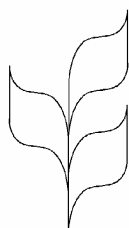




**CBD**



**CONVENTION ON  
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**CONFERENCE OF THE PARTIES SERVING AS  
THE MEETING OF THE PARTIES TO THE  
PROTOCOL ON BIOSAFETY**

First meeting

Kuala Lumpur, 23-27 February 2004

Agenda item 2.2 of the provisional agenda \*

**ADOPTION OF THE AGENDA**

*Annotations to the provisional agenda*

**INTRODUCTION**

1. In accordance with Article 29, paragraph 6, of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, and with decision VI/1, paragraph 3 (b) of the sixth meeting of the Conference of the Parties, the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will take place in conjunction with the seventh ordinary meeting.

**ITEM 1. OPENING OF THE MEETING**

2. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will take place in Kuala Lumpur, Malaysia, from 23 to 27 February 2003. Informal consultations among delegations and regional groups will be held on 22 February 2003. Registration for the meeting will commence on Sunday, 22 February 2004, from 12 noon to 6 p.m. and continue on Monday, 23 February 2004 from 8 a.m. However, delegates who are also participating in the seventh ordinary meeting of the Conference of the Parties are encouraged to collect their name badges for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol on Thursday, 19 February and Friday, 20 February 2004.

3. The meeting will be opened by the President of the seventh meeting of the Conference of the Parties to the Convention at 10 am on 23 February 2003. It is expected that, at the opening session, the Conference will hear one or more addresses of welcome by the representatives of Government of

\* UNEP/CBD/BS/COP-MOP/1/1

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Malaysia. Opening remarks will be made by, among others, the Executive Director of UNEP and the Executive Secretary of the Convention on Biological Diversity.

4. The meeting will also hear a report on the outcome of the seventh meeting of the Conference of the Parties to the Convention, especially on matters of relevance for the implementation of the Biosafety Protocol. In the event that a high-level segment of the Conference of the Parties to the Convention is held, a report on its outcome will also be presented.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### ***2.1. Election of officers***

5. In accordance with Article 29, paragraph 3, of the Protocol and given that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol is being convened in conjunction with the seventh regular meeting of the Conference of the Parties, the Bureau of the seventh meeting of the Conference of the Parties shall serve as the Bureau of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. However, also in accordance with Article 29, paragraph 3, of the Protocol, those members of the Bureau representing a Party to the Convention that is not a Party to the Protocol at the time of the meeting will have to be substituted on the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol by members from the same regional groups to be elected by and from among the Parties to the Protocol. It is expected that the informal consultations scheduled to take place before the opening of the meeting will provide opportunity to delegations and regional groups to address this issue.

6. In this regard, it should also be noted that the ICCP made a recommendation for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol regarding the application of rule 21 of the rules of procedure for meetings of the Conference of the Parties, namely that “when a member of the Bureau of the Conference of the Parties to the Convention representing a Party to the Convention, but, at that time, not a Party to the Protocol, is substituted by a member elected by and from among Parties to the Protocol, the term of office of the substitute member shall expire at the same time as the term of office of the member of the Bureau he or she substitutes”.

### ***2.2. Adoption of the agenda***

7. In its decision EM-I/3, paragraph 6, the Conference of the Parties established the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) with a mandate to undertake, with the support of the Executive Secretary, the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. At its fifth meeting, the Conference of the Parties reaffirmed this mandate and approved a work plan for the ICCP, setting out matters to be considered by the Committee in its preparations for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The elaboration of a provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol was one of the items included in the work plan (decision V/1, annex).

8. Consequently, the provisional agenda circulated by the Executive Secretary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/COP-MOP/1/1) is that recommended by the Intergovernmental Committee at its second meeting.

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9. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to adopt the provisional agenda.

### **2.3. Organization of work**

10. The meeting may wish to consider the proposed organization of its work as contained in annex I to this document which provides for a plenary and two working groups. The Executive Secretary prepared this proposal in consultation with the Bureau of the Intergovernmental Committee, with a view to assisting the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to consider all the items on its agenda in the timeframe available. The proposal builds on the experience gained with the meetings of the Intergovernmental Committee, during which a plenary and two working groups were established.

11. As the mandate of the Intergovernmental Committee was to undertake the necessary preparations for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, it was the view of the Bureau that those substantive items of the provisional agenda that were included in the work plan of the ICCP and for which ICCP concluded its work with agreed recommendations for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, can be considered in plenary and need not be addressed in working groups. The following items would fall under this category: decision procedure (item 6.1); monitoring and reporting (item 6.7); and guidance to the financial mechanism (item 6.9).

12. With regard to substantive items where there were still a number of outstanding issues not satisfactorily resolved or exhaustively considered by the ICCP, it may be necessary to conduct the detailed discussion on those items in working groups before they are considered in plenary for adoption of the pertaining decisions. The following items may fall under this category: information-sharing and the Biosafety Clearing-House (item 6.2); capacity-building (item 6.3); handling, transport, packaging and identification (item 6.4); compliance (item 6.5); liability and redress (item 6.6); consideration of other issues necessary for the effective implementation of the Protocol (item 6.10).

13. Finally, the proposal suggests that the following substantive items be considered directly in plenary, although this does not rule out the possibility of an initial discussion in contact groups if necessary to facilitate decision-making in plenary: secretariat (item 6.8); and medium-term programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol (item 7).

14. Interpretation will be available for two working groups for morning and afternoon sessions. Interpretation will not, however, be available for evening sessions, should these be necessary.

15. The working documents prepared for the meeting are listed in annex II below.

### **ITEM 3. ADOPTION OF THE RULES OF PROCEDURE FOR MEETINGS OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL**

16. Article 29, paragraph 5, of the Protocol states that the rules of procedure of the Conference of the Parties and the financial rules of the Convention shall be applied, *mutatis mutandis*, under this Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

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17. The issue of the rules of procedure was one of the items included in the work plan for the ICCP approved by the Conference of the Parties at its fifth meeting. The Intergovernmental Committee considered the matter at its second meeting and recommended the draft decision contained in the annex to the note by the Executive Secretary prepared under this item (UNEP/CBD/BS/COP-MOP/1/2) for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

18. The meeting will be invited to consider and adopt the draft decision submitted by the Intergovernmental Committee as an amendment to the rules of procedure of the Conference of the Parties when they are applied to meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

**ITEM 4. REPORT OF THE INTERGOVERNMENTAL COMMITTEE  
FOR THE CARTAGENA PROTOCOL ON BIOSAFETY  
(ICCP)**

19. The Chair of the Intergovernmental Committee for the Cartagena Protocol on Biosafety, Ambassador Philemon Yang (Cameroon), will make a presentation on the preparatory work of the Intergovernmental Committee and introduce the reports of its three meetings (UNEP/CBD/BS/COP-MOP/1/3 and Add.1-3). The pre-session documents for the meetings of the ICCP will be available on CD-ROM upon request at the Conference venue. They are listed in an information document (UNEP/CBD/BS/COP-MOP/1/INF/12), which lists also documents prepared for other meetings on the Biosafety Protocol organized by the Secretariat and held during the interim period.

**ITEM 5. REPORT ON THE CREDENTIALS OF REPRESENTATIVES  
TO THE FIRST MEETING OF THE CONFERENCE OF THE  
PARTIES SERVING AS THE MEETING OF THE PARTIES  
TO THE PROTOCOL**

20. In accordance with rules 18 and 19 of the rules of procedure for meetings of the Conference of the Parties, the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol shall examine the credentials of representatives of Parties to the first meeting of the Parties to the Protocol and submit its report to the plenary for decision.

21. In order to assist Parties in fulfilling the requirements of rule 18, the Executive Secretary has prepared a sample format for appropriate credentials, which has been distributed to national focal points as an annex to the letter of invitation to the meeting.

22. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to consider and adopt the report on credentials submitted to it by the Bureau.

## **ITEM 6. SUBSTANTIVE ISSUES**

### ***6.1. Decision procedure (Article 10, para. 7)***

23. Article 10, paragraph 7, of the Protocol states that the Conference of the Parties serving as the meeting of the Parties shall, at its first meeting, decide upon appropriate procedures and mechanisms to facilitate decision-making by Parties of import.

24. The Intergovernmental Committee considered this item at its first and second meetings, as part of its preparatory work for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It recommended the draft decision reproduced in the note by the Executive Secretary under this item (UNEP/CBD/BS/COP-MOP/1/4) for consideration and adoption by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, with regard to procedures and mechanisms to facilitate decision-making by Parties of import.

25. The meeting will be invited to consider and adopt the draft decision submitted by the Intergovernmental Committee.

### ***6.2. Information sharing and the Biosafety Clearing-House (Article 20, para. 4)***

26. Article 20, paragraph 1, of the Protocol establishes the Biosafety Clearing-House as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention, in order to facilitate the exchange of information and experience pertaining to living modified organisms and assist Parties to implement the Protocol. In paragraph 4 of Article 20 of the Protocol, it is stated that the modalities of the operation of the Biosafety Clearing-House, including reports on its activities, shall be considered and decided upon by the Conference of the Parties serving as the meeting of the Parties at its first meeting, and kept under review thereafter.

27. In its decision EM-I/3, paragraph 13, the Conference of the Parties requested the Executive Secretary to commence preparatory work on the functioning of the Biosafety Clearing-House. The item was also included in the work plan for the ICCP approved by the Conference of the Parties.

28. During its three meetings, the ICCP considered the item extensively. The ICCP recommended the establishment of the Biosafety Clearing-House be carried out in a phased manner, beginning with a pilot phase. The objectives of the pilot phase were two-fold: (i) to build experience and provide feedback for the development of a functional and accessible internet based Biosafety Clearing-House, and to identify alternatives to the electronic system; and (ii) to identify and address the capacity needs of countries with respect to the Biosafety Clearing-House.

29. The Secretariat endeavoured to develop and implement the pilot phase of the Biosafety Clearing-House taking into account the recommendations made by the Intergovernmental Committee and under the close guidance of its Bureau. Under this item, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/1/5) conveying a status report and a summary of the preparatory work undertaken so far on the establishment of the Biosafety Clearing-House, for consideration by the first meeting of the Conference serving as the meeting of the Parties to the Protocol. Additional information on the activities of the pilot phase of the BCH is available as an information document (UNEP/CBD/BS/COP-MOP/1/INF/1).

30. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to review the preparatory work carried out by the Secretariat on the functioning of the Biosafety Clearing-House and to consider and adopt a decision with regard to the modalities of the operation of the Biosafety Clearing-House, including reports on its activities.

### **6.3. Capacity-building (Article 22, Article 28, para. 3)**

31. Capacity-building for promoting the effective implementation of the Protocol was one of the main issues addressed by the ICCP in its preparatory work. The work done during the preparatory process on this issue focused mainly on the development of a framework for capacity-building, including an Action Plan for Building Capacities for the Effective Implementation of the Protocol, together with a Coordination Mechanism for the implementation of the Action Plan with a view to promoting partnership and to maximize complementarity and synergies between various capacity-building initiatives.

32. Under this item, the meeting will have before it a note from the Executive Secretary (UNEP/CBD/BS/COP-MOP/1/6), which conveys the recommendations made by ICCP with regard to the proposed Action Plan. The note highlights also a summary of the needs and priorities for the implementation of the Protocol submitted by governments. It also provides an overview of the initiatives undertaken in the field of capacity-building for biosafety as well as a progress report on the implementation of the Action Plan based on submissions received from a number of countries. A proposal on operational guidelines for the Coordination Mechanism is presented for consideration in an addendum to the note (UNEP/CBD/BS/COP-MOP/1/6/Add.2).

33. In its consideration of the Action Plan, the ICCP requested the Executive Secretary to further develop a set of indicators for its implementation based on submissions by Parties, governments and relevant organizations. A proposal in this regard is contained in another addendum to the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/1/6/Add.3).

34. An information document compiling submissions from Parties, Governments and relevant organizations on issues related to capacity-building (e.g., capacity building needs and priorities; existing and completed capacity-building initiatives; progress reports in implementing the Action Plan; preliminary set of indicators; analysis of coverage of gaps and gaps in capacity-building initiatives and resources) will also be available at the meeting (UNEP/CBD/BS/COP-MOP/1/INF/2). Moreover, the meeting will also hear reports from UNEP and other implementing agencies, as appropriate, on the implementation of biosafety-related capacity-building initiatives by these organizations. The Global Environment Facility (GEF) will also report on GEF-supported activities in biosafety.

35. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to consider the Action Plan recommended by the ICCP and the progress report on its implementation during the inter-sessional period with a view to providing guidance for its further development. The meeting will also consider the other related draft decisions that will facilitate the effective implementation of the Action Plan, including the Coordination Mechanism and the set of indicators.

36. In addressing the item of capacity-building, the Conference of the Parties serving as the meeting of the Parties will also be expected to give consideration to the issue of the roster of experts established pursuant to paragraph 14 of decision EM-I/3 of the Conference of the Parties. In that decision, 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

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other support, as appropriate and upon request, to developing country Parties and countries 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.

37. In its preparatory work, the ICCP addressed a number of issues related to the operationalization of the roster of experts, including: the development of interim guidelines for the roster of experts; the establishment of a voluntary fund for the specific purpose of supporting developing country Parties and Parties with economies in transition, to pay for the use of experts selected from the roster; and, the development of interim guidelines for the pilot phase of the voluntary fund.

38. At its sixth meeting, the Conference of the Parties established a trust fund (the “BF Trust Fund”), on a pilot basis, to be administered by the Secretariat, for voluntary contributions from Parties and Governments for the specific purpose of supporting developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition to pay for the use of experts selected from the roster of experts on biosafety. The Conference of the Parties also requested the Executive Secretary to seek submissions from governments on the operation of this Fund, and to report thereon to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

39. In order to assist the meeting in its consideration of this item, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/1/6/Add.1) which includes a report on the status of the roster of experts and its implementation, a report on the operation of the pilot phase of the voluntary trust fund for the use of the roster of experts, and presents the recommendations forwarded by the ICCP for consideration and possible adoption by the Conference of the Parties serving as the meeting of the Parties to the Protocol regarding the interim guidelines for the roster of experts and the interim guidelines for the pilot phase of the voluntary trust fund.

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

40. Article 18 of the Protocol provides for handling, transport, packaging and identification of living modified organisms. The work plan of the ICCP included issues pertaining to Article 18. In fulfilling the work plan, the ICCP, at each of its three meetings, dealt with those issues deemed important for decision taking by the Conference of the Parties serving as the meeting of the Parties or for the smooth implementation of requirements, as appropriate, upon entry into force of the Protocol. The preparatory deliberations with regard to Article 18 had mainly focused on the issue of identification in the context of paragraph 2 of the Article. Several issues remained unresolved at the end of the ICCP preparatory process and the ICCP agreed to forward these issues to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for further consideration.

41. Under this item, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/1/7), which:

(a) Presents those issues relevant to Article 18 in general and paragraph 2 of the same article in particular, as identified and reviewed by the meetings of technical experts that were convened during the preparatory process and by ICCP itself;

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(b) Outlines latest information available on existing standards, rules and practices of relevance to handling, packaging, transport and identification, including the ongoing processes on these matters under relevant international organizations, and operational experience of movements of living modified organisms under paragraphs 2 (b) and 2 (c) of Article 18 of the Protocol;

(c) Highlights those issues that have arisen in relation to the requirements of paragraph 2 (a) of Article 18 with the aim of providing some pertinent information to the meeting in its consideration on the detailed requirements of identification, including specification of the identity of living modified organisms intended for direct use as food or feed, or for processing, and any unique identification; and

(d) Proposes elements of a draft decision for consideration.

42. A compilation of views submitted by governments and organizations on this item is available as an information document (UNEP/CBD/BS/COP-MOP/1/INF/3).

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

43. Article 34 of the Protocol provides that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall, at its first meeting, consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance. The ICCP considered the issue at its three meetings and agreed to forward a text of the draft procedures and mechanisms for compliance for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, which contains parts that are in square brackets as it was not possible to reach agreement on those issues during the preparatory process. The ICCP also invited Governments to submit their views or understandings to the Secretariat with respect to the contents that are in square brackets.

44. The meeting will have before it a note prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/1/8) containing the text of the draft procedures and mechanisms for compliance forwarded by the ICCP. A full compilation of views or understandings submitted by Governments with respect to the contents that are in square brackets will also be available as an information document (UNEP/CBD/BS/COP-MOP/1/INF/4).

45. The Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to further develop the text of the procedures and mechanisms on compliance and adopt a decision on this matter.

46. Article 34 provides that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall, at its first meeting, consider and approve procedures and institutional mechanisms to promote compliance with the provisions of this Protocol and address cases of non-compliance. Since the Compliance Committee, as proposed in the draft recommendation of the ICCP, would be part of the institutional mechanisms referred to in Article 34, it must be established when the procedures and mechanisms on compliance are adopted at the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The members of the Committee would have to be elected by Conference of the Parties serving as the meeting of the Parties to the Protocol.

47. In order to assist the consideration of this item, the Executive Secretary, in consultation with the Bureau of the ICCP, sent out a notification to all Parties to the Protocol and other Governments shortly

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after the entry into force of the Protocol inviting them to identify suitably qualified candidates with a view to facilitating the preparations for nomination and election of the members of the Compliance Committee at the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol following the adoption of the compliance procedures and mechanisms.

48. Furthermore, it is expected that during the meeting, regional consultations would be undertaken regarding the composition of the Committee with a view to submitting the nominations to the President of the Bureau.

#### **6.6. *Liability and redress (Article 27)***

49. Article 27 of the Protocol provides that the Conference of the Parties serving as the meeting of the Parties shall, at its first meeting, adopt a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting transboundary movements of living modified, analysing and taking due account of the ongoing processes in international law on these matters, and shall endeavour to complete the process within four years.

50. The issue of liability and redress was therefore considered by the ICCP in its preparatory work. The ICCP recommended that an open-ended ad hoc group of legal and technical experts on liability and redress be established by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting. It further recommended that the terms of reference for the ad hoc group be defined at that meeting.

51. Under this item, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/1/9), which conveys the recommendation of the ICCP with regard to the establishment of the ad hoc group. The note contains also a synthesis of views submitted by Governments on this matter, as well as a proposal for the terms of reference for the ad hoc group developed by the Secretariat on the basis of the views submitted by Governments. The full compilation of views received by the Secretariat is contained in an information document (UNEP/CBD/BS/COP-MOP/1/INF/7).

52. The meeting will also have before it an addendum to that note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/1/9/Add.1), which presents an update of information and analysis on national and international liability regimes prepared by the Secretariat to facilitate common understanding of issues pertaining to liability and redress. Additional information on national legislation is also available as an information document (UNEP/CBD/BS/COP-MOP/1/INF/5), which is a compilation of submissions on national legislations on liability and redress for damage resulting from transboundary movement of living modified organisms.

53. The meeting will also have before it two other information documents pertaining to the item of liability and redress, namely, a compilation of views submitted by Governments in response to a questionnaire on liability and redress for damage resulting from transboundary movements of living modified organisms (UNEP/CBD/BS/COP-MOP/1/INF/6), which was prepared on the recommendation of ICCP, and the report of a workshop on liability and redress in the context of the Cartagena Protocol on Biosafety organized by the Government of Italy with additional financial assistance from the European Community, held in Rome from 2 to 4 December 2002 (UNEP/CBD/BS/COP-MOP/1/INF/8).

54. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be expected to take a decision with regard to the establishment of an open ended ad hoc group of legal and technical experts in liability and redress and the terms of reference for this ad hoc body.

#### **6.7. *Monitoring and reporting (Article 33)***

55. Article 33 of the Protocol on monitoring and reporting specifies that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall determine intervals at which Parties shall report on measures they have taken to implement the Protocol.

56. The work plan of ICCP adopted by the Conference of the Parties included the item “Monitoring and reporting (Article 33)” and the Conference of the Parties had specified that the issue to be considered under this item was “format and timing for reporting”.

57. ICCP considered this item in its preparatory work and made recommendations regarding the establishment of guidelines for the reports under Article 33, for consideration by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Intergovernmental Committee also invited Governments to submit written comments to the Executive Secretary on the draft format for reporting, on the basis of an initial draft that had been prepared by the Secretariat for consideration by ICCP.

58. The Conference of the Parties serving as the meeting of the Parties to the Protocol will have before it a note prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/1/10), which presents elements of a decision as regards format and timing for reports to be submitted under Article 33 of the Protocol, based on the recommendations of the ICCP and the written comments submitted by Governments. A full compilation of the comments received from Governments is available as an information document (UNEP/CBD/BS/COP-MOP/1/INF/9).

#### **6.8. *Secretariat (Article 31, para. 3)***

59. Article 31, paragraph 1, of the Protocol states that the Secretariat established by Article 24 of the Convention shall serve as the secretariat to this Protocol. Paragraph 3 stipulates that:

“To the extent that they are distinct, the costs of the secretariat services for this Protocol shall be met by the Parties thereto. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, decide on the necessary budgetary arrangements to this end.”

60. The Conference of the Parties adopted, at its sixth meeting, decision VI/29 regarding administration of the Convention and the budget for the programme of the work for the biennium 2003-2004. In paragraph 26 of that decision, the Conference of the Parties requested the Executive Secretary, in accordance with the provisions of Article 31, paragraph 3 of the Protocol, to identify the costs of the secretariat services for the Protocol, to the extent that they are distinct, for inclusion in a proposed budget for the consideration of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

61. In accordance with that request, the Executive Secretary has prepared a proposed Secretariat-wide programme budget for the biennium 2005-2006 (UNEP/CBD/COP/7/2), which also identifies the

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distinct costs of the secretariat services to the Biosafety Protocol for consideration by the Conference of the Parties at its first meeting serving as the meeting of the Parties to the Protocol. The budget proposal also includes costs that are shared between or common to both the Convention and the Protocol, which will be considered by the Conference of the Parties at its seventh meeting. The essential elements of that proposal, as it pertains to the Biosafety Protocol, are reflected in the note by the Executive Secretary has submitted under this item (UNEP/CBD/BS/COP-MOP/1/11), which also contains recommendations for action by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

62. The meeting will be expected to consider the programme budget proposal put forward by the Executive Secretary regarding the costs of the programme of work of the Secretariat on biosafety for the implementation of the Protocol and decide on the necessary budgetary arrangements.

**6.9. *Guidance to the financial mechanism (Article 28, para. 3, Article 22)***

63. Article 28, paragraph 2, of the Protocol states that the financial mechanism established in Article 21 of the Convention shall, through the institutional structure entrusted with its operation, be the financial mechanism for the Protocol.

64. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will have a note prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/1/12) conveying issues and recommendations forwarded by the ICCP with respect to the guidance to the financial mechanism. Pursuant to the provisions of paragraph 3 of Article 28 of the Protocol, the Conference of the Parties serving as the meeting of Parties to the Protocol will consider this item with a view to providing guidance for consideration by the Conference of the Parties when its seventh ordinary meeting resumes on 27 February.

**6.10. *Consideration of other issues necessary for the effective implementation of the Protocol (e.g. Article 29, para. 4)***

65. The work plan of the ICCP approved by the Conference of the Parties in decision V/1 included an item entitled "Consideration of other issues necessary for the effective implementation of the Protocol (e.g., Article 29, paragraph 4)". In considering this item, the understanding in the Intergovernmental Committee was that the term "other" meant issues not specifically identified in the work plan, such as Article 29, paragraph 4 of the Protocol, which entrusts the Conference of the Parties serving as the meeting of the Parties with a responsibility to regularly review the implementation of the Protocol and to take the necessary decisions to promote its effective implementation. With that understanding, the ICCP has raised a number of issues other than those specified in its work plan and made efforts to address them in order to lay the ground work for future consideration, elaboration and adoption, as the case may be, by the Conference of the Parties serving as the meeting of the Parties once the Protocol enters into force.

66. The main recommendations made by ICCP in respect of this item were related to mechanisms to promote consideration of issues requiring clarification arising during ratification and implementation of the Protocol, and to 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. The latter item will be the subject of consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol under a separate agenda item (see item 7 below).

67. Under this item, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/1/13), which presents a summary of the issues raised and recommendations made by the ICCP when it addressed the item. The note presents also elements of draft decisions suggested by the Secretariat to assist in the consideration of these issues and the recommendations of ICCP. Additional information is available in a compilation of views submitted by Parties and governments on this item (UNEP/CBD/BS/COP-MOP/1/INF/10)

**ITEM 7. MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE  
OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL  
DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE  
PROTOCOL**

68. The need to outline a medium term programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol was considered by the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its second and third meeting, as part of its consideration of the agenda item entitled “consideration of other issues necessary for the effective implementation of the Protocol (e.g., article 29, paragraph 4)”, which was included in the work plan for the Intergovernmental Committee approved by the fifth meeting of the Conference of the Parties. During the discussions of the Intergovernmental Committee, a number of possible 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 were suggested and Governments were urged to submit further views to the Secretariat, prior to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, on items to be included in a medium-term programme of work, for consideration at that first meeting.

69. Accordingly, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/1/14), which presents a synthesis of views submitted by Governments on the subject and contains a proposal for a medium-term programme of work for the Conference of the Parties serving as the meeting of the Parties to the Protocol, building on the proposal that was considered by the Intergovernmental Committee at its third meeting and taking into account the views expressed by Governments. A full compilation of submissions received is available as an information document (UNEP/CBD/BS/COP-MOP/1/INF/11).

**ITEM 8. DATE AND VENUE FOR THE SECOND MEETING OF THE  
CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF  
THE PARTIES TO THE PROTOCOL**

70. In accordance with paragraph 2 of rule 4 of the rules of procedure, the Conference of the Parties serving as the meeting of the Parties to the Protocol is to decide on the date and venue of its next ordinary meeting.

71. In considering this item, the Conference of the Parties serving as the meeting of the Parties to the Protocol may also wish to give consideration to rule 4 of the rules of procedure for meetings of the Conference of the Parties, which states that ordinary meetings of the Conference of the Parties shall be held every two years. According to Article 29, paragraph 5, of the Protocol, this rule should apply, *mutatis mutandis*, to ordinary meetings of the Conference of the Parties serving as the meeting of the Parties of the Protocol, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol. However, the precedents of similar processes, including the Convention on Biological Diversity itself, suggest that a two-year periodicity of meetings of the Parties during the early

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period of implementation of the Protocol may not allow for timely decision-making on matters to be addressed in the initial stages following entry into force of the Protocol, especially on those matters for which the Protocol stipulates a specific timeframe for action, as in the case of, for example, Article 18, paragraph 2 (a), on handling, transport, packaging and identification of living modified organisms intended for direct use as food or feed, or for processing, and Article 27 on liability and redress. Therefore, it may be necessary to consider having annual meetings of the Parties to the Protocol in the initial years following entry into force (perhaps the first two or three years), until such time as the Conference of the Parties serving as the meeting of the Parties to the Protocol decides to switch to a two-year frequency.

72. With respect to the venue of the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, rule 3 of the rules of procedure states that meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties. The Executive Secretary has not received any offers or expressions of interest regarding the hosting of the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

73. Under this item, a decision regarding the date and venue of the second meeting of the Conference of the Parties serving as the meeting of the Parties will be required.

#### **ITEM 9. OTHER MATTERS**

74. The Conference of the Parties serving as the meeting of the Parties may wish to consider other matters raised and accepted for discussion in accordance with the rules of procedure.

#### **ITEM 10. ADOPTION OF THE REPORT**

75. The meeting will consider and adopt its report, on the basis of the draft report that will be presented by the Rapporteur. In accordance with established practice, the Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to authorize the Rapporteur to complete the final report after the meeting, with the guidance of the President and assistance of the Secretariat.

#### **ITEM 11. CLOSING OF THE MEETING**

76. It is expected that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will be closed by its President in the afternoon of Friday, 27 February 2004 to allow time for the resumption of the seventh ordinary meeting of the Conference of the Parties to consider the recommendations related to budgetary matters and guidance to the financial mechanism, as appropriate.

*Annex I*

**PROPOSED ORGANIZATION OF WORK FOR THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY**

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Monday</i> <i>2004</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. Election of officers; 2.2. Adoption of the agenda; 2.3. Organization of work. 3. Adoption of the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol. 4. Report of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP). 5. Report on the credentials of representatives to the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. 6.1. Decision procedure (Article 10, para.7); 6.7. Monitoring and reporting		

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	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
	<p>(Article 33);</p> <p>6.8. Secretariat (Article 31, para.3);</p> <p>6.9. Guidance to the financial mechanism (Article 28, para. 5, Article 22);</p> <p>7. Medium-term programme of work of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol.</p>		
3 p.m. to 6 p.m.		<p><i>Agenda items:</i></p> <p>6.2 Information-sharing and the Biosafety Clearing-House (Article 20, para.4);</p> <p>6.4. Handling, transport, packaging and identification (Article 18);</p> <p>6.10. Consideration of other issues necessary for the effective implementation of the Protocol (e.g., Article 29, para.4).</p>	<p><i>Agenda items:</i></p> <p>6.3. Capacity-building (Article 22; Article 28, para.3);</p> <p>6.5 Compliance (Article 34).</p> <p>6.6. Liability and redress (Article 27);</p>
<p><i>Tuesday</i></p> <p><i>2004</i></p> <p>10 a.m. to 1 p.m.</p>		<p><i>Agenda items:</i></p> <p>Continuation of agenda items 6.2, 6.4 and 6.10</p>	<p><i>Agenda items:</i></p> <p>Continuation of agenda items 6.3, 6.5 and 6.6</p>
3 p.m. to 6 p.m.		<p><i>Agenda items:</i></p> <p>Continuation of agenda items 6.2, 6.4 and 6.10</p>	<p><i>Agenda items:</i></p> <p>Continuation of agenda items 6.3, 6.5 and 6.6</p>

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Wednesday</i> <i>2004</i> 10 a.m. to 11 a.m.  11 a.m. to 1 p.m..	Plenary to review progress of the working groups  <i>Agenda items:</i> Continuation of agenda items 6.1, 6.7, 6.8, 6.9 and 7.		
3 p.m. to 6 p.m.		<i>Agenda items:</i> Continuation of agenda items 6.2, 6.4 and 6.10	<i>Agenda items:</i> Continuation of Agenda items 6.3, 6.5 and 6.6
<i>Thursday</i> <i>2004</i> 10 a.m. to 1 p.m.		<i>Agenda items:</i> Continuation of agenda items 6.2, 6.4 and 6.10	<i>Agenda items:</i> Continuation of Agenda items 6.3, 6.5 and 6.6
3 p.m. to 6 p.m.		<i>Agenda items:</i> Continuation of agenda items 6.2, 6.4 and 6.10	<i>Agenda items:</i> Continuation of Agenda items 6.3, 6.5 and 6.6
<i>Friday</i> <i>2004</i> 10 a.m. to 1 p.m. <i>and</i> 3 p.m. to 6 p.m.	<i>Agenda items:</i> 8. Date and venue for the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. 9. Other matters. 10. Adoption of the report. 11. Closure of the meeting		



*Annex II*

**PROVISIONAL LIST OF DOCUMENTS FOR THE FIRST MEETING OF THE  
CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL  
DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE  
CARTAGENA PROTOCOL ON BIOSAFETY**

**A. Working documents**

<u>Symbol</u>	<u>Title</u>
UNEP/CBD/BS/COP-MOP/1/1	Provisional agenda
UNEP/CBD/BS/COP-MOP/1/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/COP-MOP/1/2	Adoption of the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol
UNEP/CBD/BS/COP-MOP/1/3	Report of the Intergovernmental Committee for the Cartagena Protocol on Biosafety
UNEP/CBD/BS/COP-MOP/1/3/Add.1	Report of the first meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety
UNEP/CBD/BS/COP-MOP/1/3/Add.2	Report of the second meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety
UNEP/CBD/BS3COP-MOP/1/3/Add. 3	Report of the third meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety
UNEP/CBD/BS/COP-MOP/1/4	Decision procedure (article 10, para.7): procedures and mechanisms for facilitating decision-making under the Protocol by Parties of import
UNEP/CBD/BS/COP-MOP/1/5	Information sharing and the biosafety clearing house (article 20, para.4)
UNEP/CBD/BS/COP-MOP/1/6	Capacity-building (article 22; article 28, para.3)
UNEP/CBD/BS/COP-MOP/1/6/Add.1	Capacity-building (roster of experts): operationalization of the roster of experts on biosafety
UNEP/CBD/BS/COP-MOP/1/6/Add.2	Capacity-building: operational guidelines for the Coordination Mechanism

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UNEP/CBD/BS/COP-MOP/1/6/Add.3	Capacity-building: indicators for monitoring the action plan for building capacities for the effective implementation of the Cartagena Protocol on Biosafety
UNEP/CBD/BS/COP-MOP/1/7	Handling, transport, packaging and identification of living modified organisms (article 18)
UNEP/CBD/BS/COP-MOP/1/8	Compliance (article 34): procedures and mechanisms on compliance under the Biosafety Protocol
UNEP/CBD/BS/COP-MOP/1/9	Liability and redress (article 27): synthesis of submissions on terms of reference for an open-ended ad hoc group of legal and technical experts on liability and redress in the context of Article 27 of the Protocol
UNEP/CBD/BS/COP-MOP/1/9/Add.1	Liability and redress (article 27): synthesis of information on national and international liability and redress regimes relevant for damage resulting from transboundary movement of LMOs
UNEP/CBD/BS/COP-MOP/1/10	Monitoring and reporting (article 33): format and timing for reporting under Article 33 of the Biosafety Protocol
UNEP/CBD/BS/COP-MOP/1/11	Secretariat (article 31, para.3): programme budget for the biosafety work programme for the biennium 2005-2006
UNEP/CBD/BS/COP-MOP/1/12	Guidance to the financial mechanism (article 28, para.3; article 22)
UNEP/CBD/BS/COP-MOP/1/13	Consideration of other issues necessary for the effective implementation of the Protocol (e.g., article 29, para. 4)
UNEP/CBD/BS/COP-MOP/1/14	Medium term programme of work for the Conference of the Parties serving as the meeting of the Parties to the Protocol.

**B. Information documents (preliminary list)**

UNEP/CBD/BS/COP-MOP/1/INF/1	Information sharing and the Biosafety Clearing-House (article 20, para.4): compilation of views on the status, operations and modalities of the Biosafety Clearing-House
UNEP/CBD/BS/COP-MOP/1/INF/2	Capacity building (article 22; article 28, para.3): compilation of submissions on capacity building needs and priorities.

UNEP/CBD/BS/COP-MOP/1/INF/3	Handling, transport, packaging and identification (article 18): compilation of view on issues related to Article 18 of the Protocol
UNEP/CBD/BS/COP-MOP/1/INF/4	Compliance (article 34): compilation of views on draft procedures and mechanisms for compliance
UNEP/CBD/BS/COP-MOP/1/INF/5	Liability and redress (article 27): compilation of submissions on national legislation on liability and redress for damage resulting from transboundary movement of living modified organisms
UNEP/CBD/BS/COP-MOP/1/INF/6	Liability and redress (article 27): compilation of views submitted in response to questionnaire on liability and redress for damage resulting from transboundary movement of living modified organisms
UNEP/CBD/BS/COP-MOP/1/INF/7	Liability and redress (article 27): compilation of views on terms of reference for an open-ended ad hoc group of legal and technical experts on liability and redress in the context of Article 27 of the Protocol
UNEP/CBD/BS/COP-MOP/1/INF/8	Liability and redress (article 27): report of the Workshop on Liability and Redress in the context of the Cartagena Protocol on Biosafety (Rome, 2-4 December 2002)
UNEP/CBD/BS/COP-MOP/1/INF/9	Monitoring and reporting (article 33): compilation of views on the draft format for reporting under Article 33 of the Protocol
UNEP/CBD/BS/COP-MOP/1/INF/10	Consideration of other issues necessary for the effective implementation of the Protocol (e.g., article 29, para. 4): compilation of views submitted by Parties and Governments
UNEP/CBD/BS/COP-MOP/1/INF/11	Medium-term programme of work for the Conference of the Parties serving as the meeting of the Parties to the Protocol: compilation of views submitted by Parties and Governments 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
UNEP/CBD/BS/COP-MOP/1/INF/12	List of all official documents prepared for the three meetings of the ICCP and other meetings on the

Biosafety Protocol organized by the Secretariat and held  
during the interim period

UNEP/CBD/BS/COP-MOP/1/INF/13

Notes on the Biosafety Clearing-House prepared by the  
Bureau of the ICCP

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