

Cartagena Protocol on Biosafety



Press Kit



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COP 9 MOP 4 Bonn Germany 2008



Cartagena Protocol on Biosafety

The Cartagena Protocol on Biosafety is a legally binding international agreement governing the transboundary movement of living modified organisms resulting from modern biotechnology. Its objective is to contribute to ensuring the safe transfer, handling and use of living modified organisms that may have adverse effects on biodiversity, taking also into account risks to human health. The Protocol was adopted in January 2000 as a supplementary agreement to the Convention and entered into force on 11 September 2003. To date 146 States as well as the European Community have ratified it.

COP MOP 4

The Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol (COP-MOP) is the governing body of the Cartagena Protocol on Biosafety. Its primary role is to keep under regular review the implementation of the Protocol and to make decisions necessary to promote its effective implementation.

The fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP 4) will take place in Bonn, Germany, from 12 to 16 May 2008. Building upon the achievements of the first three meetings held in February 2004 in Kuala Lumpur, Malaysia, May/June 2005 in Montreal, Canada and March 2006 in Curitiba, Brazil respectively, COP-MOP 4 is expected to arrive at decisions on a number of issues to further facilitate the implementation of the Protocol. To date the COP-MOP has held three ordinary meetings and has taken a total of 46 decisions. The meeting will address a number of standing issues on the COP-MOP agenda as well as substantive issues arising from the medium-term programme of work arising and previous decisions of the COP-MOP.



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Interviews

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When requesting an interview, please indicate which media organization you represent and submit a brief list of questions to be answered.

Important Notice

To arrange for an interview with representatives of the Parties to the Protocol, please refer to the list of National Focal Points at: www.cbd.int/biosafety/parties/nfp.shtml

Please note:

Information on media accreditation for CBD meetings is for internal use only and confidential. The CBD secretariat does not distribute media lists.



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Compliance

Background

In accordance with Article 34 of the Protocol, the COP-MOP at its first meeting held in February 2004 adopted procedures and mechanisms on compliance and established a Compliance Committee to promote compliance, to address cases of non-compliance. The procedures and mechanisms include provisions to provide advice or assistance to enable Parties to comply with the provisions of the Protocol. The Compliance 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.

Some facts

- The Compliance Committee can take a number of measures with a view to promoting compliance and addressing cases of non-compliance. These include: (i) providing advice or assistance to the Party concerned; (ii) making recommendations to the COP-MOP regarding the provision of financial and technical assistance, technology transfer, training and other capacity building measures; or (iii) requesting or assisting the Party concerned to develop a compliance action plan regarding the achievement of compliance with the Protocol within a timeframe to be agreed upon between the Committee and the Party
- To date, no individual case of non-compliance has been reported to the Compliance Committee.

What is being done?

The Committee has so far held four meetings. At its last meeting the Committee, reviewed general issues of compliance on the basis of the information made available by Parties through their first national reports.

What is expected at COP-MOP4?

The meeting will consider the report of the Compliance Committee synthesizing, for instance, the experiences of other multilateral environmental agreements regarding measures against cases of repeated non-compliance and highlighting the general issues of compliance by Parties and the lessons learnt, based on the information made available by Parties through their first national reports. COP-MOP is expected to consider the recommendations of the Committee and take a decision, as appropriate, including on the question of possible measures that may be taken in cases of repeated non-compliance.



For more Information:

COP-MOP 4 website: <http://www.cbd.int/mop4/>

Protocol website: <http://www.cbd.int/biosafety>

Biosafety Clearing-House: <http://bch.cbd.int>

Frequently asked questions: <http://www.cbd.int/biosafety/faqs.asp>



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Handling, Transport, Packaging and Identification of Living Modified Organisms (Article 18)

Background

The Protocol (Article 18) requires Parties to take measures to require that LMOs that are subject to intentional transboundary movement are handled, packaged and transported under conditions of safety, taking into consideration relevant international rules and standards. It sets out obligations on each Party to take measures that require the identification of LMOs in the accompanying documentation. These identification measures vary depending on the intended use of the LMOs. Accordingly there are different 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. Paragraph 3 provides for a possible development of standards by Parties to the Protocol, as may be needed, with regard to practices in the identification, handling, packaging and transporting of LMOs.

Some facts

- At MOP 1, Parties adopted 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 MOP 3, the 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.

What is being done?

Parties, other governments and relevant stakeholders are currently in the process of establishing measures to implement the documentation requirements under Article 18 of the Protocol. Some exporters and importers have gained experience in integrating the requirements in existing documentation systems. However many countries still lack capacity to implement the requirements. The CBD Secretariat, through the Green Customs Initiative, has undertaken some training activities for customs officials.



What is expected at COP-MOP 4?

At this meeting, the Parties are expected to, among other things:

- Consider the need for and modalities of developing standards with regard to identification, handling, packaging and transport of LMOs (paragraph 3 of Article 18);
- Review the experience gained with the use of LMO sampling and detection techniques and consider the need for and modalities of developing criteria for acceptability of, and harmonizing of such techniques;
- Consider a report on the experience gained with the use of a commercial invoice or other documents required or utilized by existing documentation systems pursuant to national requirements with a view to future consideration of a stand-alone document.

For more Information:

COP-MOP 4 website: <http://www.cbd.int/mop4>

Protocol website: <http://www.cbd.int/biosafety>

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Risk Assessment and Risk Management (Articles 15 and 16)

Background

The Biosafety Protocol requires Parties to make decisions on import of LMOs for intentional introduction into the environment in accordance with scientifically sound risk assessments. These assessments aim at identifying and evaluating the potential adverse effects of LMOs. The Protocol sets out principles and methodologies on how to conduct a risk assessment. The Protocol also requires Parties to adopt measures and strategies for preventing adverse effects and for managing and controlling risks identified by risk assessments.

Some facts:

- More than 1580 summaries of risk assessments carried out to evaluate the potential adverse effects of LMOs on biodiversity and human health have been posted in the BCH.

What is being done?

A number of measures have been taken to improve the technical and scientific knowledge of biosafety. The Secretariat recently held four regional workshops on capacity-building and exchange of experiences on risk assessment risk management of LMOs for Africa, Asia, Central and Eastern Europe and Latin America. The Secretariat has also expanded the compilation of available guidance documents on risk assessment and risk management contained in the Biosafety Information Resource Centre (BIRC) of the BCH.

What is expected at COP-MOP 4?

The meeting will consider the need for further guidance on specific aspects of risk assessment and risk management, and the appropriate modalities for development of any such guidance. It will consider modalities for cooperation in identifying LMOs that may have to 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 LMOs or specific traits (Article 16, paragraph 5). Further measures for strengthening the capacity of Parties to implement the risk assessment and risk management provisions of the Protocol will also be considered.

For more Information:

COP-MOP 4 website: <http://www.cbd.int/mop4>

Protocol website: <http://www.cbd.int/biosafety>

Biosafety Clearing-House: <http://bch.cbd.int>.

Frequently asked questions: <http://www.cbd.int/biosafety/faqs.asp>

Media and Outreach: <http://www.cbd.int/biosafety/media.shtml>





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Liability and Redress (Article 27)

Background

The issue of liability and redress for damage resulting from the transboundary movements of LMOs was one of the themes on the agenda during the negotiation of the Biosafety Protocol. The negotiators were, however, unable to reach any consensus regarding the details of a liability regime under the Protocol. The matter was, nevertheless, considered both critical and urgent. As a result, an enabling clause to that effect was included in the final text of the Protocol.

Some facts:

- Article 27 of the Protocol mandated the COP-MOP, at its first meeting, 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 living modified organisms, analysing and taking due account of the ongoing processes in international law on these matters, and to endeavour to complete this process within four years.

What is being done?

The first meeting of the COP-MOP established an Ad Hoc Open Ended Working Group of Legal and Technical Experts 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. So far, governments have reviewed information relating to liability and redress for damage resulting from transboundary movements of LMOs, analyzed general issues relating to the potential and/or actual damage scenarios of concerns, considered a blue print to a potential scenario of a draft decision, encouraged submissions of compiled operational text from regional groups, representatives of individual governments and relevant international organisations, streamlined and consolidated proposed operational texts on approaches and options pertaining to liability and redress for further negotiation during the fifth meeting.

What is expected at COP-MOP 4?

The COP-MOP is expected to consider the report of the Working Group Legal and Technical Experts on Liability and Redress and take appropriate action.

For more Information:

COP-MOP 4 website: <http://www.cbd.int/mop4>

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Socio-economic Considerations (Paragraph 2, Article 26)

Background

The Protocol on Biosafety establishes the right of Parties to take into account socio-economic considerations arising from the impact of living modified organisms (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 at the same time 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.

Some facts:

- According to the first national reports, some countries, such as Colombia, Indonesia and South Africa, have taken into account socio-economic considerations in their decision-making regarding LMOs.

What is being done?

In accordance with the medium term programme of work adopted by the first COP-MOP, this provision was considered by the COP-MOP at its second meeting. COP-MOP 2 requested, among other things, Parties and other Governments to provide their views and case studies concerning socio-economic impacts of LMOs. It also invited Parties and other Governments to share information and experiences on socio-economic impacts of LMOs through the BCH.

What is expected at COP-MOP 4?

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 action where appropriate.

For more Information:

COP-MOP 4 website: <http://www.cbd.int/mop4/>

Protocol website: <http://www.cbd.int/biosafety>

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Public Awareness and Public Participation

(Paragraph 1, Article 23)

Background

The Protocol requires Parties, to cooperate with other States and international bodies, to promote and facilitate public awareness and education, including access to information, regarding the safe transfer, handling and use of living modified organisms (LMOs). It also requires Parties to consult the public in the decision-making process, to make public the final decision taken and to inform public about the means of access to the Biosafety Clearing-House.

Some facts:

- According to the first national reports, many countries indicated that they set up websites and online databases such as registries on LMOs to facilitate public access to biosafety information

What is being done?

At the second meeting of the COP-MOP, the Parties considered, “options for cooperation between Parties, other States and relevant international bodies on the promotion and facilitation of public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms”. The second meeting of the COP-MOP encouraged countries to develop and implement national programmes, to make effective use of the media and to leverage opportunities for cooperation in the promotion of public awareness, education and participation concerning the safe transfer, handling and use of LMOs. To date, many countries have experience in promoting public awareness, education and participation by for instance setting up national websites and issuing publications on biosafety issues.

The Secretariat has also made efforts for instance through establishing Outreach Strategy to regularly contact national focal points, update the website, set up databases and issue publications and press releases, offer side events, hold seminars and write articles for external publications.

What is expected at COP-MOP 4?

The meeting will consider an interim report on public awareness and participation progress and initiatives made by governments and organizations. This report includes for instance experiences gained and lessons learned, in promoting public awareness and participation in developing national biosafety frameworks. The COP-MOP will also consider challenges encountered by Parties and other Governments concerning public awareness and participation and consider the need for a global programme of work. Furthermore, the meeting is expected to review and endorse a new outreach strategy for the CBD Secretariat.



For more Information:

COP-MOP 4 website: <http://www.cbd.int/mop4/>

Protocol website: <http://www.cbd.int/biosafety>

Biosafety Clearing-House: <http://bch.cbd.int>

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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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