



**CONVENTION ON
BIOLOGICAL
DIVERSITY**

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CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA
PROTOCOL ON BIOSAFETY

Third meeting

Curitiba, 13 to 17 March 2006

Item 13 of the provisional agenda*

SUBSIDIARY BODIES (ARTICLE 30)

Note by the Executive Secretary

I. INTRODUCTION

1. Article 30 of the Biosafety Protocol addresses subsidiary bodies and states, *inter alia*, that any subsidiary body established by or under the Convention may, upon a decision by the Conference of the Parties serving as the meeting of the Parties to the Protocol, serve the Protocol, in which case the meeting of the Parties shall specify which functions that body shall exercise.

2. The Conference of the Parties serving as the meeting of the Parties to the Protocol, at its first meeting, adopted decision BS-I/12 regarding a medium-term programme of work, and decided that its third meeting may consider subsidiary bodies (annex, paragraph 5 (c)), specifically:

(a) 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;

(b) To consider whether there is a need to establish further subsidiary bodies to enhance the implementation of the Protocol.

3. Also at its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol, in paragraph 2 of decision BS-I/11 regarding consideration of other issues necessary for the effective implementation of the Protocol (e.g., Article 29, paragraph 4), decided to consider, at its third meeting, the need for designating or establishing a permanent subsidiary body that provides the

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Conference of the Parties serving as the meeting of the Parties to the Protocol with timely advice on scientific and technical issues arising in relation to the implementation of the Protocol.

4. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol, in decision BS-I/14 regarding other scientific and technical issues that may be necessary for the effective implementation of the Protocol:

(a) Recalled paragraph 2 of decision BS-I/11;

(b) Recognized that consideration of risk assessment and risk-management issues will be ongoing as particular issues arise, including but not necessarily limited to cooperation in the identification of living modified organisms and traits that may have adverse effects on the conservation and sustainable use of biological diversity, as envisaged by paragraph 5 of Article 16;

(c) Invited Parties and other Governments to submit views to the Executive Secretary, in conjunction with the interim national reports under the Protocol that will be submitted in accordance with decision BS-I/9, regarding the need to designate or establish a permanent subsidiary body to provide the Conference of the Parties serving as the meeting of the Parties to the Protocol with timely advice on scientific and technical issues arising in relation to the implementation of the Protocol including risk assessment and risk management, and also views regarding the nature of any such body should it be established and particular issues that it could address, such as issues related to paragraph 5 of Article 16, for inclusion in a synthesis report to be considered by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

5. In response to this invitation, submissions were received from the following Parties, other Governments, and organizations: the European Community and its member States, New Zealand, Norway; Argentina, Canada, the United States of America; and the Global Industry Coalition. The submission from Norway was integrated into its interim national report, while all other submissions were made independent of interim national reports. The full texts of the submissions are compiled in an information document (UNEP/CBD/BS/COP-MOP/3/INF/7).

6. Section II of the present note synthesizes the issues raised in submissions, and section III contains a recommendation for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

II. SYNTHESIS OF VIEWS

7. All submissions except for one expressed the view that there is not, at this stage, justification for establishment of a subsidiary body to provide the Conference of the Parties serving as the meeting of the Parties to the Protocol with advice on scientific and technical issues. The following specific points were raised in support of this view (see full texts of submissions for details):

(a) Sufficient guidance exists in annex III of the Protocol and there is no need to expand on that guidance (one submission);

(b) Each Party can create its own scientific body for the purpose of assessment and management of the risks of living modified organisms (one submission);

(c) There are already existing organizations which are examining scientific and technical issues relevant to living modified organisms (four submissions);

(d) It is better to set up ad hoc time-limited bodies to address specific scientific and technical issues as they arise (two submissions);

(e) A standing subsidiary body could have significant resource implications (three submissions) and may not be as cost-effective as the current practice of designating more specific groups to address specific issues (one submission).

8. Three submissions expressed the view that establishment of a subsidiary body could be considered in the future, but that currently there is no justification. One of these submissions noted that the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its third meeting, should take into account the experiences gained with ad hoc technical expert groups which have met or will meet before that third meeting, and should also take into account any lessons drawn by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention.

9. One submission expressed the view that a scientific committee or subsidiary body should be appointed with the task of providing scientific and technical guidance on risk assessment guidelines, antibiotic resistance-marker genes in living modified organisms, and other tasks that might be considered important for the fulfillment of the objectives of the Protocol, such as tasks pursuant to Article 18 (3). The submission noted that the scientific committee should be appointed to fulfill specific tasks, not on a permanent basis. It should receive funding from the core budget and each Party should be entitled to appoint one expert to participate in its meetings. The submission noted that such a committee could meet annually or biannually as the need may be.

III. RECOMMENDATION

10. Taking into account the submissions reviewed above, and the mandate contained in the medium-term programme of work regarding subsidiary bodies (see paragraph 2 above), the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to take a decision regarding subsidiary bodies, or may wish to defer consideration of subsidiary bodies until a future meeting, pending further progress in the implementation of the Protocol and consideration of its provisions, and taking into account the review of implementation of the Protocol (Article 35) which is expected at its fourth meeting.
