



# CONVENTION ON BIOLOGICAL DIVERSITY

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## INTERGOVERNMENTAL COMMITTEE FOR THE CARTAGENA PROTOCOL ON BIOSAFETY

Third meeting

The Hague, 22-26 April 2002

Item 3 of the provisional agenda\*

### REPORT ON THE IMPLEMENTATION OF INTER-SESSIONAL ACTIVITIES

*Note by the Executive Secretary*

#### I. INTRODUCTION

1. The present note contains the report of the Executive Secretary on the implementation of inter-sessional work requested by the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) at its second meeting. The report covers the following activities:

- (a) Development and implementation of the pilot phase of the Biosafety Clearing-House;
- (b) Organization of meetings of technical experts on paragraphs 2 (b) and 2(c) of Article 18 of the Protocol, and on paragraph 2 (a) of the same article;
- (c) Development of the roster of Government-nominated experts in fields relevant for risk assessment and risk management; and
- (d) Consideration of issues related to biosafety by the sixth meeting of the Conference of the Parties to the Convention.

2. In addition to inter-sessional work arising from the recommendations adopted at the second meeting of ICCP, the note also provides updated information, as at 22 March 2002, with regard to the following matters:

- (a) Status of ratification, accession, approval or acceptance of the Biosafety Protocol;
- (b) Designation of focal points for the ICCP by Parties, States and regional economic integration organizations;

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\* UNEP/CBD/ICCP/3/1.

(c) Designation of national focal points and competent national authorities pursuant to Article 19, paragraph 1, of the Protocol; and

(d) Implementation of other activities recommended by the ICCP Bureau as being relevant to the work of ICCP in its preparatory work for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

## **II. INTER-SESSIONAL WORK PURSUANT TO RECOMMENDATIONS FROM THE SECOND MEETING OF ICCP**

### ***A. Information-sharing and the Biosafety Clearing-House***

3. At its first meeting, the ICCP had recommended the development of a pilot phase of the Biosafety Clearing-House established pursuant to Article 20 of the Protocol. At its second meeting, the Intergovernmental Committee considered and reviewed the progress in development and implementation of the pilot phase and recommended further activities to be undertaken in the ongoing development of the pilot phase of the Biosafety Clearing-House (UNEP/CBD/ICCP/2/15, annex, recommendation 2/8).

4. A full progress report on the activities undertaken to continue the development of the pilot phase of the Biosafety Clearing-House is provided in the note by the Executive Secretary on the subject (UNEP/CBD/ICCP/3/5). The note is supplemented by two addenda which provide further information on the following activities, namely:

(a) A summary of the independent review of the pilot phase of the Biosafety Clearing-House (UNEP/CBD/ICCP/3/5/Add.1);

(b) An analysis of capacity-building needs arising out of the regional meetings on the Biosafety Clearing-House (contained in document UNEP/CBD/ICCP/3/5/Add.2).

5. The Intergovernmental Committee will also have before it a further addendum, a note by the Bureau of ICCP (UNEP/CBD/ICCP/3/5/Add.3) containing recommendations on the development and implementation of the Biosafety Clearing-House on the basis of the key issues that will have been identified in the independent review and taking also into account the capacity-building needs identified in the regional workshops mentioned above. The reports of the regional workshops will also be available to ICCP as information documents.

6. In considering this item, the Intergovernmental Committee may also wish to note that, pursuant to its recommendation urging Governments to nominate a national focal point for the Biosafety Clearing-House which will be responsible for approving information registered on the BCH for that country, the Secretariat had received, as of 22 March 2002, submissions from the following 20 Governments nominating their national focal point for the Biosafety Clearing-House: Antigua and Barbuda, Australia, Austria, China, Democratic Republic of Korea, Egypt, Ethiopia, Honduras, Malawi, Marshall Islands, Namibia, Pakistan, Paraguay, Slovenia, Solomon Islands, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, and Viet Nam.

### ***B. Handling, transport, packaging and identification***

7. In its consideration of this item at its second meeting, the Intergovernmental Committee requested the Executive Secretary to undertake a number of activities, including the convening of two meetings of government-nominated technical experts, taking into account the need for regional representation,

transparency, equity and the need for cooperation relevant international organizations, to consider and make recommendations on matters related with the implementation of Article 18, paragraph 2, of the Protocol (recommendation 2/10). A full overview of the issues to be considered by ICCP at its third meeting in respect of this item on the basis of the work undertaken inter-sessionally is provided in the note by the Executive Secretary on the subject (UNEP/CBD/ICCP/3/7).

8. The organization and convening of the two meetings of technical experts mentioned above was made possible through the generous financial contributions from the Governments of Canada, France, Japan, Spain, Switzerland and the United States of America.

9. The meeting of technical experts to consider and make recommendations on modalities of information for documentation accompanying living modified organisms under paragraphs 2 (b) and 2 (c) of Article 18 took place from 13 to 15 March 2002 in Montreal. It was attended by 64 experts from Governments and relevant organizations, including intergovernmental organizations, non-governmental organizations and industry representatives who had attended the first technical experts meeting on the subject held in Paris, France, from 13 to 15 June 2001. The report of the meeting (UNEP/CBD/ICCP/3/7/Add.2) contains recommendations made by the technical experts for consideration and further action by ICCP, as appropriate, under item 4.1.5 of the provisional agenda.

10. The meeting of technical experts to consider and make recommendations on modalities for the implementation of paragraph 2 (a) Article 18 of the Protocol was held from 18 to 20 March 2002, back to back with the meeting of technical experts on the continuation of the work on paragraphs 2 (b) and 2 (c) of Article 18. It was attended by 90 experts from Governments and relevant organizations, including intergovernmental organizations, non-governmental organizations and industry representatives, selected by the Executive Secretary in consultation with the Bureau of the ICCP on the basis of nominations received following the notifications issued by the Executive Secretary to that effect, taking into account the need for balanced regional representation, transparency and equity. The report of the meeting, together with the recommendations made by the technical experts, is contained in document UNEP/CBD/ICCP/3/7/Add.1.

### *C. Capacity building (Roster of experts)*

11. In paragraph 14 of decision EM-I/3, the Conference of the Parties established a regionally balanced roster of experts nominated by Governments, in fields relevant to risk assessment and risk management related to the Protocol, to provide advice and other support, as appropriate and upon request, to developing countries 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.

12. At its first and second meetings, the Intergovernmental Committee made a number of recommendations aimed at operationalizing the roster of experts, including the consideration of a draft form for nominations of experts for the roster and the use of the interim guidelines for the roster of experts specifying how the roster will be used by Parties, including addressing issues relating to selection of experts, covering the costs of the expert time and services, and establishment of duties to be undertaken by the experts. As of 22 March 2002, 411 experts nominated by a total of 55 Governments were included in the roster. As recommended by ICCP (recommendation 2/8), the roster of experts has been incorporated into the Biosafety Clearing-House and can therefore be accessed and searched online.

13. In considering this item at its second meeting, ICCP recommended the establishment of a voluntary fund, administered by the Secretariat, for the specific purpose of supporting developing country Parties, in particular the least developed and small island developing States among them, and Parties with

economies in transition, to pay for the use of the experts selected from the roster. Furthermore, ICCP requested the Executive Secretary to develop a pilot phase of the voluntary fund, seek submissions from Governments on its operation, and report on the progress made.

14. A full progress report on the status of the establishment and operationalization of the roster, including proposals for the development of the pilot phase of a voluntary fund for the purpose of supporting developing countries and countries with economies in transition to use the roster, is provided in the note by the Executive Secretary on the subject (UNEP/CBD/ICCP/3/6/Add.1).

### **III. CONSIDERATION OF ISSUES RELATED TO BIOSAFETY BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION AT ITS SIXTH MEETING**

15. The second meeting of ICCP made a number of recommendations addressed specifically to the sixth meeting of the Conference of the Parties to the Convention, which will be held from 7 to 19 April 2002 in The Hague, immediately preceding the third meeting of ICCP. Those recommendations concern the following items in the work plan of ICCP approved by the COP at its fifth meeting:

- (a) Secretariat (Article 31);
- (b) Guidance to the financial mechanism (Article 28, paragraph 5, and Article 22);
- (c) Rules of procedure for meetings of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol.

16. In addition to the above issues stipulated in the work plan of the work plan of ICCP, Conference of the Parties at its sixth meeting will also address the following other issues of relevance to biosafety although not specifically included in the work plan of ICCP:

- (a) Development of a Strategic Plan for the Convention;
- (b) Scenarios for convening the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol; and
- (c) Input of the Convention on Biological Diversity to the World Summit on Sustainable Development.

17. The Executive Secretary will provide a report by the start of the third meeting of ICCP on the relevant decisions and other outcomes that will be taken by the Conference of the Parties following the conclusion of its sixth meeting on all the issues mentioned in paragraphs 14 and 15 above.

### **IV. OTHER MATTERS OF RELEVANCE TO THE WORK OF ICCP**

#### **A. *Status of ratification, accession, approval or acceptance of the Protocol***

18. In accordance with the provisions of Article 36, the Protocol was opened for signature on 15 May 2000 during the fifth meeting of the Conference of the Parties to the Convention, in Nairobi. The Protocol remained open for signature until 4 June 2001 at United Nations Headquarters in New York. It was signed by 103 Parties to the Convention by the closing date for signature. As of 22 March 2002, the following 13 Parties to the Convention, in alphabetical order, had deposited their instruments of ratification,

accession, approval or acceptance of the Protocol: Bulgaria, Czech Republic, Fiji, Kenya, Lesotho, Liberia, Nauru, Netherlands, Norway, Spain, Saint Kitts and Nevis, Trinidad and Tobago, and Uganda. In addition, a number of Parties to the Convention indicated that they are at an advanced stage of the ratification process and the Secretariat is looking forward to receiving the formal notification of their ratification from the Depositary as and when they deposit their instruments of ratification. The information on the status of ratification of the Protocol is available on the website of the Convention and in the Biosafety Clearing-House and is updated each time the Secretariat receives notification from the Depositary regarding the deposit of a new instrument of ratification or accession.

### ***B. Designation of focal points for the ICCP***

19. As of 22 March 2002, 86 Parties to the Convention and other States had designated a focal point for the ICCP. A list of these countries is contained in annex I below.

### ***C. Designation of focal points and competent national authorities***

20. Under Article 19 of the Protocol, each Party is expected to designate one national focal point to be responsible on its behalf for liaison with the Secretariat. Each Party is also required to designate one or more competent national authorities, which shall be responsible for performing the administrative functions required by the Protocol and which shall be authorized to act on its behalf with respect to those functions.

21. At its second meeting, ICCP urged Parties to the Convention and other States that have not yet done so to submit to the Secretariat information on national focal points and competent national authorities as soon as possible, pursuant to Article 19, paragraph 1. Noting the information that had earlier been provided by the Secretariat with respect to national focal points for ICCP that may or may not apply to the requirements of paragraph 1 of Article 19, the Intergovernmental Committee invited Parties to clarify this matter for the Secretariat, no later than the date of entry into force of the Protocol for each Party, in line with the provisions of paragraph 2 of Article 19.

22. As of 22 March 2002, 27 Parties had submitted information to the Secretariat with respect to competent national authorities under the requirements of paragraph 1 of Article 19. A list of these countries is contained in annex II below. Notwithstanding the notifications submitted by the Secretariat by Governments with respect to focal points for the ICCP reported in paragraph 17 above, the Secretariat has received notifications from the following 20 Parties to the Convention concerning specifically national focal points pursuant to paragraph 2 of Article 19: Antigua and Barbuda, Bulgaria, Colombia, Cuba, Democratic Republic of Korea, Democratic Republic of Congo, Ecuador, Egypt, Fiji, Germany, Madagascar, Malawi, Nepal, Pakistan, Russian Federation, Spain, Tajikistan, Netherlands, Venezuela, Zimbabwe.

23. In line with the requirements of paragraph 3 of Article 19, the information received so far by the Secretariat as reported in paragraph 21 above regarding national focal points and competent national authorities, is available through the pilot phase of the Biosafety Clearing-House.

## **V. ACTION BY THE INTERGOVERNMENTAL COMMITTEE**

24. With respect to matters covered by this report that relate to agenda items in the work plan of ICCP, possible action by the Intergovernmental Committee is included in the draft elements of the recommendations contained in the respective notes by the Executive Secretary for the corresponding items.

25. With respect to designation of national focal points and competent national authorities pursuant to the provisions of paragraph 2 of Article 19, including clarification as to whether the information submitted concerning national focal points for the ICCP pursuant to paragraph 11 of decision EM-I/3 may or may not apply to the requirements of these provisions, the ICCP may wish to reiterate the call to Parties that have not yet done so to submit the information to the Secretariat as soon as possible, and in any event no later than the date of entry into force of the Protocol for each Party.

26. Finally, ICCP may consider echoing again the call of the Conference of the Parties to the Convention for the deposit of instruments of ratification, acceptance or approval, or instruments of accession, as appropriate, at the earliest opportunity to enable the Protocol to enter into force as soon as possible, preferably before the start of the World Summit on Sustainable Development.

*Annex I***LIST OF COUNTRIES AND REGIONAL ECONOMIC INTEGRATION ORGANIZATIONS  
THAT HAVE DESIGNATED A FOCAL POINT FOR THE ICCP***(As of 22 March 2002)*

1. Antigua and Barbuda	27. Argentina
28. Armenia	29. Australia
30. Austria	31. Bahrain
32. Barbados	33. Belarus
34. Belgium	35. Benin
36. Bolivia	37. Bulgaria
38. Cameroon	39. Canada
40. Central African Republic	41. Chile
42. China	43. Colombia
44. Comoros	45. Congo
46. Costa Rica	47. Côte d'Ivoire
48. Cuba	49. Czech Republic
50. Democratic Republic of the Congo	51. Democratic People's Republic of Korea
52. Denmark	53. Djibouti
54. Ecuador	55. Estonia
56. European Community	57. Fiji
58. France	59. Germany
60. Grenada	61. Honduras
62. India	63. Indonesia
64. Iran (Islamic Republic of)	65. Israel
66. Italy	67. Jamaica
68. Japan	69. Jordan
70. Kenya	71. Kiribati
72. Lao People's Democratic Republic	73. Lebanon
74. Malta	75. Marshall Islands
76. Mauritania	77. Mexico
78. Mongolia	79. Morocco
80. Namibia	81. Nepal
82. Netherlands	83. New Zealand
84. Niger	85. Norway
86. Oman	87. Poland
88. Portugal	89. Qatar
90. Republic of Korea	91. Saudi Arabia
92. Senegal	93. Seychelles
94. Slovakia	95. Slovenia
96. South Africa	97. Spain
98. Sri Lanka	99. Sudan
100. Sweden	101. Switzerland
102. Togo	103. Tunisia
104. Turkey	105. Uganda
106. Ukraine	107. United Kingdom of Great Britain and Northern Ireland
108. United States of America	109. Venezuela

110.	Viet Nam	111.	Zimbabwe
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*Annex II***LIST OF COUNTRIES AND REGIONAL ECONOMIC INTEGRATION ORGANIZATIONS  
THAT HAVE DESIGNATED A COMPETENT NATIONAL AUTHORITY FOR THE  
BIOSAFETY PROTOCOL***(As of 22 March 2002)*

1. Antigua and Barbuda
2. Australia
3. Austria
4. Belgium
5. Benin
6. China
7. Cuba
8. Czech Republic
9. Democratic People's Republic of Korea
10. Denmark
11. Ethiopia
12. Fiji
13. Finland
14. Germany
15. Italy
16. Japan
17. Malawi
18. Peru
19. Romania
20. Sweden
21. Switzerland
22. Turkey
23. Uganda
24. United Kingdom of Great Britain and Northern Ireland
25. Venezuela
26. Viet Nam
27. Zimbabwe

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