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Item 14 of the provisional agenda *

MONITORING AND REPORTING UNDER THE PROTOCOL (ARTICLE 33)

Analysis of information contained in the first national reports

Note by the Executive Secretary

I. INTRODUCTION

1. As specified in Article 33 of the Protocol, each Party is required to monitor the implementation of its obligations under the Protocol and to report to the Conference of the Parties serving as the meeting of the Parties to the Protocol on measures taken to implement the Protocol.

2. At their third meeting, held from 13 to 17 March 2006 in Curitiba, Brazil, the Parties to the Protocol adopted a format for the first regular national report on the implementation of the Cartagena Protocol on Biosafety (decision BS-III/14) and agreed to consider the first national reports at their fourth meeting, on the basis of an analysis that the Executive Secretary was requested to prepare.

3. Accordingly, this document presents an analysis of information contained in the first national reports received by the Secretariat. Section II describes the methodology used in the preparation of the analysis, the regional distribution of responses, presentation of information, as well as the limitations that need to be taken into account in reviewing the analysis. Section III contains the analysis itself, which is presented following the structure of the reporting format, which in turn, follows the structure of the provisions of the Protocol. Section IV provides some general conclusions, and section V contains elements of a draft decision on monitoring and reporting under the Protocol for consideration by the Parties. The list of respondents whose national reports have been included in the analysis can be found in section A of the annex.

* UNEP/CBD/BS/COP-MOP/4/1.

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4. A summary of the responses for questions providing multiple-choice answers is provided in an information document (UNEP/CBD/BS/COP-MOP/4/INF/11). The complete text of the responses to all questions provided in the national reports submitted to the Secretariat can be accessed through the CBD website. 1/ A National Reports Analyzer, intended to assist users to aggregate and analyse data according to selected Parties, geographic area, economic groups and other criteria is also available on the website.

II. METHODOLOGY OF THE ANALYSIS

A. Regional breakdown

5. As of 16 October 2007, 50 Parties to the Cartagena Protocol on Biosafety (35% of the 141 Parties at that date) and two non-Parties had submitted their national reports and are included in this analysis. 2/ The distribution of these reports among the United Nations regional groups is as follows:

- Africa: 15 reports, equal to 30% of the total reports received and 38% of the Parties in the region; 3/
- Asia and Pacific: five reports, equal to 10% of the total reports received and 14% of the Parties in the region;
- Latin America and the Caribbean (GRULAC): five reports, equal to 10% of the total reports received and 20% of the Parties in the region;
- Central and Eastern Europe (CEE): 11 reports, equal to 22% of the total reports received and 55% of the Parties in that region;
- Western Europe and Others Group (WEOG): 14 reports equal to 28% of the total reports received and 67% of the Parties in that group.

B. Limitations

6. The results presented in this paper should be interpreted within the limitations of the analysis. From a statistical point of view, it should be stressed that the analysis and some conclusions drawn here are based only on those first set of national reports submitted at the date this analysis was undertaken. These reports represent only 35% of the current number of Parties to the Protocol, and for certain regional or economic groupings this percentage is much lower.

7. It is also important to note that reporting Parties or countries were self-selecting, i.e., results were analysed only from those Parties that submitted reports. Therefore, results may be biased towards Parties or countries that were in a position to submit their reports for any reason, such as stronger monitoring and reporting capacities, language accessibility or determination to comply with the reporting requirement. Finally, the reports vary in the amount of information they provided.

III. INFORMATION IN THE FIRST REGULAR NATIONAL REPORT ON THE IMPLEMENTATION OF THE CARTAGENA PROTOCOL ON BIOSAFETY

8. Prior to completing the report, countries were asked to provide summary information on the process by which their reports had been prepared. Many countries listed the stakeholders who were actively involved in the preparation of the report. These included national focal points, Government bodies, biosafety experts, and the general public. Materials used in the preparation of the reports included the text of the Protocol, outreach materials circulated by the Secretariat, the 2005 interim national reports, materials that were made available through the UNEP-GEF capacity-building project on the development of national biosafety frameworks, and materials registered in the Biosafety Clearing-House.

1/ Available at at http://www.cbd.int/biosafety/parties/national-reports.shtml

2/ Only reports that were submitted in Word format by that date were analyzed. At the time of finalizing this document, the Secretariat has received 70 national reports that are listed in the annex.

3/ The reports received from two non-Parties are from the Africa region.

A. Obligations for provision of information to the Biosafety Clearing-House

9. Several articles of the Protocol require that information be provided to the Biosafety Clearing-House. In cases where relevant information exists but has not been provided to the Biosafety Clearing-House, question 1 of the report asks Parties to describe any obstacles or impediments they may have encountered in making the information available. Several African countries reported that they were still developing their national biosafety frameworks, biosafety databases or websites and that, upon completion of those projects, all information required under the Protocol will be provided to the Biosafety Clearing-House. Reporting Parties from the Asia and Pacific region generally did not have any obstacles or impediments. However one country reported about lack of information exchange mechanism among different government departments. A Party from the Central and Eastern European (CEE) region also reported lack of human and financial resources as major impediments, as well as the existence of intensive work which overstretched resources, to develop relevant national laws and regulations harmonized with the legislation of the European Union. Another reported that, the roster of experts is in need of an extensive updating but "there is no agreed process how to select those experts and who should adopt this list, what are the criteria for experts etc." A majority of the WEOG countries reported having submitted comprehensive information through the Biosafety Clearing-House.

10. In question 2, Parties are asked to provide an overview of the information required to be provided to the Biosafety Clearing-House. In particular, they are asked to indicate whether the information: (a) exists and is being provided to the Biosafety Clearing-House; (b) exists but is not yet provided to the Biosafety Clearing-House; or (c) does not exist or the question is not applicable. The purpose of the question is to establish an understanding of the current situation on the implementation of obligations related to making information available through the Biosafety Clearing-House.

11. At the global level, only 28% of the information required under the Protocol is reported to exist and to have been provided to the Biosafety Clearing-House. Furthermore, 64% of the responses indicated that the information either does not exist or that the question is inapplicable. However, only 8% of the respondents indicated that the information exists but has not yet been provided. At the regional level, the results are consistent with those at the global level.

12. WEOG had the highest percentage of respondents (47%) indicating that information exists and is being provided to the Biosafety Clearing-House while the other groups, with the significant exception of Africa (9%), range between 28-32%. The group reporting the highest percentage of information that exists but has not yet been submitted is GRULAC (21%) while the other groups range between 4-11%. The group reporting the highest percentage of information which does not exist or the question is inapplicable is Africa (82%) while the percentage of answers from the other regions ranges between 50-65%.

13. A detailed analysis of the 17 different categories of information listed under question 2, which highlights some gaps and problems in the implementation of the obligations related to making information available to the Biosafety Clearing-House, is set out below in three groups.

14. In the first group, the percentages of information reported as not existing or to which the question was not applicable are very high. One reason for these high numbers may be due to the simple fact that these categories of information were either not recorded or not present at all in the early stages of national implementation of the Protocol. Such categories of information include:

- Bilateral, multilateral and regional agreements and arrangements (82%)
- Occurrence of unintentional transboundary movements of living modified organisms (LMOs) (98%)
- Illegal transboundary movements of LMOs (82%);
- Information on the application of domestic regulations to specific imports of LMOs as for Article 14.4 (74%);

- Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (FFP) under Article 11.6 (82%);
- Review and change of decisions (90%);
- LMOs granted exemption status (100%); and
- Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import as for Article 13.1 (100%).

15. In the second group, the percentages of information reported as not existing or for which the question was not applicable are relatively high. This information is related to the decision-making procedures which are central to the Protocol and, had it been available, it could have highlighted important trends in the implementation of the Protocol:

- Final decisions regarding the importation or release of LMOs under Articles 10.3 and 20.3(d) (61%);
- Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as FFP as for Article 11.1 (70%);
- Final decisions regarding the import of LMOs intended for direct use as FFP that are taken under domestic regulatory frameworks as for Article 11.4 or in accordance with annex III as for Article 11.6 (62%);
- Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof as for Article 20.3(c) (56%).

16. In the third group, the percentages of information reported is much higher:

- Existing national legislation (58%);
- National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as FFP (57%);
- Identification of responsibilities in cases of multiple competent national authorities (38%)
- Reports submitted by the Parties on the operations of the Protocol (51%).

These relatively high numbers cast a more favourable light on the status of implementation regarding the administrative requirements under the Protocol.

17. The only category of information with a very high percentage of respondents (93%) indicating that the information exists and is being provided to the Biosafety Clearing-House pertains to the provision of contact details for competent national authorities and national focal points (Article 19.2) and emergency contacts under Article 17.2.

18. Question 36 complements question 1 by asking countries to describe any further details regarding their experiences and progress in implementing Articles 20 (‘Information Sharing and the Biosafety Clearing-House’), including any obstacles or impediments encountered. The responses were similar from all of the regional groups. For example, many countries described implementing a national Biosafety Clearing-House, often with the assistance of UNEP-GEF, which is interoperable with the Biosafety Clearing-House administered by the Secretariat (BCH Central Portal). One African country reported experiencing challenges in synchronizing its national database with the Biosafety Clearing-House. Obstacles reported by one Party from GRULAC in implementing Article 20 include: (i) the identification of persons and institutions involved; (ii) lack of a capacity-building strategy (and the tools to develop one); (iii) the characterization of relevant information related to decisions; and (iv) maintaining the interest and the commitment of the main actors involved. Some Parties from CEE and WEOG reported that training on the Biosafety Clearing-House had been conducted. Impediments reported include: poor Internet connectivity, slow response time from certain stakeholders and officials, insufficient financial and human resources, biosafety information scattered throughout different departments, inadequate public

participation, lack of media exposure, information resources not maximally used and "the high level of technical expertise needed to comply with the technical choices made by the Secretariat". One WEOG country reported that "another limiting factor was the very slow implementation of a network of interoperable BCH nodes at EU level" and that it experienced difficulties in providing translations into one of the 6 official United Nations languages. In that respect, another WEOG country reported the following: "In our opinion the Management Center of the BCH website is functional and easy to use. We would, however, appreciate even better functionality with respect to being able to enter and retrieve the information on the BCH both in English and in our national language."

B. Article 2 – General provisions

19. Questions 3 and 4 of the report ask countries to indicate if they have introduced the necessary legal, administrative and other measures required to implement the Protocol and to provide a description of their experiences and progress in this regard, including any obstacles or impediments they have encountered.

20. A majority of the respondents (57%) have indicated that they have a full domestic regulatory framework in place. The remaining 43% of respondents reported that only some measures had been introduced (28%) or that no measures had been taken yet (15%).

21. With the exception of WEOG, in which 100% of respondents reported having a full domestic regulatory framework in place, all the other groups acknowledged significant gaps regarding the introduction of necessary legal, administrative and other measures required to implement the Protocol. In particular, no respondents from the GRULAC region reported having a full domestic regulatory framework in place. In all of the developing country groups, the percentages of respondents indicating that no measures have been taken yet range between 17-22%.

22. Several countries from Africa and Asia-Pacific reported on draft biosafety legislation emerging under their national biosafety frameworks supported by the UNEP-GEF projects. One African country reported the following impediments: "(i) Low level of public awareness; (ii) The country is under-equipped in terms of capacity-building (Human and physical infrastructure); (iii) Untimely release of project funds". Some Parties from Asia-Pacific reported the establishment of a national biosafety council/committee or the establishment of "specialized working groups in all related ministries/organizations for implementation of biosafety standards". Another reported that a "key impediment is the inadequacy of technical capacity". Several Parties from the European Union set out the details of their national legislation and the nature of its relationship to both the Protocol and the overarching legislation of the European Union.

C. Articles 7 to 10 and 12: The advance informed agreement procedure

23. The AIA procedure applies to the first intentional transboundary movement of a specific LMO into the jurisdiction of a Party of import for intentional introduction into the environment. The procedure allows for the Party of import to decide whether or not it will authorize the import or impose any conditions. Questions 5 to 11 address this procedure.

24. Under question 5, approximately 37% of the respondents identified themselves to be Parties of import while, under question 6, only 10% of the respondents considered themselves to be Parties of export. The major importing groups are: Asia-Pacific (60%), GRULAC (60%) and WEOG (57%). The major exporting groups are: GRULAC (40%), Asia-Pacific (20%) and WEOG (15%).

25. Under question 7, the majority of respondents (56%) reported that there is a legal requirement for the accuracy of information provided by exporters in their jurisdictions. The regional breakdown is as follows: Africa 24%, Asia Pacific 40%, GRULAC 20%, CEE 73% and WEOG 100%.

26. Under question 8, no Party of export reported having requested any Party of import to review a decision it had made under Article 10 on the grounds specified in Article 12.2.

27. Question 9 asks if Parties took any decisions regarding import under domestic regulatory frameworks as allowed by Article 9.2(c). The majority of the respondents reported that this was either

not applicable (57%) or that no decisions were taken during the reporting period (22%). 4/ Twenty-two per cent of respondents reported that they have taken decisions regarding import under domestic regulatory frameworks as allowed by Article 9.2(c). Of these, 50% were from WEOG, 20% from Asia-Pacific, 20% from GRULAC, 9% from CEE and 6% from Africa.

28. Question 10 asks Parties if they have been a Party of export of LMOs intended for release into the environment and to describe their experiences and progress in implementing Articles 7 to10 and 12 of the Protocol, including any obstacles or impediments encountered. None of the countries reporting from Africa, Asia-Pacific, and CEE were Parties of export. One Party from GRULAC reported exporting to a non-Party. One Party from WEOG indicated that difficulties arose "in the semantic interpretation of some requirements of the Protocol", particularly with respect to Annex I which specifies information required in notifications under Articles 8, 10 and 13. Another WEOG country reported that consent for import and release into the environment for the purpose of field trials has been granted for six notifications (and that no obstacles where reported in the process).

29. Question 11 focuses on decisions taken on import of LMOs intended for release into the environment and asks Parties to describe their experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered. No African countries reported having taken decisions on import and one Party reported having received "several requests for confined field trials of LMOs", but in all occasions they "had to request for more information from the applicant as the first submissions were deemed insufficient". As a result, two confined field trials were approved with conditions, one rejected and the other is still under review. Some Parties from GRULAC reported having gone through decisional processes consistent with both the objective of the Protocol and their national legislation for importation from non-Parties. There were no decisions reported from Asia-Pacific but one Party reported that obstacles faced "include inadequate information sharing of imported LMOs, shortage of testing technical standards, reference standards and reference materials". Most Parties from the CEE and WEOG EU reported that these decisions are taken at the European Union level (i.e. under the EU's domestic regulatory framework and in place of the advance informed agreement procedure) and that only decisions relating to LMOs that are not for the purpose of placing on the market are taken at the national level. One of the Parties from the CEE reported that between 2004-2007 "14 written authorizations have been issued by the national competent authority for import of GM maize, barley and tobacco seeds for experimental release".

D. Article 11 – Procedure for living modified organisms intended for direct use as food or feed, or for processing (LMOs-FFP)

30. Article 11 of the Protocol establishes a specific procedure for the transboundary movement of LMOs-FFP whereby a Party must inform other Parties through the Biosafety Clearing-House, within fifteen days, of its decision regarding domestic use of LMOs that may be subject to transboundary movement. Questions 12 to 16 address this procedure.

31. Under question 12, the majority of respondents (63%) reported that there is a legal requirement for the accuracy of information provided by the applicant with respect to the domestic use of a LMO that may be subject to transboundary movement for direct use as FFP (Article 11.2). Approximately 12% of respondents reported that no legal requirements are in place. Finally, 25% of respondents reported that legal requirements are not yet in place, but under development: Africa 65%, Asia-Pacific 20% and GRULAC 20%.

32. Under question 13, with the exception of WEOG, all groups reported having indicated their needs for financial and technical assistance and capacity-building in respect of LMO-FFPs (Article 11.9). The regional breakdown is as follows: Africa 38%, Asia-Pacific 60%, GRULAC 40%, and CEE 27%. Thirty-six percent of respondents from the CEE region reported that the question was not relevant.

4/ The formulation of the question may have induced some confusion because answers (b) and (c) might be seen as overlapping (i.e. no decisions were taken).

33. Under question 14, approximately 25% of the respondents reported having taken decisions regarding import under domestic regulatory frameworks (Article 11.4) and the WEOG had the highest percentage (50%) of that amount. Another 25% of respondents reported not having taken any decision and the GRULAC region had the highest percentage (50%) of that amount. Finally, a significant group of respondents (49%) reported that the question was not applicable or that no decisions were taken during the reporting period and the Africa region had the highest percentage (71%) of that amount.

34. Question 15 asks countries if they have been a Party of export of LMOs intended for direct use for FFP and to describe their experiences and progress in implementing Article 11, including any obstacles or impediments encountered. None of the countries from any of the regions reported having been such a Party of export.

35. Question 16 focuses on import of LMOs intended for direct use for food or feed or for processing and asks countries to describe their experiences and progress in implementing Article 11, including any obstacles or impediments encountered. Most reporting countries from Africa reported that they were not Party of import. One African country highlighted the following obstacles: "(i) information/documents accompanying import contradictory (LMO and not LMO); (ii) non-compliance by importers of the existing regulations due to ignorance; (iii) decision-taking on the matter across at least two ministries delays work; (iv) payment for laboratory analysis delayed due to lack of funding; and (v) confidentiality of opinions by officials was not guaranteed". Another reported that LMO-FFPs were being imported in violation of Article 11 of the Protocol because that provision has not yet been implemented. Two Parties in GRULAC reported having imported LMOs for FFP and one stated that the mechanism for enforcing and monitoring the implementation of the national legislation for this type of import is still under development and not yet in force. One Party from Asia-Pacific reported it had imported "annually scores of million tons of genetically modified soybean and corn for processing and for animal feed" in accordance with regulations and statutes requiring "detailed and accurate information". The same country identified technical problems related to "risk assessment, defining threshold for limit, effective identification and traceability." One Party from CEE that acceded to the EU reported it had "imported approximately 8 million tonnes of soybeans as a feed component that may have contained GMOs."

E. Article 13 – Simplified procedure

36. Question 17 asks Parties if they have applied the simplified procedure whereby a Party of import may specify in advance: (a) cases in which intentional transboundary movement to it may take place at the same time as the movement is notified to the Party of import; and (b) imports of living modified organisms to it to be exempted from the advance informed agreement procedure. Question 18 asks for a description of experiences in implementing Article 13, including any obstacles or impediments encountered.

37. Only one Party, from the Asia-Pacific region, reported having applied "ecological area-based approval procedure and simplified procedure for processing applications for the Biosafety Certificate (for commercialization) of genetically modified pest-resistant cotton."

F. Article 14 – Bilateral, regional and multilateral agreements and arrangements

38. Questions 19 and 20 ask if Parties have entered into any bilateral, regional or multilateral agreements or arrangements and to describe experiences in implementing Article 14, including any obstacles or impediments encountered.

39. Approximately 16% of respondents (1 or 2 respondents per region) reported having entered into a bilateral, regional or multilateral agreement or arrangement.

40. One country from Africa reported that divergent political alignments concerning LMOs constitute the biggest difficulty with respect to this issue. While no agreement was reported from the GRULAC countries, two of them stated that bilateral/regional treaties are in the process of being elaborated. One Party from Asia-Pacific reported that the ASEAN treaty 5/ is "preparing the ASEAN Guideline for

5/ See http://www.aseansec.org/

Handling GMOs Transboundary Movement." Most Parties from CEE and WEOG reported that they had not entered into any agreements and made reference to the national report from the European Community. The European Community likewise reported that it had not entered into any agreements and that the "EC has determined as per Article 14(4) and 9 (2) (c) that it relies on its existing legislative framework for intentional movements of GMOs within the Community and for imports of GMOs into the EC. This decision has been communicated to other Parties through the Biosafety Clearing-House." One Party from WEOG made reference to the "Food Standards Australia New Zealand" (FSANZ) 6/ which is not a bilateral, regional or multilateral agreement or arrangement *per se*.

G. Articles 15 and 16 – Risk assessment and risk management

41. Under Article 15, the Protocol requires Parties to make decisions on the import of LMOs for intentional introduction into the environment in accordance with scientifically sound risk assessments and, under Article 16, the Protocol requires Parties to adopt measures and strategies for preventing adverse effects and for managing and controlling risks identified by risk assessments. Under the section on general provisions, most countries highlighted the importance of capacity-building in the field of risk assessment and risk management. Questions 21 to 28 address these issues more specifically.

42. Twelve per cent of the respondents reported having carried out risk assessments for all decisions taken under Article 10. No respondents from Africa reported carrying out risk assessments, while 89% of respondents from the region indicated that they were not a Party of import or that no decisions were taken under Article 10. The regional distribution of respondents that reported carrying out risk assessment is: 20% from Asia-Pacific, 50% from GRULAC, 9% from the CEE and 14% from WEOG. The regional distribution of respondents that reported that they were not a Party of import or that no decisions were taken under Article 10 is: 60% from Asia-Pacific, 25% from GRULAC, 91% from the CEE and 86% from WEOG. Out of those respondents having indicated that they carried out risk assessments for all decisions taken under Article 10, five (11%) reported having required the exporter to carry out the risk assessment (Question 22) and five reported having required the notifier to bear its cost (Question 23).

43. A large majority of the respondents (81%) reported either that they were not a Party of import or that no decisions were taken under Article 10. The percentage of the latter answer was minimal in the GRULAC region (25%), while the other groups ranged between 60-91%.

44. Of all the respondents answering question 24, approximately 55% reported having established and maintained appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk-assessment provisions of the Protocol. The percentages of these answers are highly variable among the regional groups: Africa 13%, Asia-Pacific 40%, GRULAC 50%, CEE 67% and WEOG 100%. In two regional groups, Asia-Pacific and WEOG, no Party indicated that there is no mechanism in place. In the other groups, the percentage of respondents stating that no mechanism is in place ranged from 8% to 25%.

45. On question 25, approximately 52% of the respondents reported having adopted appropriate measures to prevent unintentional transboundary movements of LMOs. Significant differences, however, result from the regional breakdown: Africa 12%, Asia-Pacific 40%, GRULAC 25%, CEE 75% and WEOG 93%.

46. A higher percentage of respondents (65%) reported endeavouring to ensure that any LMO undergoes an appropriate period of observation commensurate with its life-cycle or generation time before it is put to its intended use (Question 26). Differences are also present in the regional breakdown: Africa 29%, Asia-Pacific 60%, GRULAC 50%, CEE 91% and WEOG 93%.

47. Question 28 asks Parties to provide further details about their responses to the above questions, as well as a description of their experiences and progress in implementing Articles 15 and 16, including any obstacles or impediments encountered. Most African countries reported that they were not a Party of import but indicated that procedures for risk assessments will appear in their biosafety laws (which are at

6/ See www.foodstandards.gov.au

various stages of development). One African country indicated that consultations are under way with the member States of the East African Community and the Common Market for Eastern and Southern Africa (COMESA) 7/ regarding risk assessment and risk management. One Party from GRULAC reported having established risk assessment guidelines while another from the same region stated that the main obstacle for an acceptable application of these requirements was the limited institutional capacity within the competent national authorities. Most Parties from Asia-Pacific reported that they have procedures in place for risk assessment and risk management. The same is generally true for Parties from the CEE that have acceded to the EU with most pointing to the comprehensive regime outlined in the EU legislation which governs its member States. In general, risk assessments contained in notifications are evaluated by the European Food Safety Authority and the competent authorities of the member states One Party from the CEE reported that it has "established a bank of reference materials and samples of GM material approved" (import and field trials). One Party from WEOG reported being "in favour of a scientific committee being appointed with the task of providing scientific and technical guidance on risk assessment guidelines… for the fulfilment of the objectives of the Protocol". Another WEOG Party reported that its legislative framework concerning risk assessment and risk management "are made and notified in a manner that meets or exceeds the requirements of the Protocol".

H. Article 17 - Unintentional transboundary movements and emergency measures

48. When a Party knows of an unintentional transboundary movement of an LMO that is likely to have significant adverse effects on biodiversity and human health, it must notify affected or potentially affected States, the Biosafety Clearing-House and relevant international organizations regarding information on the unintentional release. Furthermore, Parties must initiate immediate consultation with the affected or potentially affected States to enable them to determine response and emergency measures. Question 29 asks Parties if they have undergone any unintentional transboundary movements of LMOs and if they consulted the affected or potentially affected States for the purposes specified in Article 17.4. Question 30 asks Parties to describe experiences in implementing Article 17, including any obstacles or impediments encountered.

49. Approximately 96% of the respondents reported no such occurrences. Two cases were reported. In one, from the Africa region, the potentially affected States were consulted (although with an admitted delay). In the other, from the GRULAC region, no consultations took place immediately.

50. Question 30 asks Parties to provide further details about their responses to the above questions, as well as a description of their experiences and progress in implementing Article 17, including any obstacles or impediments encountered. One African country reported that LMO seeds may have been smuggled into the country but "without any testing processes we could not consult the country of export as there is no accompanying proof". One Party from GRULAC reported that communications with potentially affected States took place (although delayed) and focused primarily on the probability that such movements had, in fact, occurred. One Party from Asia-Pacific reported that it "has set up a series of laws and regulation in a great effort to eliminate illegal and unintentional transboundary movement of LMOs".

I. Article 18 - Handling, transport, packaging and identification

51. For those handling LMOs, the Protocol specifies requirements on identification by setting out what information must be provided in documentation that accompany transboundary shipments of LMOs. Questions 31 to 35 address this issue.

52. A majority of respondents (69%) to question 31 reported having taken measures requiring that LMOs that are subject to transboundary movement within the scope of the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards (Article 18.1). The regional breakdown is as follows: Africa 31%, Asia-Pacific 80%, GRULAC 50%, CEE 91% and WEOG 100%. An additional 25% of the respondents reported that the implementation of such measures is under development.

7/ See http://www.comesa.int/index_html/view

53. Similarly, 65% of the respondents to question 32 reported having taken measures requiring that documentation accompanying LMOs intended for direct use as FFP clearly identifies that they "may contain" LMOs and are not intended for intentional introduction into the environment, as well as a contact point for information (Article 18.2(a)). The regional breakdown is as follows: Africa 35%, Asia-Pacific 60%, GRULAC 20%, CEE 91% and WEOG 100%. An additional 25% of the respondents reported that the implementation of such measures is under development.

54. A majority of respondents (71%) to question 33 reported having taken measures to require that documentation accompanying LMOs that are destined for contained use clearly identifies them as LMOs and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the LMOs are consigned (Article 18.2(b)). The regional breakdown is as follows: Africa 41%, Asia-Pacific 80%, GRULAC 40%, CEE 91% and WEOG 100%. An additional 21% of the respondents reported that the implementation of such measures is under development.

55. Finally, the same considerable majority of respondents (71%) to question 34 reported having adopted measures to require that documentation accompanying LMOs that are intended for intentional introduction into the environment of the Party of import and any other LMO within the scope of the Protocol, clearly identifies them as LMOs; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of the Protocol applicable to the exporter (Article 18.2(c)). The regional breakdown is as follows: Africa 35%, Asia-Pacific 80%, GRULAC 60%, CEE 91% and WEOG 100%. An additional 23% of the respondents reported that the implementation of such measures is under development.

56. Question 35 asks Parties to provide further details about their responses to the above questions, as well as a description of their experiences and progress in implementing Articles 18, including any obstacles or impediments encountered. Most African countries indicated that measures addressing handling, transport, packaging and identification will appear in their biosafety laws (which are at various stages of development). Most Parties from the other regions reported that they have regulations in place, or under development but in an advanced phase, requiring that LMOs entering their jurisdictions be accompanied with documentation and appropriate labelling. For example, one Party from CEE reported that "it is obligatory that the words 'This product contains genetically modified organisms' appear on both the label and the accompanying documents". Most Parties from CEE and WEOG pointed to the comprehensive regime outlined in the EU legislation which governs its member States. However, one Party from WEOG stated that "a standardized format for documentation and identification requirements for inclusion in a standalone document, should be developed in order to secure clearest possible identification and avoid the difficulties for traders that would result from different countries requiring different formats and documents". Another WEOG Party reported it had a "Prohibition Order" in place which "applies equally to Parties and non-Parties, and provides that the export of LMOs is prohibited unless the Minister for the Environment has consented to the export". A Party from CEE reported that the "main problem in implementing art 18 is sharing of responsibilities of different institutions".

J. Article 19 – Competent national authorities and national focal points

57. The Protocol requires that each Party designate one national focal point to be responsible on its behalf for liaison with the Secretariat and one or more competent national authorities to be responsible for performing the administrative functions required by the Protocol. This requirement is addressed in question 2 (d) regarding the provision of information to the Biosafety Clearing-House (see section B above).

K. Article 20 – Information sharing and the Biosafety Clearing-House

58. See section A above.

L. Article 21 - Confidential information

59. Primarily in the context of the advance informed agreement, the provider of information (the notifier) is required to submit information to the Party of import so as to allow the latter to decide whether or not to authorize the import of the LMO in question. In return, the Party of import has an obligation to permit the notifier to identify information that is to be treated as confidential. Questions 37 to 40 ask Parties of import and Parties of export about their experiences regarding confidential information.

60. Approximately 65% of respondents reported having procedures to protect confidential information received under the Protocol and 27% reported that the implementation of such procedures is under development (question 37). At the regional level, 91% of respondents from the CEE group and all respondents from the WEOG group indicated that they had procedures in place. Sixty per cent of respondents from Asia-Pacific reported having these procedures in place while the remaining 40% reported that procedures are under development. Similarly, 60% of respondents from GRULAC reported having these procedures in place while 20% reported that procedures are under development. Finally, 24% of respondents from the African region reported having procedures in place and 65% reported that procedures are under development. In the following three groups, a limited number of respondents reported that no procedures are in place: Africa 12%, GRULAC 20% and CEE 9%.

61. In question 38, 10% of the respondents reported having permitted a notifier to identify information submitted under the procedures of the Protocol or required by the Party of import as part of the Advance Informed Agreement procedure that was to be treated as confidential (Article 21.1). The regional breakdown is as follows: Asia-Pacific 20%, GRULAC 25% and WEOG 23%. No such measure has been taken or occurred in Africa and the CEE regions, for reasons that include the non-applicability of the situation. Furthermore, approximately 12% of the respondents reported not having permitted the identification of information as confidential, and a large majority (78%) reported either that the question was not applicable or that they had not received such a request.

62. Question 39 asks Parties that answered "yes" to question 38 to provide information on their experience including a description of any impediments or difficulties encountered. One Party from GRULAC reported that, in accordance with their national legislation, all technical and scientific information provided by private individuals or legal identities for the respective registers will be considered confidential. Two Parties from Asia-Pacific reported that they have confidentiality provisions in their national biosafety laws. Several Parties from CEE and European WEOG pointed to the comprehensive regime outlined in the EU legislation which governs its member States. The European Community legislation stipulates that confidentiality should be applied equally to domestic and foreign producers. Whether or not information will be treated as confidential is decided by the competent authority. Information that may not be kept confidential includes: the general description of the LMO, the contact details of the notifier, the reason for the release, the location of the release and intended uses, the method(s) and plan(s) for monitoring the LMO and for emergency response and risk assessments.

63. Question 40 asks Parties that are Parties of export, to describe any impediments or difficulties they encountered, or encountered by exporters under their jurisdiction, if information is available, in the implementation of the requirements of Article 21. Only two Parties reported on this question. One from GRULAC reported no obstacles because the importing country was not a Party to the Protocol and one WEOG Party stated that it "has approved a number of LMOs for export from registered containment research facilities to indoor contained-use facilities overseas, pursuant to the requirements of" its relevant legislation.

M. Article 22 - Capacity-building

64. In order to implement the Protocol, many developing countries and countries with economies in transition require support to build adequate capacity in human, technical and financial resources to, for example, undertake risk assessment and risk management of LMOs, or to monitor LMOs once released into the environment. Questions 41 to 48 ask both developed and developing country Parties about their capacity-building initiatives, if any.

65. Approximately 49% reported question 41 to be applicable. Among these, 74% (equivalent to 36% of all respondents) reported having cooperated in the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in developing country Parties or Parties with economies in transition.

66. Question 42 asks developed country Parties that answered "yes" to question 41 to explain how cooperation took place. One Party from Asia-Pacific reported having supported capacity-building projects by contributing financial resources through the GEF and FAO. One CEE Party reported having organized a training course on the analysis of food samples for LMOs. Many initiatives were reported by Parties from WEOG, including:

- Biosafety Clearing-House training courses;
- Twinning projects;
- Joint Manual on Analysis of Food Samples for the Presence of GMOs;
- Training courses on the analysis of food and feed samples for the presence of GMOs;
- Network of Genetically Modified Organisms (GMO) Laboratories;
- Research funding;
- Project on consumer organizations and the Cartagena Protocol on Biosafety;
- Global Conference on GMO Analysis;
- Nordic-Baltic capacity-building project;
- Training of trainers course;
- Regional workshop on risk assessment and risk management;
- Financial support through UNEP-GEF;
- Bilateral initiatives with CEE countries;
- National biosafety workshops, technical workshops, awareness campaigns and training courses in biosafety, including risk assessments and risk management;
- East African Regional Programme and Research Network for Biotechnology, Biosafety and Biotechnology Policy Development (BIOEARN); and
- Master Programme in Management of Biological Diversity.

67. On the other hand, approximately 73% reported question 43 to be applicable. Among these, 45% (equivalent to 33% of the respondents) reported having contributed to the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in another developing country Party or Party with an economy in transition.

68. Question 44 asks countries that answered yes to question 43, how such cooperation has taken place. From the African region, one Party reported that "three institutions of Government with relevant functions in Biosafety were provided with internet equipment and their key personnel trained in the use of the Biosafety Clearing-House". Three other African countries reported having conducted biosafety-related training initiatives and a fourth reported having provided technical assistance to other developing countries in the region. Two Parties from GRULAC reported having contributed to capacity-building initiatives through the participation of national experts or the organization of biosafety training courses. Two Parties from the Asia-Pacific region also reported conducting biosafety-related training initiatives. One country from the CEE reported that it has "actively participated in the cooperation within the region of Central and Eastern European (CEE) countries".

69. Question 45 asked developing countries or countries with an economy in transition whether they had benefited from cooperation for technical and scientific training in the proper and safe management of biotechnology to the extent that it is required for biosafety. Approximately 44% of the respondents, not including WEOG, reported that capacity-building needs were partially met (Africa 71%, Asia-Pacific 60%, GRULAC 60% and CEE 45%). Another 13% reported that capacity-building needs remained unmet (Africa 24%, Asia-Pacific 20%, GRULAC 40%). Two respondents (4%), one from Africa and one from the CEE region, reported that capacity-building needs were fully met and three Parties (6%), all from the CEE region, reported having no unmet capacity-building needs.

70. Question 46 asked developing countries or countries with an economy in transition whether they had benefited from cooperation for technical and scientific training in the use of risk assessment and risk management for biosafety. Approximately 40% of the respondents, not including WEOG, reported that capacity-building needs in this regard were partially met (Africa 59%, Asia-Pacific 40%, GRULAC 80% and CEE 45%). Another 17% reported that capacity-building needs for risk assessment and management remained unmet (Africa 35%, Asia-Pacific 40%, and CEE 9%). Only two countries (4%), one from Africa and one from the CEE region, reported that capacity-building needs were fully met. Three respondents (6%), one from GRULAC and two from the CEE region also reported that they had no unmet capacity-building needs.

71. Question 47 focused on cooperation for technical and scientific training for enhancement of technological and institutional capacities in biosafety. Approximately 40% of the respondents, not including WEOG, reported that capacity-building needs in this regard were partially met (Africa 47%, Asia-Pacific 40%, GRULAC 80% and CEE 64%) while 17% reported that capacity-building needs for enhancement of technological and institutional capacities remained unmet (Africa 35%, Asia-Pacific 40%, GRULAC 20%). Only two respondents (4%), one from Africa and one from the CEE region, reported that capacity-building needs were fully met. Three respondents (6%), two from Africa and one from the CEE region also reported that they had no unmet capacity-building needs.

72. Question 48 asks countries to provide a description of their experiences and progress in implementing Article 22, including any obstacles or impediments encountered. A number of countries made reference to having benefited from the UNEP-GEF project on developing national biosafety frameworks. Many GRULAC countries also reported their need for more financial support in this area. Two African countries emphasized the need for trained scientists in risk assessment and risk management. Four countries from Asia-Pacific expressed inadequacies in capacity-building, especially with regard to risk assessment and risk management.

N. Article 23 - Public awareness and participation

73. Under Article 23, Parties undertake to promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of LMOs, to consult the public in the decision-making processes and to provide information to the public about access to the Biosafety Clearing-House. Questions 49 to 54 address these obligations.

74. In question 49, approximately 49% of the respondents, reported promoting and facilitating, to a significant extent, public awareness, education and participation concerning the safe transfer, handling and use of LMOs (Article 23.1(a)). The regional breakdown is as follows: Africa 35%, Asia-Pacific 40%, GRULAC 20%, CEE 55% and WEOG 77%. In addition, 47% of the respondents reported having implemented Article 23.1(a) to a limited extent.

75. In question 50, approximately 31% of the respondents reported having cooperated with other States and international bodies to a significant extent while 53% of them reported cooperation to a limited extent. Approximately 16% of the respondents, all from Africa and GRULAC, reported that there had been no such cooperation.

76. In question 51, approximately 50% of the respondents reported endeavouring to ensure, to a significant extent, that public awareness and education encompass access to information on LMOs (Article 23.1(b)). The regional breakdown is as follows: Africa 24%, Asia-Pacific 40%, GRULAC 25%,

CEE 73% and WEOG 77%. In addition, 46% reported having implemented Article 23.1(b) to a limited extent.

77. In question 52, approximately 56% of the respondents reported to have fully consulted, in accordance with their respective laws and regulations, the public in the decision-making process regarding LMOs and having made the results of such decisions available to the public (Article 23.2). Significant variability in the answers is reflected in the regional breakdown: Africa 19%, Asia-Pacific 60%, GRULAC 20%, CEE 73% and WEOG 100%. An additional 28% of the respondents reported having implemented Article 23.2 to a limited extent and eight of them (16%) reported that no consultations with the public took place.

78. In question 53, only 33% of the respondents reported having fully informed the public about the means of public access to the Biosafety Clearing-House. Approximately 61% of respondents reported to having done so to a limited extent. Three respondents (6%), one from Africa and two from the GRULAC region, had not informed the public about the Biosafety Clearing-House.

79. Question 54 asks countries to provide a description of their experiences and progress in implementing Article 23, including any obstacles or impediments encountered. A number of respondents from Africa reported wide-spread public-awareness initiatives including through the Biosafety Clearing-House and the UNEP-GEF project on developing national biosafety frameworks. One African country listed the following impediments: "(1) The country has diverse languages and to fully involve the public, there is need to translate most of the concepts into the various national languages, (2) Limited funding for public awareness, (3) Insufficient human resources." Three Parties from Asia-Pacific reported on their public-awareness initiatives. These were mainly conducted via the Internet as well as through news releases and press conferences. Parties from GRULAC reported different levels of the implementation of Article 23 and they all indicated that much more needs to be done with respect to public participation. One Party from Asia-Pacific reported that "600 university students have been invited to participate in live debate in TV" regarding the safe handling of LMOs. Several respondents from CEE and WEOG reported national websites (sometimes operating in collaboration with the UNEP-GEF projects) as the primary means of implementing public awareness and participation. Reference was also consistently made to being a Party to the Aarhus Convention on Access to Information. 8/ One Party from WEOG reported having convened two "citizens fora" and another reported that "consultation with the public is an integral component both of the process leading to the development of laws and regulatory mechanisms".

O. Article 24 - Non-Parties

80. Article 24 states that the transboundary movements of LMOs between Parties and non-Parties must be consistent with the objective of the Protocol and that Parties shall encourage non-Parties to adhere to the Protocol and to contribute appropriate information to the Biosafety Clearing-House on LMOs. Questions 55 and 56 ask Parties if there have been any Party/non-Party transboundary movements of LMOs and to describe their experiences, including any obstacles or impediments encountered.

81. Transboundary movements of LMOs with non-Parties were reported by 23% of respondents. This was especially the case in Asia-Pacific (50%), GRULAC (50%) and WEOG (42%). A lower percentage of respondents reported such transboundary movements in Africa and the CEE regions - 6% and 9%, respectively.

82. Question 56 asks Parties if there have been transboundary movements of living modified organisms with a non-Party and to provide information on their experiences, including a description of any impediments or difficulties encountered. One African Party reported that "the documents accompanying the import were contradictory" and that "the Exporting party did not feel obliged to contact the national competent authority of the importing country". Another reported that "applications for confined field trial have been received from one non-Party, and it was subjected to the same process

8/ See http://www.unece.org/env/pp/

as would have applied to a Party (risk assessment was required and the application is still under review)". One Party from GRULAC reported problems in the implementation of Article 24, and in particular it highlighted the difficulty of recognizing the presence of LMOs in material traded with non parties. One Party from Asia-Pacific reported an import of genetically modified corn from a non-Party and that "measures have been taken to prevent their distribution". Some Parties from CEE and WEOG reported transboundary movements (import and export) of LMOs for contained use (i.e. for scientific purposes). One WEOG Party reported that LMOs had been imported "to a very large extent from non-Parties of the Protocol" and that, once authorized, no impediments or difficulties were encountered regarding the import of these LMOs.

P. Article 25 - Illegal transboundary movements

83. Questions 57 to 59 address the situation whereby the transboundary movement of an LMO takes place in contravention of national regulations implementing the Protocol.

84. In question 57, adoption of appropriate domestic measures in order to prevent and penalize, as appropriate, transboundary movements of LMOs carried out in contravention of their domestic measures was reported by 75% of respondents. An absence of measures in place was reported by respondents in three groups: Africa 59%, Asia-Pacific 20% and GRULAC 50%.

85. In question 58, illegal transboundary movements of LMOs were reported by 27% of the respondents in accordance with the following regional breakdown: Africa 7%, Asia-Pacific 20%, GRULAC 25%, CEE 36% and WEOG 46%.

86. Question 59 asks Parties to provide further details about any illegal transboundary movements as well as a description of their experiences and progress in implementing Article 25, including any obstacles or impediments encountered. A number of African countries reported that legal measures are going to be put into place on this issue once their national biosafety legal frameworks come into force and are implemented. One respondent from GRULAC reported illegal transboundary movements of LMOs from a non-Party. The primary obstacles reported in those circumstances were: (i) the absence of notifications for potential transboundary movements; (ii) the absence of information on the specific LMO; and (iii) the lack of coordination among national competent authorities. No sanctions were applied against the country responsible for the illegal movement. One respondent from Asia-Pacific reported illegal transboundary movement of Bt10 corn into its jurisdiction and stated that "measures have been taken to prevent their distribution". Many European countries from WEOG and CEE reported that their legislation is harmonized with that of the EU. In this regard, several respondents reported on the illegal transboundary movement of "Glofishes" (Zebra fishes, *Brachydanio rerio*). One respondent from WEOG reported that emergency measures had been taken regarding the unauthorized presence of LL RICE 601 in several rice products on the EU market. Another respondent from WEOG reported on the illegal transboundary movement of genetically modified rice as well as genetically modified papaya. Finally, a Party from WEOG reported that sanctions are in place regarding the "import, keeping, use and release of any LMO which does not have an approval under the EU regulatory regime".

Q. Article 26 - Socio-economic considerations

87. In reaching decisions on imports, the Protocol states that Parties may take into account socio-economic considerations arising from the impact of LMOs on the conservation and sustainable use of biological diversity. Questions 60 to 62 address this issue.

88. In question 60, approximately 45% of the respondents reported having taken decisions on import. Of these, one country, or 2% of the respondents, reported having taken socio-economic considerations into account to a significant extent. Thirty-five percent (or 16% of the respondents) reported having taken them into account to a limited extent and 61% (or 27% of the respondents) reported that no socio-economic considerations were taken into account in their decisions.

89. In question 61, one respondent (2%) reported having cooperated with other Parties, to a significant extent, on research and information exchange on any socio-economic impacts of LMOs. Twenty-four percent of the respondents reported limited cooperation in accordance with the following regional breakdown: Africa 12%, Asia-Pacific 60%, GRULAC 25%, CEE 18% and WEOG 29%. Approximately 75% of the respondents reported that there was no cooperation regarding socio-economic impacts of LMOs.

90. Question 62 asks countries to provide further details about socio-economic considerations as well as a description of their experiences and progress in implementing Article 25, including any obstacles or impediments encountered. One African country reported that socio-economic impact is covered in its draft Biosafety Bill. Another reported that "socio-economic considerations are part and parcel of our risk assessment/review process". One Party from Asia-Pacific reported that it had undertaken research "on the socio-economic impacts by GM-cotton, GM- rice and GM-poplar trees". The same country reported that it "has relatively inadequate research on the socio-economic impacts of LMOs and is facing many obstacles and impediments", especially with regard to inadequate research staff and financial support. Some countries reported that socio-economic considerations are reflected in their national legislation. European countries from WEOG and CEE referred to the EU which, in 2003, issued a non-binding recommendation that "aims at ensuring that no form of agriculture be excluded in the EU and that consumers and producers are given a choice with regard to agricultural produce". However, member States are obliged to develop measures for coexistence of LMO and non-LMO products, based on the guidelines provided by the EU.

R. Article 28 - Financial mechanism and resources

91. Article 28 provides for financial assistance to be provided to developing country Parties and Parties with economies in transition that have limited capacity and need assistance in order to comply with the obligations set out in the Protocol. Questions 63 and 64 ask Parties if they gave or received financial assistance and, in either case, to describe their experiences, including any obstacles or impediments encountered.

92. In question 63, approximately 24% of respondents reported having made financial resources available to other Parties for the purposes of implementation of the Protocol; 45% reported having received financial resources from other Parties or financial institutions and 31% reported no financial resources were provided or received.

93. The regional breakdown of donor countries is as follows: Asia-Pacific 20%, CEE 10%, and WEOG 71%. Recipient countries were regionally distributed as follows: Africa 53%, Asia-Pacific 60%, GRULAC 60% and CEE 80%. Question 64 asks countries to provide further details about the financial mechanism and resources as well as a description of their experiences, including any obstacles or impediments encountered. Many African countries, as well as some from the GRULAC, Asia-Pacific and CEE regions, referred to financial support provided by the UNEP-GEF projects, particularly with respect to developing national biosafety frameworks and national biosafety websites. Many European countries reported having provided financial resources. 9/

9/ These include contributions to: (a) The BI Trust Fund to facilitate participation of developing country Parties and Parties with economies in transition; (b) The OETEG on Art. 18.2(a); (c) The 2nd - 4th OEWG meetings on Liability and Redress; (d) The MOP-2 and MOP-3 meetings; (e) The BH Trust Fund for the organization of the first OEWG meeting on Liability and Redress; (f) The African Union; (g) The General Trust Fund for the Core Programme Budget of the Protocol (BG Trust Fund); (h) The Special Voluntary Trust Fund for Additional Voluntary Contributions in Support of Approved Activities of the Cartagena Protocol on Biosafety (BH Trust Fund); (i) The Special Voluntary Trust Fund for Additional Voluntary Contributions to Facilitate the Participation of Parties in the Cartagena Protocol on Biosafety (BI Trust Fund); (j) The Ad-Hoc Technical Expert Group on Risk Assessment in November 2006; (k) Academically-accredited courses; (l) Various regional Biosafety projects; (m) Various training initiatives; and (n) Various NGOs.

S. Other information

94. One African country reported "the national implementation of the Protocol is likely to be negatively impacted on by the new financing arrangements (resource allocation framework - RAF) by the GEF, since biosafety is not regarded a priority at national level". One Party from Asia-Pacific suggested that information on LMOs that are at the field trial stage should be made available through the Biosafety Clearing-House. Another stated that more regional training is required. Some respondents from CEE set out the competencies and details of their national focal points, competent authorities and ministers. A number of respondents from WEOG described in greater detail their regulatory regimes regarding LMOs.

T. Comments on reporting format

95. No difficulties were reported by respondents from GRULAC or CEE countries regarding the reporting format. African countries reported satisfaction with one exception, as follows: "Many questions are too long (…) Some questions are noncommittal (…) The numbering was not consistent." The same country suggested that issues of liability and redress should be addressed in the reporting format. One Party from Asia-Pacific did not find the reporting format flexible enough to accurately reflect its situation on biosafety issues. One Party from WEOG reported "some minor confusion related to the use of the term BCH since there is a Secretariat BCH and a National BCH." Another stated "some difficulty was encountered in interpreting the appropriate level of detail required for this report."

96. The Compliance Committee has reviewed general issues of compliance on the basis of the current analysis of information communicated through the first national reports. In so doing, it identified some gaps in the existing reporting format and made suggestions to include, in the future reporting format: (i) a question about the possible origin of living modified organisms deemed to be illegal transboundary movements and the nature of the living modified organism, where known; (ii) a requirement for explanations, where available, as to why such movements occurred or were illegal; and (iii) a question in relation to Article 14 on "Bilateral, regional and multilateral agreements and arrangements", seeking specific information on the nature and scope of any such arrangements and agreements. 10/

IV. CONCLUSIONS

97. The following conclusions are made within the inherent limitations of this report as described in paragraphs 5 and 6 above:

(a) Capacity-building (human, financial and institutional), socio-economic considerations and how to increase public participation in biosafety-related issues, remain pressing concerns that Parties to Protocol need to address and implement;

(b) Training initiatives, in particular in the areas of: (i) risk assessment and risk management; and (ii) making available existing national information through the Biosafety Clearing-House, are reported to be still particularly important for the implementation of the Protocol;

(c) Several respondents believe that it is imperative that information made available through the Biosafety Clearing-House be translated into all six United Nations languages. Furthermore, there must be greater facility for countries to register information in the Biosafety Clearing-House in any language;

(d) Several developing country Party respondents are increasingly realizing the need for comprehensive biosafety regulatory regimes, and are taking action in finalizing and in implementing their national biosafety frameworks – most of which have been undertaken through the UNEP-GEF Biosafety Projects. However, there are still serious limitations and gaps in this respect;

(e) Experience in the implementation of the advanced informed Agreement (AIA) procedure is generally low and full application of this procedure has not yet been fully realized;

10/ See paragraphs 19 and 20 the "Report of the Compliance Committee under the Cartagena Protocol on Biosafety", UNEP/CBD/BS/COP-MOP/4/2.

(f) The slow pace of implementation of the requirements relating to Article 18 ("Handling, Transport, Packaging and Identification") continues to be of utmost concern to Parties of import of living modified organisms;

(g) Several respondents reported transboundary movements of LMOs, both legal and illegal, within their jurisdictions and stressed the need for enforcing or strengthening their decision-making processes as well as better adoption and/or application of their risk assessment and risk management procedures;

(h) Taking into account the low level of compliance with this reporting requirement and in considering the recommendation contained in paragraph 6 of decision BS-I/9, Parties may also wish to review the current reporting interval.

V. ELEMENTS OF A DRAFT DECISION

98. The Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to:

(a) Take note of the first national reports submitted by Parties, and of the analysis thereof prepared by the Secretariat;

(b) Welcome the submission of national reports by non-Parties to the Protocol and encourage others to do the same;

(c) Take into account the recommendation of the Compliance Committee 11/ and remind each Party of its obligation to submit national reports in accordance with Article 33 of the Protocol, and that failure to do so constitutes non-compliance;

(d) Urge Parties to respect relevant decisions on reporting including provisions on timeframes for the submission of national reports, and in that regard urge further Parties that have not yet done so to submit, without further delay, to the Executive Secretary, their first regular national report, covering the period between the entry into force of the Protocol for each Party and the reporting date;

(e) Request the Executive Secretary to propose improvements to the reporting format based on experiences gained through the analysis of the first national reports, recommendations of the Compliance Committee and suggestions made by Parties, for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fifth meeting.

11/ Paragraph 1, annex, document UNEP/CBD/BS/COP-MOP/4/2- Report of the Compliance Committee under the Cartagena Protocol on Biosafety submitted to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

Annex

Section A: List of countries having reported by 16 October 2007 12/

Parties:

1. Armenia
2. Austria*
3. Belgium
4. Cambodia
5. Cameroon
6. China
7. Costa Rica
8. Croatia
9. Cuba
10. Czech Republic
11. Democratic Republic of the Congo
12. Dominican Republic
13. Estonia
14. Ethiopia
15. European Union
16. Finland
17. France
18. Germany
19. Ghana
20. Hungary
21. Indonesia*
22. Ireland
23. Italy
24. Japan
25. Kenya
26. Latvia
27. Liberia
28. Lithuania
29. Madagascar
30. Malaysia*
31. Mexico
32. Netherlands
33. New Zealand
34. Norway
35. Peru
36. Poland
37. Portugal
38. Qatar
39. Republic of Moldova
40. Rwanda
41. Senegal
42. Seychelles
43. Slovakia
44. Slovenia
45. Spain
46. Sudan
47. Swaziland
48. Sweden
49. Syrian Arab Republic
50. Togo
51. Uganda
52. United Kingdom of Great Britain and Northern Ireland
53. United Republic of Tanzania

Non-Parties:

54. Côte d'Ivoire
55. Guinea

Section B: List of countries having reported between 16 October 2007 and 8 February 2008

Parties:

56. Barbados
57. Bhutan
58. Bulgaria
59. Colombia
60. Islamic Republic of Iran
61. Mozambique
62. Nigeria
63. Romania
64. Saint Lucia
65. South Africa
66. Thailand
67. Ukraine**
68. Venezuela
69. Viet Nam

Non-Parties:

70. Australia

12/ The deadline of submission of the first national report was 11 September 2007. Only reports submitted by 16 October 2007 in MS Word format were uploaded on the Secretariat's National Report Analyzer and therefore included in the analysis presented in this document. However, this list includes all countries whose reports were received by the Secretariat by the date this document has been finalized. Please note that this table was amended on 26 February 2008, after the document was published online.

* Reports not submitted in MS Word format

** Report submitted in Russian only