



**CONVENTION ON
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INTERGOVERNMENTAL COMMITTEE FOR THE
CARTAGENA PROTOCOL ON BIOSAFETY
The Hague, 22-26 April 2002
Item 4.1.7 of the provisional agenda*

**CONSIDERATION OF OTHER ISSUES NECESSARY FOR THE EFFECTIVE
IMPLEMENTATION OF THE PROTOCOL
(e.g., PARAGRAPH 4, ARTICLE 29)**

Note by the Executive Secretary

Addendum

**SYNTHESIS OF VIEWS ON ITEMS TO BE INCLUDED IN A MEDIUM-
TERM PROGRAMME OF WORK**

I. INTRODUCTION

1. At its second meeting, the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) considered, under agenda item 4.6 (“Other issues necessary for the effective implementation of the Protocol”), the need to develop and adopt a medium-term programme of work for the Conference of the Parties serving as the meeting of the Parties and its relevant subsidiary bodies. The ICCP requested Parties to the Convention and other States to provide the Executive Secretary with their views on items to be included in a medium-term programme of work based on criteria contained in paragraph 2 of its recommendation 2/6, which are reproduced in paragraph 10 below.

2. The present document contains a synthesis of views submitted by Parties and other States regarding items to be included in a medium-term programme of work. Annexed to the document is a draft medium-term programme of work developed by the Secretariat based on the views submitted to it, the criteria identified by the ICCP, and taking into account the experience of the Convention, for consideration by the ICCP for possible recommendation to the first meeting of the Conference of the Parties serving as the meeting of Parties to the Protocol for its consideration.

* UNEP/CBD/ICCP/3/1.

II. A SYNTHESIS OF VIEWS ON ITEMS TO BE INCLUDED IN A MEDIUM-TERM PROGRAMME OF WORK FOR THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL AND ITS RELEVANT SUBSIDIARY BODIES

3. Following the request by ICCP and the notification issued by the Executive Secretary to Parties to the Convention and other States to provide views regarding items to be included in a medium-term programme of work, the Executive Secretary received, as of 10 February 2002, submissions from Australia, Canada, Equatorial Guinea, the European Union, Slovenia, Switzerland and Viet Nam.

4. Most of the submissions emphasized that the development and implementation of a medium-term programme of work should primarily focus, at this juncture, on the question of capacity-building. They pointed out that as the Protocol is a new instrument, it needs some level of capacity to start with, particularly in developing countries, in order to guarantee a truly good start and a promising prospect for effective implementation.

5. In one of the submissions, a distinction is made between essential and non-essential items. It points out that issues such as the Biosafety Clearing-House and capacity-building constitute the core operational elements for the Protocol and therefore suggests that these issues, including those for which decisions are required to be made within time-frames specified under the Protocol are essential items that should be included and reviewed, as a matter of priority, in the medium-term programme of work.

6. According to another submission, the medium-term programme of work should be based on the provisions of paragraph 4 of Article 29 of the Protocol, which describe the functions of the Conference of the Parties serving as the meeting of the Parties to the Protocol. Overall, this submission supports the inclusion of all items identified by the second meeting of the ICCP under paragraph 2 of recommendation 2/6 (see para. 10 below), in the medium-term programme of work. It is also suggested that the issues of non-Parties (Article 24), and risk assessment (Article 15 and Annex III) are important items that need to be dealt with and further clarified, as early as possible, by the Conference of the Parties serving as the meeting of the Parties to the Protocol, and therefore should be part of the medium-term programme of work. As far as work on risk assessment is concerned, the suggestion has been, in fact, to develop guidance documents that would assist Parties. The idea of bringing up the issue of non-Parties is supported by another submission as well.

7. The importance of making the Biosafety Clearing-House fully operational upon the entry into force of the Protocol, by the latest, has also been emphasized in terms of its perceived advantage in making it necessary to resolve the issue of unique identification and, more specifically, to develop harmonized rules for unique identification systems. The issue of "unique identification" may come up in the medium-term programme of work under other broader issues such as the Biosafety Clearing House and/or Article 18 of the Protocol. It is also the subject of discussion for technical experts that are convened to look into the various paragraphs of Article 18. At the same time, however, another submission favours the idea of including an item in the medium-term programme of work that focuses on the development of guidance on harmonized rules for unique identification systems.

8. Finally, two submissions propose the deferral of discussions regarding a medium-term programme of work at this stage. One of these submissions, while fully supporting the recommendations of the second meeting of the ICCP on this particular item, stated that there is no need to further consider the issue at the third meeting of the ICCP. The other suggested that the focus, at this stage, should be on elaborating infrastructure or mechanisms necessary for the Protocol, such as those being developed with regard to capacity-building.

III. PROPOSED MEDIUM-TERM PROGRAMME OF WORK FOR THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

9. A medium-term programme of work is believed to be an essential tool under the Protocol to guide a phased and systematic consideration of issues by the Conference of the Parties serving as the meeting of the Parties to the Protocol and its relevant subsidiary bodies, taking into account the experience in the process of the Convention.

10. As part of its responsibility to facilitate the work of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, ICCP decided, at its second meeting, to proceed with the preparation of a medium-term programme of work for consideration and possible adoption by the Conference of the Parties serving as the meeting of the Parties to the Protocol. In that regard, it identified the criteria to be followed in the development of such a programme. According to ICCP recommendation 2/6, the medium-term programme of work should:

(a) Cover the period from the second meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol to the fifth meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol;

(b) Be based on the provisions of paragraph 4 of Article 29 of the Protocol;

(c) Rely upon the existing activities of other bodies and organizations relevant to the operation of the Protocol to the greatest extent possible; and

(d) Address the following issues in a timely manner:

(i) *Issues stipulated by the Protocol for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol:*

a. Facilitation of decision-making;

b. Review of the modalities of operation of the Biosafety Clearing-House;

c. Promotion of capacity-building;

d. Promotion of compliance;

e. Programme budget;

f. Guidance to the financial mechanism;

(ii) *Issues that need to be addressed by specific times after the entry into force of the Protocol:*

g. Decision on detailed requirements for documentation accompanying living modified organisms that are intended for direct use as food or feed, or for processing, no later than two years after the entry into force of the Protocol;

- h. Elaboration of international rules and procedures in the field of liability and redress, endeavouring to complete this process within four years;
- i. Evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes, five years after the entry into force of the Protocol;
- j. Monitoring the implementation of obligations under the Protocol and, at intervals to be determined by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol, reporting on measures taken to implement the Protocol;

(iii) *Other issues for consideration:*

- k. Development and improvement of cooperation with other relevant bodies and organizations;
- l. Cooperation, as appropriate, with other States and international bodies on the promotion and facilitation of public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking into account also risks to human health;
- m. Cooperation on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities.

11. Strictly speaking, no provision of the Protocol requires the Conference of the Parties serving as the meeting of the Parties to the Protocol to consider, at its first meeting, the issue of guidance to the financial mechanism as mentioned in paragraph 11 (d) (i) (f) above. The intention of the ICCP seems, however, to underline that the issue of guidance to the financial mechanism is one of the priority issues that should not be overlooked by a medium-term programme of work. On the other hand, for ICCP, the inclusion of the item in the work of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol is consistent with paragraph 8 of its recommendation 2/4, which states that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol consider guidance to the financial mechanism in the field of capacity-building, including full participation in the Biosafety Clearing-House. Moreover, as seen in practice from the operation of the Convention and other similar instruments, the provision of guidance to the financial mechanism for the consideration of the Conference of the Parties, would be one of the standing items in the work of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

12. In light of the criteria identified by ICCP, the views of Parties to the Convention and other States, and based on experience in the process of the Convention, a draft medium-term programme of work is proposed in the annex to the present note for consideration by the third meeting of the ICCP and for possible recommendation to the first meeting of the Conference of the Parties serving as the meeting of the Parties the Protocol. The draft proposal also contains some items additional to those identified by the ICCP that might arguably require timely consideration for the better implementation of the Protocol. These additional items cover issues relating to notification (Article 8), risk assessment (Article 15), risk management (Article 16), and subsidiary bodies (Article 30).

13. It is assumed that relevant subsidiary bodies such as a compliance committee, once they are established, would be requested by the Conference of the Parties serving as the meeting of the Parties to the Protocol to prepare their own medium-term programme of work consistent with the medium-term programme of work of the latter. It also appears clear that, in line with the criteria put forward by ICCP, the programme of work would cover only the period from the second to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. Therefore, some of the items stipulated by the Protocol for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol may not necessarily appear in the medium-term programme of work, unless there are follow up activities.

14. The proposed programme of work in the annex further assumes certain timelines and intervals in the convening of the meetings that it covers. It is assumed that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol would take place within one year after the entry into force of the Protocol. The second and third meetings would then take place on an annual basis,* and, thereafter, the ordinary meetings would be held on a biennially, in conjunction with the ordinary meetings of the Conference of the Parties, as provided for under paragraph 6 of Article 29 of the Protocol, unless the Conference of the Parties serving as the meeting of the Parties to the Protocol decides otherwise.

IV. RECOMMENDATIONS

15. The ICCP may wish to consider, on the basis of views submitted by Parties and other States, the items to be included in a medium-term programme of work for the Conference of the Parties serving as the meeting of the Parties to the Protocol, and further develop the proposal contained in the annex to the present note and forward appropriate recommendations to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration and adoption.

* The programme budget proposed by the second meeting of the ICCP under recommendation 2/3 also suggests that these will be annual meetings.

*Annex***MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES
SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL (FOR THE
PERIOD FROM THE SECOND TO THE FIFTH MEETING)**

1. The medium-term programme of work will consist of standing and rolling issues.
2. Standing issues will include:
 - (a) Matters relating to the financial mechanism and resources;
 - (b) Report from the Secretariat on the administration of the Protocol and budget for the Secretariat as regards its costs of distinct secretariat services for the Protocol;
 - (c) Report from, and consideration of recommendations from the [Compliance Committee];
 - (d) Report on the operation of the Biosafety Clearing-House;
 - (e) Report on the status of capacity building activities and the use of the Roster of Biosafety experts.
3. The other issues and derived activities necessary to implement the Protocol should be dealt with on the basis of a specific agenda that would be adopted for each meeting, on the understanding that these rotating issues will be developed and continually dealt with, in accordance with the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol, by the relevant subsidiary bodies, including any eventual working groups appointed by the Conference of the Parties serving as the meeting of the Parties.
4. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:
 - 4.1 Notification:
 - 4.1.1 To consider options for implementing Article 8 with respect to requirements, by a Party of export, to ensure notification and the accuracy of information contained in notification by the exporter;
 - 4.2 Risk assessment:
 - 4.2.1. To consider clarification of the issues involved;
 - 4.2.2. To consider the development of guidance and a framework for a common approach in risk assessment;
 - 4.3 Handling, transport, packaging and identification:
 - 4.3.1 To consider a decision on the detailed requirements for the identification of living modified organisms intended for direct use as food or feed, or for processing, including specification of their identity and any unique identification under paragraph 2(a) of Article 18;
 - 4.4 Liability and redress:

- 4.4.1. To consider the first progress report of the process established for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms;
- 4.5 Subsidiary bodies:
 - 4.5.1. To consider the need for designating one or the other subsidiary body of the Convention to serve the Protocol and specifying the functions which that body should handle, in accordance with Article 30, paragraph 1, of the Protocol;
 - 4.5.2. To consider whether there is a need to establish further subsidiary bodies to enhance the implementation of the Protocol.
- 4.6 Monitoring and reporting:
 - 4.6.1. To consider interim national reports* by Parties on the implementation of the Protocol.
- 5. The third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:
 - 5.1. Risk management:
 - 5.1.1. Cooperation in identifying living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and taking appropriate measures regarding the treatment of such living modified organisms or specific traits, (Article 16, paragraph 5);
 - 5.1.2. Handling, transport, packaging and identification;
 - 5.1.3. To consider the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in consultation with other relevant international bodies (Article 18, paragraph 3);
 - 5.2. Public awareness and participation:
 - 5.2.1. To consider options for cooperation, as appropriate, with other States and international bodies, on the promotion and facilitation of public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking into account also risks to human health (Article 23, paragraph 1(a));
 - 5.3. Liability and redress:
 - 5.3.1. To consider the progress report of the process established for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms;
 - 5.4. Cooperation with other relevant bodies and organizations:

* This proposal is consistent with the recommendation of the second meeting of ICPCP to request Parties to submit an interim report two years after the entry into force of the Protocol (recommendation 2/2, para. 3 (c) (i)).

5.4.1. To consider or evaluate the establishment, strengthening or improvement of cooperation with competent international organizations and intergovernmental and non-governmental organizations with a view to seek and utilize their services and information necessary for the effective implementation of the Protocol.

5.5. Assessment and review:

5.5.1. To initiate a process of evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes with a view to meet the requirement under Article 35 of the Protocol.

6. At its fourth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol might wish to consider, *inter alia*, the following items:

6.1. Socio-economic considerations:

6.1.1. Cooperation on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities (Article 26, paragraph 2);

6.2. Monitoring and reporting:

6.2.1. To consider the first regular national reports by Parties on the implementation of the Protocol;

6.3. Review of the implementation of the Protocol:

6.3.1. To consider and adopt, as required, amendments to the Protocol and its annexes, as well as additional annexes, that are deemed necessary for the implementation of the Protocol (Article 35 and Article 29, paragraph 4(e));

6.3.2. Review of the decision-making procedures and mechanisms adopted in accordance with paragraph 7 of Article 10;

6.3.3. Review of the compliance procedures and mechanisms.

7. At its fifth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:

7.1. Application of the advance informed agreement procedure:

7.1.1. To consider a modality that might enable to identify living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, with a view to arrive at a decision in accordance with paragraph 4 of Article 7;

7.2. Review of the medium-term programme of work (second to fifth meeting)

7.2.1. To undertake an overall review of the medium-term programme and consider a long-term programme of work.
