



Frequently Asked Questions Regarding the Cartagena Protocol On Biosafety

THE BIOSAFETY CLEARING-HOUSE

What is the Biosafety Clearing House (BCH)?

The Biosafety Clearing-House (BCH) is a mechanism established by the Cartagena Protocol on Biosafety (CPB) to facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms (LMOs) as well as to assist Parties to implement the Protocol. Through the BCH Parties provide information required under the Protocol, including: (i) their laws, regulations and guidelines for implementation of the Protocol, (ii) relevant agreements and arrangements; (iii) their final decisions regarding the importation or release of LMOs and (iv) summaries of their risk assessments or environmental reviews of LMOs generated by their regulatory processes. The BCH also contains: (i) registries for LMOs, genes and organisms exchanged by Parties under the Protocol, (ii) a roster of biosafety experts, (iii) databases containing information on capacity-building activities, (iv) a list of international organizations active in biosafety, (v) the “Biosafety Information Resource Centre” or BIRC (a virtual library on biosafety), and (vi) a scientific bibliographic database.

Who can access or register information in the BCH?

Information in the BCH is freely accessible to all users. Most of the information is registered by designated government representatives and the Secretariat. However, data and information in some of the databases, such as those on capacity-building and the BIRC, are registered by relevant BCH users.

How do I get further information about a record I have found in the BCH?

The National Focal Point for the Cartagena Protocol of Biosafety and for the BCH of the country that submitted the record can be contacted for further information. Their contact details are available in the BCH.



Can I receive regular updates about what is posted at the BCH?

Yes, it is possible by subscribing to the Current Awareness Service at the following web link: <http://bch.cbd.int/resources/maillinglist.shtml>.

What will the Parties to the Cartagena Protocol consider, at their fourth meeting (COP-MOP4), in relation to the BCH?

The COP-MOP will review the progress made on the implementation of the multi-year programme of work of the BCH which it adopted at its second meeting (available at <https://bch.cbd.int/about/mypow.shtml>). It will in particular review the recent revamping of the BCH which was undertaken to improve its user-friendliness, its accessibility and the overall quality of the information it contains.

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION OF LMOs

How does the Protocol address handling, transport, packaging and identification of LMOs?

The Protocol requires Parties to take necessary measures for the safe handling, packaging and transportation of LMOs that are subject to transboundary movement. The Protocol specifies requirements on identification information that must be provided in documentation that should accompany transboundary shipments of different types of LMOs. There are separate requirements for LMOs intended for direct use as food, feed or processing (LMOs-FFP), LMOs destined for contained use, and LMOs for intentional introduction into the environment. The Protocol also provides for possible development of standards for handling, packaging, transport and identification of LMOs by the meeting of the Parties to the Protocol.

What are the latest developments?

This issue was addressed at the previous three meetings of the COP-MOP. At the first COP-MOP meeting, the Parties adopted, in decision BS-I/6, detailed requirements for documentation accompanying shipments of LMOs for contained use and LMOs for intentional introduction into the environment of the Party of import. At COP-MOP 3, Parties agreed on the detailed requirements for documentation accompanying LMOs-FFP, in commercial production and authorized in accordance with domestic regulatory frameworks, is in compliance with the requirements of the country of import (decision BS-III/10). The Parties agreed to review and



assess, at the fifth meeting, experience gained with the implementation of those requirements, with a view to considering another decision, at the sixth meeting.

What will the COP-MOP consider, at its fourth meeting, in relation to this issue?

At the fourth meeting, the COP-MOP will:

- Review experience gained with the use of techniques for sampling and detecting LMOs in shipments.
- Consider the need for and modalities of developing criteria for the acceptability of, and harmonizing, sampling and detection techniques.
- Review views and information submitted by Parties, other Governments and international organizations on the experience gained with the use of a commercial invoice or other documents in the shipments of LMOs.
- Consider the submissions made regarding the need for and modalities of developing standards on the identification, handling, packaging and transport of LMOs.

COMPLIANCE

Does the Protocol address the issue of compliance?

The Protocol, in Article 34, provided for the COP-MOP at its first meeting to adopt procedures and mechanisms on compliance. These include the establishment of a Compliance Committee to promote compliance and address cases of non-compliance. The Committee is composed of 15 members nominated by Parties and elected by the COP-MOP, on the basis of three members from each of the five regional groups of the United Nations. The procedures and mechanisms also include provisions to provide advice or assistance to enable Parties to comply with the provisions of the Protocol.

What measures can the Compliance Committee take?

The Compliance Committee may take a number of measures, including: providing advice or assistance to the Party with difficulties in complying with its obligations, requesting the Party concerned to develop a compliance action plan within an agreed timeframe and submit progress



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reports on the efforts it is making to comply, and making recommendations to the COP-MOP regarding possible measure it could take.

What measures can the COP-MOP take?

The COP-MOP may, upon the recommendations of the Compliance Committee, and taking into account factors such as cause, type, degree and frequency of non-compliance, decide upon measures such as arranging for the provision of financial and technical assistance, technology transfer, training and other capacity building measures to the Party concerned, and issuing a caution.

Has there been any case of non-compliance reported to the Compliance Committee?

To date, no individual case of non-compliance has been reported to the Compliance Committee.

What will the COP-MOP consider, at its fourth meeting, in relation to compliance?

The COP-MOP is expected to:

- Consider the report of the Compliance Committee which includes, among other things, recommendations relating to general issues of compliance that the prepared on the basis of an analysis of the first regular national reports submitted by Parties.
- Take a decision regarding measures that may be applied for repeated cases of non-compliance, taking into account the experiences of other multilateral environmental agreements.
- Elect new members to serve on the Compliance Committee, replacing those who have resigned and those whose term comes to an end by the end of the year.

LIABILITY AND REDRESS

What is liability and redress?

The term "liability" is normally associated with the obligation under the applicable law to provide for compensation for damage resulting from an action for which that person is deemed to



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be responsible. Liability and redress in the context of the Protocol concerns the question of what would happen if the transboundary movement of LMOs has caused damage.

How does the Protocol deal with liability and redress resulting from transboundary movements of LMOs?

During the negotiation of the Protocol, delegates were unable to reach consensus regarding the details of a liability regime under the Protocol. Consequently, an enabling clause was included in the final text of the Protocol (Article 27) by which the COP-MOP at its first meeting was required to adopt a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of LMOs. The first COP-MOP meeting established a Working Group on Liability and Redress to examine available information and elaborate options for elements of international rules and procedures on liability and redress under the Protocol. The Working Group was requested to complete its work four years later. To date, the Working Group has held five meetings and its report will be presented for consideration by COP-MOP 4.

What were the developments during the fifth meeting of the Working Group?

The Working Group adopted a working draft elaborating options for rules and procedures in the context of Article 27 of the Protocol. The Working Group agreed to some core elements and reduced the number of options for operational text identified pertaining to liability and redress. A final report is expected to be submitted to COP-MOP 4 for its consideration and appropriate action.

What is expected at this meeting?

At this meeting, the COP-MOP is expected to consider the report of the Working Group and take appropriate action.



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SOCIO-ECONOMIC CONSIDERATIONS

Do Parties to the Protocol have the right to take into account socio-economic considerations?

The Protocol establishes the right of Parties to take into account socio-economic considerations arising from the impact of LMOs in reaching a decision on whether to import LMOs, especially with regard to the value of biological diversity to indigenous and local communities. However, when Parties are taking into account such considerations, they are required to ensure that the decision is consistent with their other international obligations. The Protocol also encourages Parties to cooperate on research and information exchange on any socio-economic impacts of LMOs, especially on indigenous and local communities.

What will the COP-MOP consider, as its fourth meeting, in relation to socio-economic considerations?

At this meeting, Parties will consider a synthesis of views and case-studies concerning socio-economic impacts of LMOs prepared by the Secretariat on the basis of submissions from Parties, other Governments and relevant international organizations and take action where appropriate.

Have countries cooperated with other countries on the matter?

According to the first national reports, 75 per cent indicated that they had not cooperated with other countries on research and information exchange on issues regarding socio-economic impacts of LMOs. Some countries (24 per cent) indicated that they had done so to a limited extent while one country had done so to a significant extent.

What opportunities are there for research and information exchange on issues regarding socio-economic impacts of LMOs?

The Biosafety Clearing-House provides one opportunity for information exchange on issues regarding socio-economic impacts of LMOs. Many of the submissions on socio-economic considerations have been registered into the Biosafety Information Resource Centre in the BCH. A decision adopted at COP-MOP 2 invited governments and organizations to share information on their research methods and results on the socio-economic impacts of LMOs arising from the



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impacts of these organisms on the conservation and sustainable use of biodiversity through the BCH.

What is expected at COP-MOP 4 in relation to this issue?

At this meeting, Parties are expected to consider a synthesis of views and available case-studies concerning socio-economic impacts of LMOs prepared by the Secretariat on the basis of submissions from Parties, other Governments and relevant international organizations and take a decision as appropriate.



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