and Ukraine (see UNEP/CBD/ICCP/Org/1, para. 4). As requested by the Committee, these countries subsequently informed the Executive Secretary of the names of their representatives on the Bureau, as follows:

Mr. Veit Koester (Denmark)	Mr. Raymond Solomon (Saint Kitts and Nevis)
Mr. P.K. Ghosh (India)	
Mr. Mohammad Reza Salamat (Islamic Republic of Iran)	Mr. Steve Tiba (South Africa)
Ms. Antonieta Gutiérrez Rosati (Peru)	Mr. François Pythoud (Switzerland)
Mr. Andrzej Aniol (Poland)	Mr. Sergiy I. Gubar (Ukraine)

6. Of those nine members of the Bureau, the Committee will need to elect a Rapporteur, in accordance with rule 21 of the rules of procedure for meetings of the Conference of the Parties, which will apply *mutatis mutandis* to meetings of ICCP, as stipulated in paragraph 7 of decision EM-I/3. The remaining eight members will serve as Vice-Chairs of the Committee.

### 2.3. Organization of work

7. The Intergovernmental Committee may wish to consider the proposed organization of work as contained in annex I below which provides for a plenary and two working groups. It was the view of the Bureau that the two main issues for consideration by the ICCP, as identified during discussions at the fifth meeting of the Conference of the Parties on the work plan of the ICCP, were information-sharing and capacity-building. The proposal is for these two issues to be covered briefly in the opening session of the plenary, and thereafter addressed in the working groups for detailed consideration. The proposal in annex I was prepared by the Executive Secretary after consultation with the Bureau with a view to assisting the Committee fulfil its mandate within the time frame agreed upon by the Conference of the Parties.

#### (a) Documentation

8. The present document will serve as the main guide to the organizational issues before the meeting. The working documents prepared for the meeting are listed in annex II below.

(b) *Schedule*

9. The meeting will operate on the basis of two sessions per day with interpretation, from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. Meeting rooms will be made available for informal regional consultations, without interpretation, starting on Sunday, 10 December 2000.

**ITEM 3. REPORT OF THE EXECUTIVE SECRETARY ON INTER-SESSIONAL WORK REQUESTED BY THE CONFERENCE OF THE PARTIES AT ITS FIRST EXTRAORDINARY MEETING (DECISION EM-I/3, PARAS. 11, 12, 13, 14) AND FIFTH REGULAR MEETING (DECISION V/1, PARA. 3)**

10. The Executive Secretary will introduce his report (UNEP/CBD/ICCP/1/2) on progress with regard to:

(a) Designation of focal points for the ICCP by Parties, States and regional economic integration organizations (decision EM-I/3, para. 11);

(b) The information submitted by Parties, States and regional economic integration organizations on their existing programmes for regulating living modified organisms and related technical assistance, including training, to interested Parties and States (decision EM-I/3, para. 12);

(c) Progress on the preparatory work on the functioning of the Biosafety Clearing-House established under Article 20 of the Protocol (decision EM-I/3, para. 13);

(d) The establishment of the roster of Government-nominated experts in fields relevant for risk assessment and risk management (decision EM-I/3, para. 14);

(e) The Meeting of Technical Experts on the Biosafety Clearing-House convened from 11 to 13 September 2000 pursuant to paragraph 3 of decision V/1; and

(f) Other matters (for example, status of signatories to the Cartagena Protocol on Biosafety; designation of Competent National Authorities).

**ITEM 4. MATTERS FOR CONSIDERATION BY THE COMMITTEE AT ITS FIRST MEETING IN PREPARATION FOR THE FIRST MEETING OF THE PARTIES TO THE PROTOCOL AS REFLECTED IN THE WORK PLAN FOR THE COMMITTEE ADOPTED BY THE CONFERENCE OF THE PARTIES AT ITS FIFTH MEETING (DECISION V/1, ANNEX)**

11. The five sub-items under agenda item 4 reflect the five issues stipulated for consideration by ICCP at its first meeting in the work plan for the Committee adopted by the Conference of the Parties to the Convention (decision V/1, annex).

**4.1 Information-sharing (Article 20, Article 19)**

12. In considering this item, the Committee will have before it the report of the Meeting of Technical Experts (UNEP/CBD/ICCP/1/3, annex), convened by the Executive Secretary from 11 to 13 September 2000 in Montreal to consider issues relevant for the information-sharing and the Biosafety Clearing-House, pursuant to paragraph 3 of decision V/1. This report recommends, *inter alia*, the implementation of a pilot phase of the Biosafety Clearing-House, focusing on two types of information, namely: (i) information to facilitate decision-making, including that required under the AIA procedure, such as national focal points and competent national authorities; regulations; and summaries of risk assessments

and other decisions, and (ii) those requirements for which the BCH is part of the procedure for LMO-FFPs (i.e. article 11.1).

13. On the basis of the report and the recommendations it contains, the Committee may wish to recommend the next steps in the preparatory work for the functioning of the Biosafety Clearing-House taking into account the emphasis given by the Conference of the Parties at its fifth meeting on the priority of launching the Biosafety Clearing-House prior to the entry into force of the Protocol.

#### **4.2 Capacity-building (Article 22, Article 28)**

14. The Committee will have before it a note prepared by the Executive Secretary (UNEP/CBD/ICCP/1/4) to assist it in its consideration of this issue. The document contains an indicative framework for capacity building, highlighting the types of capacity required to implement the Protocol, indicating potential approaches and options for achieving the required capacity and summarizing the existing base of capacity building programmes for biosafety. The Committee may wish to consider all these elements and make recommendations on steps that could be taken between the first meeting of ICCP and the first meeting of the Parties to the Protocol to promote capacity-building for the implementation of the Protocol.

15. Under this item, the Committee may also wish to give further consideration to the provisions of decision EM-I/3, paragraph 14, with a view to the operationalization of the regionally balanced roster of experts nominated by Governments, in fields relevant to risk assessment and risk management related to the Protocol. The roster was established to provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of living modified organisms.

#### **4.3 Decision-making procedures (Article 10, paragraph 7)**

16. Under this sub-item, the Intergovernmental Committee will have before it a note by the Executive Secretary (UNEP/CBD/ICCP/1/5) that considers basic elements for appropriate procedures and mechanisms to facilitate decision-making by Parties of import in accordance with paragraph 7 of Article 10 of the Protocol. The note considers what measures have been taken under other conventions that place similar requirements or demands on Parties in terms of decision-making. The review focuses principally on measures taken by: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The note also briefly describes procedures for decision-making in countries that have detailed legislation and /or significant biotechnology sectors regarding the use, safe transfer and handling of living modified organisms (LMOs). The note then considers specific elements with respect to facilitating decision-making in the context of the Protocol. The Intergovernmental Committee may wish to consider the recommendations contained in the note by the Executive Secretary and advise the Secretariat as to which mechanisms it may wish to consider further at its second meeting.

#### **4.4. Handling, transport, packaging and identification (Article 18)**

17. The work plan for ICCP identified two issues under this item for consideration by the Committee at its first meeting:

(a) Overview of relevant international rules and standards pertaining to handling, transport, packaging and identification;

(b) Consideration of modalities for developing standards with regard to handling, transport, packaging and identification.

18. The Executive Secretary has prepared a note (UNEP/CBD/ICCP/1/6) to assist the Committee in its consideration of this item. The note presents an overview of relevant international rules and standards pertaining to handling, transport and packaging, and suggests some steps that could be taken between the first and second meetings of ICCP to allow it, at its second meeting, to make recommendations to the first meeting of the Parties on the need for and modalities of developing standards with regard to handling, transport, packaging and identification of LMOs that are subject to intentional transboundary movement within the scope of the Protocol.

#### **4.5. Compliance (Article 34)**

19. Under this item, the Committee is expected to address the following two issues indicated in its work plan:

- (a) The elements for a compliance regime; and
- (b) The options for a compliance regime.

20. In order to assist the Committee in its deliberations, the Executive Secretary has prepared a note (UNEP/CBD/ICCP/1/7) which reviews existing relevant precedents in multilateral environmental agreements and examines ongoing recent initiatives in the field of development of compliance regimes in a number of relevant processes. The note then draws on these precedents and initiatives and on the relevant provisions of the Protocol to outline and discuss possible elements and options for a compliance regime under the Protocol.

### **ITEM 5. FUTURE WORK OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

21. The Committee may wish to consider how it should proceed in the period leading up to its second meeting. The issues identified by the Conference of the Parties for consideration at the second meeting of the ICCP are as follows:

- Liability and redress (Article 27)
- Monitoring and reporting (Article 33)
- Secretariat (Article 31)
- Guidance to the financial mechanism (Article 28, para. 5, Article 22)
- Rules of procedure for the meeting of the Parties
- Consideration of other issues necessary for effective implementation of the Protocol (e.g., Article 29, para. 4)
- Elaboration of a draft provisional agenda for the first meeting of the Parties
- Items for continued consideration from the first meeting of the ICCP:
  - Decision-making (Article 10, para. 7)
  - Information-sharing (Article 20)
  - Capacity-building (Article 22, Article 28)
  - Handling, transport, packaging and identification (Article 18)

- Compliance (Article 34)

22. The Committee may wish to make adjustments to the work plan for its second meeting on the basis of the progress achieved at its first meeting.

#### **ITEM 6. DATE AND VENUE FOR THE SECOND MEETING OF THE INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

23. According to the rules of procedure of the Conference of the Parties, applied *mutatis mutandis* to the Intergovernmental Committee, the next meeting of the Committee will take place at the seat of the Secretariat, unless the Committee decides otherwise or appropriate arrangements are made by the Secretariat in consultation with the Parties. With respect to the date of the next meeting, the Executive Secretary has proposed a tentative date of 1-5 October 2001, after consultation with the Bureau on the most appropriate period, so as to ensure timely preparation for the first Meeting of the Parties to the Protocol, and also taking into account the global calendar of environmental events and the other meetings to be organized and serviced by the Secretariat.

#### **ITEM 7. OTHER MATTERS**

24. Under this item, participants may wish to consider any other items proposed and accepted for discussion if they are related to the mandate of the Committee.

#### **ITEM 8. ADOPTION OF THE REPORT**

25. The Committee will consider and adopt its report on the basis of the draft report to be prepared and presented by the Rapporteur.

#### **ITEM 9. CLOSURE OF THE MEETING**

26. The first meeting of ICCP is expected to be closed on Friday, 15 December 2000, at 6 p.m.

*Annex I*

**PROVISIONAL ORGANIZATION OF WORK FOR THE FIRST MEETING OF THE INTERGOVERNMENTAL COMMITTEE  
FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Monday</i> <i>11 December 2000</i> 10 a.m to 11 a.m.	<i>Agenda item:</i>  1. Opening of the meeting.		
11 a.m to 1 p.m.	<i>Agenda items:</i>  2. Organizational matters: 2.1. Adoption of the agenda; 2.2. Election of a Rapporteur; 2.3. Organization of work. 3. Report of the Executive Secretary on inter-sessional work. 4.1. Information-sharing (Article 20, Article 19). 4.2. Capacity-building (Article 22, Article 28).		
3 p.m. to 6 p.m.		<i>Agenda items:</i> 4.1. Information-sharing (Article 20, Article 19). 4.4. Handling, transport, packaging and identification (Article 18).	<i>Agenda items:</i> 4.2 Capacity-building (Article 22, Article 28). 4.3. Decision-making procedures (Article 10, para. 7). 4.5. Compliance (Article 34).

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Tuesday</i> <i>12 December 2000</i> 10 a.m. to 1 p.m.		<i>Agenda items:</i> Continuation of agenda items 4.1 and 4.4.	<i>Agenda items:</i> Continuation of agenda items 4.2, 4.3 and 4.5.
3 p.m. to 6 p.m.		<i>Agenda items:</i> Continuation of agenda items 4.1 and 4.4.	<i>Agenda items:</i> Continuation of agenda items 4.2, 4.3 and 4.5.
<i>Wednesday</i> <i>13 December 2000</i> 10 a.m. to 1 p.m.		<i>Agenda items:</i> Continuation of agenda items 4.1 and 4.4.	<i>Agenda items:</i> Continuation of agenda items 4.2, 4.3 and 4.5.
3 p.m. to 5 p.m.		<i>Agenda items:</i> Continuation of agenda items 4.1 and 4.4.	<i>Agenda items:</i> Continuation of agenda items 4.2, 4.3 and 4.5.
5 p.m. to 6 p.m.	Plenary to review progress of the working groups.		
<i>Thursday</i> <i>14 December 2000</i> 10 a.m. to 1 p.m.		<i>Agenda items:</i> Continuation of agenda items 4.1 and 4.4	<i>Agenda items:</i> Continuation of agenda items 4.2, 4.3 and 4.5.
3 p.m. to 6 p.m.		Outstanding issues from agenda items 4.1 and 4.4.	Outstanding issues from agenda items 4.2, 4.3 and 4.5.



<p><i>Friday</i> <i>15 December 2000</i> 10 a.m. to 1 p.m. and 3 p.m. to 6 p.m.</p>	<p><i>Agenda items:</i></p> <ol style="list-style-type: none"> <li>5. Future work of the Intergovernmental Committee for the Cartagena Protocol on Biosafety.</li> <li>6. Date and venue for the second meeting of ICCP.</li> <li>7. Other matters.</li> <li>8. Adoption of the report.</li> <li>9. Closure of the meeting</li> </ol>		
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*Annex II*

**LIST OF DOCUMENTS FOR THE FIRST MEETING OF THE OPEN-ENDED  
AD HOC INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA  
PROTOCOL ON BIOSAFETY (ICCP)**

<u>Symbol</u>	<u>Title</u>
UNEP/CBD/ICCP/1/1	Provisional agenda
UNEP/CBD/ICCP/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/ICCP/1/2	Report of the Executive Secretary on inter-sessional work pursuant to decisions EM-I/3 and V/1 of the Conference of the Parties to the Convention
UNEP/CBD/ICCP/1/3	Information-sharing (Article 20, Article 19)
UNEP/CBD/ICCP/1/4	Capacity-building (Article 22, Article 28)
UNEP/CBD/ICCP/1/5	Decision-making procedures (Article 10, paragraph 7)
UNEP/CBD/ICCP/1/6	Handling, transport, packaging and identification (Article 18)
UNEP/CBD/ICCP/1/7	Compliance (Article 34)
UNEP/CBD/ICCP/1/8	Future work of the Intergovernmental Committee for the Cartagena Protocol on Biosafety

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