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PROTOCOL ON BIOSAFETY

Eighth meeting

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Item 14.1 of the provisional agenda*

ANALYSIS OF INFORMATION CONTAINED IN THE THIRD NATIONAL REPORTS

Note by the Executive Secretary

1. As of 31 August 2016, the Secretariat had received submissions of third national reports from 124 of the 170 Parties to the Cartagena Protocol on Biosafety. This represents 73 per cent of the Parties. The submissions received were regionally distributed as follows:

- Africa: 39 reports (78% of the Parties in the region);
- Asia and the Pacific (AP): 28 reports (60% of the Parties in the region);
- Central and Eastern Europe (CEE): 17 reports (77% of the Parties in the region);
- Latin America and the Caribbean (GRULAC): 22 reports (73% of the Parties in the region);
- Western Europe and Others Group (WEOG): 18 reports (86% of the Parties in the region).

2. Due to the significant differences in the level of implementation among Parties, and in particular the least developed and small island developing States among them, this summary, in addition to providing the breakdown of results at the regional level, also provides, where possible, the aggregated data of the following two groups:

- Least developed countries (LDCs): 30 reports (77% of the Parties in the group)
- Small island developing States (SIDS): 15 reports (47% of the Parties in the group)

3. The first section of the format for the third national report (Questions 1-13) addresses the contact details of the national reporting officer, the organizations and/or stakeholders who were consulted or participated in the preparation of the report, the date of submission and the time period covered by the report. The responses provided in this section of the report are not included in the present document.

* UNEP/CBD/BS/COP-MOP/8/1.

Article 2 – General Provisions (Questions 14-21)

4. In **Question 14**, countries were asked whether they had *introduced the necessary legal, administrative and other measures for the implementation of the Protocol*. Out of the 124 Parties that submitted their reports, 59 Parties (48% of the respondents to this question¹) reported that a *domestic regulatory framework is fully in place* and 48 Parties (39%) reported that it is *partially in place*. On the other hand, 17 Parties reported not yet having a regulatory framework in place. Among these, 3 Parties (2%) stated that *only temporary measures have been introduced*; 13 Parties (10%) stated that *only a draft framework exists* and 1 country (1%) stated that *no measures have yet been taken*. The percentages of respondents from different regional and economic groups that do not yet have a regulatory framework in place (but may have temporary measures in place or a draft framework) are as follows: 21% of respondents from Africa, 14% in Asia and the Pacific, 23% in GRULAC, 20% of LDCs and 40% of SIDS.

5. In **Question 15**, countries who had indicated that a national biosafety framework exists in Question 14 were asked when *it became operational*. 44 Parties (39%) reported that their framework became operational before the Protocol entered into force in 2003, and 68 Parties (61%) reported that their frameworks became operational between 2004 and 2014.

6. In **Question 16**, countries were asked to provide details regarding *which specific instruments are in place for the implementation of their national biosafety framework*. In this regard, 71% of the responses² referred to *biosafety laws, regulations or guidelines*, 27% referred to *other laws, regulations or guidelines that indirectly apply to biosafety* and 2% of the responses indicated that *no instruments are in place*. The breakdown by regional and economic group of the Parties indicating that *no instruments are in place* is as follows: 3% of responses from Africa, 7% of the responses from GRULAC, 4% from LDCs and 13% of the responses from SIDS.

7. In response to **Question 17**, 87 Parties (71%) reported that they have, at least to some extent, *established a mechanism for the budgetary allocations of funds for the operation of its national biosafety framework*. Furthermore, 103 Parties (83%) reported under **Question 18**, that they have *permanent staff to administer functions directly related to the NBF*. Of these, 33% of the respondents reported, under **Question 19**, that they have in place *more than 10 staff members whose functions are directly related to the national biosafety framework*, 18% have *less than 10 staff*, 39% have *less than 5 staff* and 10% have *one staff member*.

8. Under **Question 20**, 73 Parties (59%) reported that they have submitted their *country's biosafety framework / laws / regulations / guidelines to the Biosafety Clearing-House*; 40 Parties (33%) reported that they submitted it *partially* and 10 Parties (8%) reported that they have not submitted it.

9. In **Question 21**, Parties were invited to provide further details on the implementation of Article 2. A number of Parties referenced their national node Biosafety Clearing-Houses (nBCHs) and the BCH Central Portal as the repositories of their biosafety information. Many Parties listed which national agencies are responsible for various biosafety matters. A number of other Parties listed their recently enacted laws and regulations, including national biosafety laws resulting from the development of National Biosafety Frameworks (NBFs) with the support of UNEP-GEF. One Party from CEE acceded to the Customs Union of the Eurasian Economic Community (EurAsEC) which resulted in the adoption of

¹ Hereafter throughout this document, all percentages indicated are in relation to the number of respondents to the question being addressed unless otherwise indicated.

² It is noted that question 16 allows each respondent to provide multiple answers and therefore the results are given as percentages of responses rather than respondents.

Technical Regulations of the Customs Union of the EurAsEC. A Party from Asia and the Pacific reported that it modifies its national biosafety law after meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol in order to ensure it is in compliance with decisions from the meeting of the Parties. A Party from Africa reported that its draft biosafety law was “not successfully enacted”. Another reported that it had amended its biosafety law in 2015 “with full participation of different stakeholders.” Other developing country Parties reported that the enactment of draft biosafety laws is imminent. Some Parties reported that although they had not enacted a national biosafety law, biosafety issues are addressed in sections of other pieces of national legislation. One GRULAC Party reported it has “128 public servants hired, fulltime and part-time, to address biosafety aspects of LMOs”. One WEOG Party reported a blanket moratorium on the commercial use of LMO plants due to the “the unwillingness of the population to buy LMO containing products.” Most EU Parties emphasized that the the EU-Regulations as referenced by the European Commission are directly applicable and that the relevant EU-Directives have been incorporated into national biosafety legislation. One EU WEOG Party reported that its biosafety law includes “penal provisions that serve to enforce the aims and provisions of the Cartagena Protocol.”

Article 5 – Pharmaceuticals (Questions 22-24)

10. In response to **Question 22** on whether countries do *regulate the transboundary movement, handling and use of LMOs which are pharmaceuticals*, 57 Parties (46%) answered *yes*, while 20 Parties (16%) reported that they do so *to some extent*. 47 Parties (38%) reported that they have no regulations in place for LMOs which are pharmaceuticals. The percentages of respondents from the different regions/economic groups that have no such regulations in place are as follows: 31% of respondents from Africa, 57% in Asia and the Pacific, 24% in CEE, 64% in GRULAC, 6% in WEOG, 33% from LDCs and 73% of the respondents from SIDS.

11. Under **Question 23**, 36 Parties (47%) reported that they have *submitted this information to the BCH*; 10 Parties (13%) reported that they submitted it *partially* and 31 Parties (40%) reported that they had not submitted it.

12. In **Question 24** Parties were invited to provide further details on the implementation of Article 5. The laws of two CEE and one African Party distinguish between medical LMO products for human use and medical LMO products for veterinary use (without reporting the details). Parties from Africa, Asia and the Pacific, and GRULAC reported that pharmaceuticals are treated no differently than any other LMO product. Other WEOG Parties also require risk assessments. Some developing Parties reported that they do not have the capacity to conduct risk assessments on LMO pharmaceuticals. Furthermore, some Parties reported that there is no regulatory process for LMO pharmaceuticals at all. For example, one Party from Asia and the Pacific reported that its biosafety law does not in any way apply to pharmaceutical products derived from LMOs for either human or veterinarian use. However, other Parties reported that all pharmaceuticals, non-LMO and LMO, are strictly regulated by the Ministry of Health. One African Party reported “Biosafety Regulations exempts LMOs that are pharmaceutical for human use. These are regulated by other laws”. Another reported regulation under the World Health Organization. A GRULAC Party reported that “these pharmaceuticals are outside the scope of the Cartagena Protocol”. Another reported that its customs officers are insufficiently trained in LMO pharmaceuticals. Most EU Parties referred to the EU report which states: “As regards medicinal products containing or consisting of LMOs, the assessment for a marketing authorisation must include an environmental risk assessment in line with the requirements of Directive 2001/18/EC.”

Article 6 – Transit and Contained use (Questions 25-28)

13. Under **Question 25**, 84 Parties (67%) reported that they *regulate the transit* of LMOs, at least to some extent, and 40 Parties (32%) reported that they do not. The percentages of respondents from the different regions/economic groups that reported no regulations on transit are as follows: 41% of respondents from Africa, 46% in Asia and the Pacific, 12% in CEE, 41% in GRULAC, 47% from LDCs and 54% of the respondents from SIDS.

14. In **Question 26**, 91 Parties (73%), including all responding WEOG Parties, reported that they *regulate the contained use of LMOs* and 33 Parties (27%) reported that they do not. The percentages of respondents from the different regions/economic groups that reported no regulations on contained use are as follows: 33% of respondents from Africa, 32% in Asia and the Pacific, 6% in CEE, 45% in GRULAC, 37% from LDCs and 67% of the respondents from SIDS.

15. Under **Question 27**, 51 Parties (54%) reported that *the information referred to in Questions 25 and 26 had been submitted to the BCH*; 18 Parties (19%) reported that they submitted it *partially* and 25 Parties (27%) reported that they had not submitted it.³

16. In **Question 28** Parties were invited to provide further details on the implementation of Article 6. One African Party reported: “All approvals for research were experiments at laboratory, greenhouse and confined field trials. The major target crops are maize, cassava, sorghum, sweet potato, cotton and Gypsophila cut flower. These products have not been commercialized and do not possess a unique identifier or code for us to register information/decisions directly to the BCH.” One Party from Asia and the Pacific reported that its Biosafety Act prohibits all transit and contained use of LMOs. Another reported that LMOs that have undergone risk assessments and are certified with bar codes are not prohibited from contained use. Another reported that it adopts the International Standards for Phytosanitary Measures to regulate the transit of LMOs. A WEOG Party reported it has issued several hundred approvals, “if not thousands of approvals”, for the import into containment and development in containment of LMOs. An African Party reported that its decisions regarding transit and contained use are not communicated to the BCH. However, most EU Parties referred to the EU report which states, with regard to transit: “According to Article 13 of Regulation (EC) No 1946/2003, the exporter shall ensure notification of the transit of LMOs to Parties that have taken the decision to regulate transit of LMOs through their territory and have informed the BCH of this decision.”

Articles 7 to 10 – Advance Informed Agreement and intentional introduction of LMOs into the environment (Questions 29-46)

17. In **Question 29**, countries were asked if they have *adopted law(s)/regulations/administrative measures for the operation of the Advance Informed Agreement (AIA) procedure of the Protocol OR a domestic regulatory framework consistent with the Protocol regarding the transboundary movement of LMOs for intentional introduction into the environment*. 88 Parties (71%), including all WEOG Parties who responded, answered “yes” and 36 Parties (29%) answered “no”. The percentages of respondents from the different regions/economic groups that reported not having adopted law(s)/regulations/administrative measures on this matter are as follows: 44% of respondents from Africa, 29% in Asia and the Pacific, 18% in CEE, 37% in GRULAC, 40% from LDCs and 67% of the respondents from SIDS.

³ According to the information available in the BCH, as of the date this report was prepared, 51 Parties (30% of the Parties to the Protocol) had submitted to the BCH at least one record under the category *National Laws, Regulations and Guidelines* and marked it as specifically relevant to the subject areas of “*Transit*” or “*Contained use*”.

18. **Question 30** asked countries if they have *established a mechanism for taking decisions regarding first intentional transboundary movements of LMOs for intentional introduction into the environment*. 91 Parties (74%) answered “yes” or “yes, to some extent” to the question, including all responding WEOG Parties. 33 Parties in the other regions reported that they have *not* adopted such a framework: 33% of respondents from Africa, 32% in Asia and the Pacific, 12% in CEE, 41% in GRULAC, 37% from LDCs and 60% of the respondents from SIDS.

19. Out of the 78 Parties which reported that they have established a mechanism for taking decisions in response to Question 30, 83 Parties (93%) indicated that *the mechanism also applies to cases of intentional introduction of LMOs into the environment that were not subject to transboundary movement* in response to **Question 31**. Only 6 Parties (7%) reported that the mechanisms in place do not address LMOs that are *not subject to transboundary movement*.

20. **Question 32** addressed the establishment of *legal requirements for exporters under its jurisdiction to notify in writing the competent national authority of the Party of import prior to the intentional transboundary movement of an LMO that falls within the scope of the AIA procedure*. 81 Parties (65%) reported that, at least to some extent, they have such a mechanism in place, and 43 Parties (35%) reported that they have not established such a mechanism: 44% of respondents from Africa, 36% in Asia and the Pacific, 18% in CEE, 59% in GRULAC, 47% from LDCs and 87% of the respondents from SIDS.

21. In response to **Question 33**, 85 Parties (68%) reported that, at least to some extent, they have *established legal requirements for the accuracy of information contained in the notification* and 39 Parties (31%) reported that they have not done so. The percentages of respondents from the different regions/economic groups that reported having not established such a mechanism are as follows: 41% of respondents from Africa, 29% in Asia and the Pacific, 18% in CEE, 55% in GRULAC, 43% from LDCs and 87% of the respondents from SIDS.

22. In response to **Question 34**, 42 Parties (34%) reported that they have *received an application / notification regarding intentional transboundary movements of LMOs for intentional introduction into the environment*. The percentages of respondents from the different regions/economic groups are as follows: 36% of the respondents from Africa, 25% in Asia and the Pacific, 18% in CEE, 41% in GRULAC, 50% in WEOG, 27% from LDCs and 0% of the respondents from SIDS.

23. Countries were asked in **Question 35** whether they have *ever taken a decision on an application/notification regarding intentional transboundary movements of LMOs for intentional introduction into the environment*. 34 Parties (27%) indicated that they have taken such a decision and 90 Parties (73%) reported that they have not done so. The percentages of responding Parties from the different regions/economic groups which reported having taken such a decision are as follows: 21% of the respondents from Africa, 18% in Asia and the Pacific, 12% in CEE, 45% in GRULAC, 50% in WEOG, 17% from LDCs and 7% of the respondents from SIDS.

24. Out of the 30 Parties which reported having taken a decision:

(a) 10 Parties (30% of the respondents to this question) reported that, to date, they have approved *more than 10 LMOs for import for intentional introduction into the environment (Question 36)*. 6 Parties (18%) have approved *less than 10 LMOs*. 12 Parties (36%) have approved *less than 5 LMOs*. 5 Parties (15%) had approved none. The percentages of respondents from the different regions/economic groups which reported that they have not approved any LMOs for import are as follows: 25% of respondents from Africa, 11% in GRULAC, 22% in WEOG, 40% from LDCs and 100% of the respondents from SIDS.

(b) Under **Question 37**, and of the 30 respondents who answered Yes to Question 35, 7 Parties (21%) reported that they have, to date, approved *more than 10 LMOs, not imported, for intentional introduction into the environment*. 2 Parties (6%) have approved *less than 10 LMOs*. 6 Parties (18%) have approved *less than 5 LMOs*. 19 Parties (56%) have approved none. The percentages of respondents from the different regions/economic groups who reported that they have not imported any LMOs for intentional introduction into the environment are as follows: 100% of the respondents from Africa, 40% in Asia and the Pacific, 100% in CEE, 70% in GRULAC, 100% of the respondents from LDCs and SIDS.

25. In response to **Question 38**, 7 Parties (6%) reported that during the current reporting period they have received *more than 10 applications/notifications regarding intentional transboundary movements of LMOs for intentional introduction into the environment*; 4 Parties (3%) received *less than 10 applications*; 23 Parties (19%) received *less than 5 applications* and 86 Parties (72%) reported that they received none.

26. In response to **Question 39**, 6 Parties (5%) reported that during current reporting period, they have taken *more than 10 decisions regarding intentional transboundary movements of LMOs for intentional introduction into the environment*; 4 Parties (3%) have taken *less than 10 decisions*; 13 Parties (10%) have taken *less than 5 decisions* and 101 Parties (81%) have taken none.

27. In their responses to **Question 40**, 20 Parties (91%) reported that they have *received a notification from the Party(ies) of export or from the exporter(s) prior to the transboundary movement*; 2 Parties (9%) reported that they have received notification only in some cases and no Party reported that they have not received a notification.

28. Out of the 22 Parties which reported that they received a notification, either always or in only some cases, prior to the transboundary movement:

- 21 Parties (91%) reported, *under Question 41*, that the notifications always contained *complete information (at a minimum the information specified in Annex I of the Cartagena Protocol on Biosafety)* while 2 Parties (9%) reported that the notifications contained *complete information in some cases only*.
- 17 Parties (77% of the respondents to **Question 42**) reported that they *acknowledged receipt of the notifications to the notifier from ninety days of receipt*. Two Parties (9%) reported that they acknowledged receipt of the notifications within ninety days of receipt *in some cases only*.

29. In their responses to **Question 43**, 11 Parties (50%) stated that they have *always informed the notifier(s) and the BCH of their decision(s)*; 4 Parties (18%) have done so *in some cases only*, 4 Parties (18%) have done so *in some cases but only to the notifier*; 2 Parties (9%) has done so *in some cases, only the BCH*; and 1 Party (5%) reported that they have informed neither the notifier(s) nor the BCH of their decisions.⁴

30. In **Question 44**, countries were asked to indicate the *percentage of their decisions* according to different categories. The percentages indicated by the 18 Parties which answered this question are as follows:

⁴ According to the information available in the BCH as of the date this report was prepared, 23 Parties (14% of the Parties to the Protocol) had submitted information on their decisions related to LMOs for intentional introduction into the environment (<http://bch.cbd.int/database/results/?searchid=520606>).

(a) *Approval of the import of LMO(s) without conditions:* 2 Parties indicated 50% or fewer of their decisions fall into this category; and one Party indicated that all of its decisions fall into this category;

(b) *Approval of the import of LMO(s) with conditions:* 7 Parties indicated that 50% or more of their decisions fall into this category; and 10 Parties indicated that all of their decisions fall into this category;

(c) *Prohibition of the import/use of LMOs:* 5 Parties indicated that less than 50% of their decisions fall into this category;

(d) *Request for additional information:* one Party indicated that no decisions fall into this category; 2 Parties indicated that less than 50% of their decisions fall into this category; and 4 Parties indicated that 50% or more of their decisions fall into this category;

(e) *Extension of the period for the communication of the decision:* one Party indicated that 50% or more of its decisions fall into this category.

31. In **Question 45**, countries were asked to indicate, *in cases where their country approved an import with conditions or prohibited an import, if they provided reasons on which its decisions were based to the notifier and the BCH*. 12 Parties (55%) reported that they have *always provided the reasons to the notifier and the BCH*; 1 Party (5%) reported that they have provided reasons *in some cases only*, 5 Parties (23%) reported that they have provided reasons *in some cases only to the notifier*; 1 Party (5%) reported that they have provided reasons *in some cases only to the BCH*; 3 Parties (14%) reported that they have not provided reasons.

32. **Question 46** invites further details on the implementation of Articles 7-10, including measures in case of lack of scientific certainty on potential adverse effects of LMOs for intentional introduction to the environment. Four African Parties and two GRULAC Parties reported that, in the absence of specific legislation, they strictly adhere to the advanced informed agreement procedure as set out in the Protocol. One Asia-Pacific Party reported it “is ongoing for checking suspected [illegal LMO] farms”. After risk assessments had been carried out, one Asia-Pacific Party reported that “three LMOs were approved (two soybeans, one maize)” and reported to the BCH. A WEOG Party distinguished between “full releases” (i.e. without controls) and “conditional releases” (i.e. with controls) and stated “imposing controls is one method of managing scientific uncertainty.” Another reported that the Protocol’s advance informed procedure is imbedded in its national biosafety legislation. One African Party, one Asia-Pacific Party, and one GRULAC Party reported a blanket ban on intentional introduction to the environment. An Asia-Pacific Party reported it has “has approved 7 varieties of LMOs (not imported) for the intentional introduction to the environment, including ripen-delay transgenic tomato, colour-altered transgenic petunia, anti-virus transgenic sweet pepper, anti-virus transgenic tomato, anti-insect transgenic cotton, anti-virus papaya, and anti-insect transgenic *Populus nigra*. Safety certificates have been issued to anti-insect GM rice and phytase transgenic maize. In addition, 30 plants such as GM rice, cotton, maize, cole, potato, soybeans, wheat and trees have been allowed for the intermediate testing, environmental release or experimental production.” Most EU Parties referred to the EU report which states that the EU applies its domestic legislative framework instead of the Protocol’s advanced informed agreement procedure. However, this framework is compatible with the provisions of the Protocol and adopted decisions must be based on prior risk assessments for LMOs to be marketed in the EU.

Article 11 – Procedure for living modified organisms intended for direct use as food or feed, or for processing (LMOs-FFP)(Questions 47-58)

33. In their responses to **Question 47**, 82 Parties (66%) stated that they have *adopted specific law(s) or regulation(s) for decision-making regarding domestic use, including placing on the market, of*

LMOs-FFP. The percentages of respondents from the different regions/economic groups which reported having adopted specific law(s) or regulation(s) on this subject are as follows: 49% of the respondents from Africa, 71% in Asia and the Pacific, 94% in CEE, 41% in GRULAC, 100% in WEOG, 40% from LDCs and 13% of the respondents from SIDS.

34. With reference to the *legal requirements for the accuracy of information to be provided by the applicant (Question 48)*, 88 Parties (71%) reported that, at least to some extent, they have established such legal requirements: 59% of the respondents from Africa, 75% in Asia and the Pacific, 100% in CEE, 41% in GRULAC, 100% in WEOG, LDCs 57% and SIDS 20%.

35. Similarly, and with reference to *a mechanism to ensure that decisions regarding LMOs-FFP that may be subject to transboundary movement will be communicated to the Parties through the BCH (Question 49)*, 80 Parties (65%) reported that they have established the mechanism: 59% of the respondents from Africa, 46% in Asia and the Pacific, CEE 82%, GRULAC 55%, WEOG 100%, LDCs 53% and SIDS 33%.

36. In their responses to **Question 50**, 84 Parties (68%) reported that they have *established a mechanism for taking decisions on the import of LMOs-FFP*: 59% of the respondents from Africa, 71% in Asia and the Pacific, CEE 94%, GRULAC 36%, WEOG 94%, LDCs 57% and SIDS 20%.

37. In their responses to **Question 51**, 55 Parties (44%) reported that they have indicated *needs for financial and technical assistance and capacity-building in respect of LMOs-FFP*: 54% of the respondents from Africa, 68% in Asia and the Pacific, CEE 29%, GRULAC 41%, WEOG 6%, LDCs 57% and SIDS 40%.

38. In their responses to **Question 52**, 47 Parties (38%) reported that they have *taken a decision on LMOs-FFP (either on import or domestic use)*: 26% of the respondents from Africa, 39% in Asia and the Pacific, CEE 35%, GRULAC 41%, WEOG 61%, LDCs 20% and SIDS 7%.

39. Out of those 47 Parties that reported that they have *taken a decision on LMOs-FFP*:

- In responding to **Question 53**, 24 Parties (52%) reported that they have *approved to date more than 10 LMOs-FFP*; 2 Parties (4%) *less than 10*; 14 Parties (30%) *less than 5*; and 6 Parties (13%) *none*.
- In responding to **Question 54**, 22 Parties (47%) reported that, *in the current reporting period*, they have *taken more than 10 decisions regarding the import of LMOs-FFP*; 3 Parties (6%) *less than 10*; 10 Parties (21%) *less than 5*; and 12 Parties (26%) *none*.
- In responding to **Question 55**, 21 Parties (45%) reported that, *in the current reporting period*, they have *taken more than 10 decisions regarding domestic use, including placing on the market, of LMOs-FFP*; 4 Parties (9%) *less than 10*; 6 Parties (13%) *less than 5*; and 16 Parties (34%) *none*.

40. Out of those 37 Parties that reported that, *in the current reporting period*, they have *taken at least one decision regarding either the import or the domestic use, including placing on the market, of LMOs-FFP*:

- In responding to **Question 56**, 21 Parties (57%) reported that they have informed the Parties through the BCH of their decision(s) regarding import, of LMOs-FFP; 3 Parties

(8%) reported having done so in some cases only; and 13 Parties (35%) reported that they have not informed the Parties through the BCH.⁵

- In responding to **Question 57**, 11 Parties (30%) reported that they have informed the Parties through the BCH of its decision(s) regarding domestic use, including placing on the market, of LMOs-FFP within 15 days; 11 Parties (30%) have reported having done it, but with delays (i.e. longer than 15 days); 1 Party (3%) in some cases only; and 14 Parties (38%) reported that they have not done so.⁶

41. **Question 58** invited further details on the implementation of Article 11, including measures in case of lack of scientific certainty on potential adverse effects of LMOs-FFP. A CEE Party reported allowing the import of Soybean (MON-Ø4Ø32-6) to be used as feed. Another reported “three decisions taken by the National Biosafety Commission and the National Competent Authority that permitting the import of GM soybean intended to be used as feed for poultry farming: MON 40-3-2 (MON-Ø4Ø32-6), MON 89788 (MON-89788-1) and MON 87701 (MON-877Ø1-2).” Another reported having insufficiently trained customs officers. A Party from Asia and the Pacific reported “soybean have been imported into the country for use as food and feed but not gone through a proper risk assessment.” Another reported it has approved the import of 29 agricultural LMOs used for processing, including herbicide tolerant soybeans (A 2704-12), anti-insect and herbicide tolerant corn (MON88017), anti-insect maize (MON89034), anti-insect and herbicide tolerant corn (GHB119), quality-improved soybeans (305423), drought tolerant corn (MON87460), herbicide resistant corn (GHB614), anti-insect corn (15985), roundup rape(GT73), roundup beet (H7-1), anti-insect and herbicide tolerant corn (59122), herbicide tolerant GM corn (1445) and anti-insect GM corn (MON810). Another approved the following maize events: GA21, Bt11, NK603, MON89034, MIR162, T25, MON87427, MON87460, MON88017, MON810 and the following soybean events: MON89788, 40-3-2, MON87705, MON87701, MON87708, A5547-127, A2704-12, MON87769. Another reported it has approved 14 LMOs-FFP. Another reported that food which is comprised of less than 0.5% LMOs is exempted from its regulations. A GRULAC country approved the import of two varieties of maize for feed and two domestic varieties for food. Another reported 48 authorizations after due review of required risk assessments. An African Party reported that “food / feed consignment involving grain that has not been deregulated... shall comply with the prior informed consent principle and be milled prior to distribution to the beneficiaries.” A WEOG Party reported that its legislative framework addressing LMOs-FFP is no different than it is for other LMOs. Most EU Parties referred to the EU report which states: “The EU has developed a comprehensive legal framework on LMOs, which also addresses the import of LMOs intended for direct use for food or feed, or for processing. The EU has declared with reference to Article 14.4 of the Cartagena Protocol that it relies on its existing legislative framework for intentional movements of LMOs within the EU and for imports of LMOs into the EU. With regard to the decisions taken for placing on the market of LMOs-FFP, it has to be noted that those decisions are taken for the whole European territory and not by the MS individually.”

Article 12 – Review of decision (Questions 59-66)

42. In their responses to **Question 59**, 74 Parties (59%) reported that they have, at least to some extent, *established a mechanism for the review and change of a decision regarding an intentional*

⁵ Although 24 Parties reported that they had, at least in some cases, informed Parties through the BCH of their decision(s) *on the import* of LMOs for direct use as food or feed, or for processing, in reality, as of the date this report was prepared, only 18 Parties (13% of the Parties to the Protocol) had in fact submitted such information to the BCH.

⁶ According to the information available in the BCH, as of the date this report was prepared, 17 Parties (10% of the Parties to the Protocol) had submitted to the BCH information regarding their decisions *on domestic use, including its placing on the market*, of an LMO for direct use as food or feed, or for processing.

transboundary movement of LMOs: 59% of the respondents from Africa, 54% in Asia and the Pacific, CEE 65%, GRULAC 32%, WEOG 100%, LDCs 50% and SIDS 13%.

43. In their responses to **Question 60**, 12 Parties (10%) reported that they have *received a request for a review of a decision*: 10% of the respondents from Africa, 11% in Asia and the Pacific, CEE 0%, GRULAC 9%, WEOG 17%, 0% of the respondents from LDCs and SIDS.

44. Similarly, in **Question 61**, 6 Parties (5%) reported that they have *reviewed and changed a decision regarding an intentional transboundary movement of LMOs* and 3 Parties (2% of the respondents to this question) reported that have *reviewed a decision*.⁷

45. Out of the Parties that reported having *received a request for a review of a decision*:

- In responding to **Question 62**, 3 Parties (2%) reported having *reviewed and/or changed more than 5 decisions regarding an intentional transboundary movement of an LMO*; 3 Parties (2%) *less than 5*; and 118 Parties (95%) *none*.
- In responding to **Question 63**, 2 Parties (33%) reported that they have *always informed the notifier and the BCH of the review and/or changes in the decision*; 1 Party (17%) reported that they have *informed in some cases only*; 3 Parties (50%) reported that they have *informed in some cases only the notifier*; and no Parties (0%) reported *in some cases only the BCH*.
- In responding to **Question 64**, 2 Parties (33%) reported that they have *always informed the notifier and the BCH of the review and changes in the decision from thirty days*; 2 Parties (33%) responded *yes, to some extent*; and 2 Parties (33%) reported not having done so.
- In responding to **Question 65**, 2 Parties (33%) reported that they have *always provided reasons to the notifier and the BCH for the review and/or changes in the decision*; 1 Party (17%) reported having done it *in some cases only*; and 3 Parties (50%) *in some cases and only the notifier*.

46. **Question 66** invited further details on the implementation of Article 12. An African Party reported that “with respect to the GM cotton trials, a total of two reviews of request for reconsideration of the [AIA] decisions taken have been made and changed,” one for confined field trials and another for open field trials. Another reported that “decisions which may be subject to review are: decisions relating to the introduction, contained use, field experiment, transgenic seeds extension, marketing of transgenic products.” Some developing Party countries reported that, due to a lack of qualified experts and appropriate facilities, no reviews of decisions were made. Some Parties, from across all regions, reported one or more of the following: (a) approvals are automatically subject to review after a certain specified period of time in order to decide if they should be renewed; (b) approvals may be reviewed if new scientific information reveals potential risks; and (c) notifiers may appeal decisions within certain time frames. Most EU Parties referred to the EU report which states: “See Article 20 of Directive 2001/18 and Articles 21 and 22 of Regulation 1829/2003.” One EU Party banned the cultivation of MON810 based on the application of the precautionary principle. One EU WEOG Party decided to suspend an existing EU-authorisation for the intentional introduction of a LMO into the environment for cultivation at the national level.

⁷ According to the information available in the BCH, as of the date this report was prepared 3 Parties had submitted to the BCH information regarding the *review and change of a decision on intentional transboundary movement of LMOs*.

Article 13 – Simplified procedure (Questions 67-71)

47. In their responses to **Question 67**, 29 Parties (23%) reported that they have, at least to some extent, *established a system for the application of the simplified procedure regarding an intentional transboundary movement of LMOs*: 23% of the respondents from Africa, 18% in Asia and the Pacific, CEE 24%, GRULAC 27%, WEOG 28%, LDCs 23% and SIDS 20%.

48. In their responses to **Question 68**, 10 Parties (8%) reported that they have *applied the simplified procedure*: 5% of the respondents from Africa, 11% in Asia and the Pacific, 12% in CEE, 0% in GRULAC, and 17% in WEOG, 0% of the respondents from LDCs and SIDS%.

49. Out of the 10 Parties that reported that they have *applied the simplified procedure*:

- In responding to **Question 69**, 5 Parties (50%) reported that it has *always informed the Parties through the BCH of the cases where the simplified procedure was applied*; 1 Party (10%) reported it had done it *in some cases only*; and 4 Parties (40%) reported that they have not done so.⁸
- In responding to **Question 70**, 4 Parties (3%) reported, *in the current reporting period*, that they have *applied the simplified procedure to more than 5 LMOs*; 3 Parties (2%) *to less than 5*; and 117 Parties (94%) *to none*.

50. **Question 71** invited further details on the implementation of Article 13. A CEE Party reported one soybean event MON 40-3-2 (MON-Ø4Ø32-6) was taken in accordance with the simplified procedure. Another reported that decisions for three soybean lines - MON 40-3-2 (MON-Ø4Ø32-6), MON 89788 (MON-89788-1) and MON 87701 (MON-877Ø1-2) were taken in accordance with the simplified procedure. An African Party reported “if the competent authority considers that there are no significant risks to human and animal health, biodiversity or the environment, it can implement a simplified procedure defined by regulations.” Another reported: “A mechanism exists for applying the simplified procedure and in most cases it is applied in cases of food crisis.” Two others reported that, under its national biosafety legislation, in no cases may a simplified procedure be used. Most Parties, from all regions, reported that the simplified procedure was not used during the reporting period. For example, most EU Parties referred to the EU report which states: “The EU has not made use of the simplified procedure for imports of LMOs as specified in Article 13.”

Article 14 – Bilateral, regional and multilateral agreements and arrangements (Questions 72-76)

51. In their responses to **Question 72**, 29 Parties (23%) reported that they have *entered into bilateral, regional or multilateral agreements or arrangements*: 36% of the respondents from Africa, 11% in Asia and the Pacific, CEE 35%, GRULAC 5%, WEOG 28%, LDCs 37% and SIDS 7%.

52. Of the 29 Parties that responded, 2 Parties (7%), responding to **Question 73**, reported that they have established *5 or more LMO-related collaborative bilateral/multilateral arrangements with other Parties/non-Parties*; 2 Parties (7%) have established *3 or more* such arrangements; 23 Parties (79%) have established *one or more* such arrangements; and 2 Parties (7%) have not established any LMO-related collaborative bilateral/multilateral arrangements.

⁸ Although five Parties reported that it has always informed the Parties through the BCH of the cases where the simplified procedure was applied, and one Party reported it had done it in some cases only, in reality, as of the date this report was prepared, only three Parties had in fact submitted such information to the BCH.

53. Of the 29 Parties that responded, 11 Parties (38%), responding to **Question 74**, reported that they have *always informed the Parties through the BCH of the agreements or arrangements*; 1 Party (3%) *in some cases only*; and 17 Parties (59%) reported that they have never done so.⁹

54. **Question 75** asked, if the answer is Yes to *Question 72* (i.e. ‘*Has your country entered into any bilateral, regional or multilateral agreements or arrangements?*’), please provide a brief description of the scope and objective of the agreements or arrangements entered into. A CEE Party reported that it has entered into a treaty establishing a single customs territory (the Eurasian Economic Community, EurAsEC) that adopted technical regulations in LMO circulation, in particular on the labelling of LMOs. A GRULAC Party reported being a part of the Central American Initiative on Biotechnology and Biosafety (ICABB) which strives to ensure the safe use of LMO products and harmonize legal frameworks. An Asia-Pacific Party is part of the Association of Southeast Asian Nations (ASEAN) and has adopted guidelines on food testing and risk assessment. Two African countries reported being in bilateral agreements with South Africa in relation to food aid potentially containing LMOs. A European non-EU Party reported being a part of the Agreement on the European Economic Area (EEA) and therefore “takes part in the approval procedure for LMOs in the EC on the same basis as the EU Member States, with the exception of voting procedures.”

55. **Question 76** invited further details on the implementation of Article 14. With the exception of Africa, most Parties reported that they have not entered into any such agreements. For example, most EU Parties referred to the EU report which states: “The EU has not entered into any bilateral, regional or multilateral agreements or arrangements as per Article 14(1). The EU has determined as per Article 14(4) and 9 (2) (c) that it relies on its existing legislative framework for intentional movements of LMOs within the European Union and for imports of LMOs into the European Union. This decision has been communicated to other Parties through the Biosafety Clearing-House.” Also, a GRULAC Party cited “lack of political will” as the reason for not having entered into any agreements. Regarding African Parties, five reported being part of the West African Economic and Monetary Union (also known by its French acronym, UEMOA), three reported being part of the Common Market for Eastern and Southern Africa (COMESA), three reported being part of the Economic Community of West African States (ECOWAS), and one reported being part of the East African Community (EAC), all organizations that address biosafety issues.

Articles 15 and 16 – Risk Assessment and Risk Management (Questions 77-97)

56. In their responses to **Question 77**, 101 Parties (82%) reported that they have, at least to some extent, *established a national framework for conducting risk assessments prior to taking decisions regarding LMOs*. The percentages of respondents from the different regions/economic groups are as follows: 72% of respondents from Africa, 82%, from Asia and the Pacific, 100% from CEE, 68% from GRULAC, 100% from WEOG, 77% from LDCs and 40% of the respondents from SIDS.

57. In **Question 78**, out of those 101 Parties which reported that they have established such a mechanism, 80 Parties (80%) reported that *this mechanism includes procedures for identifying experts to conduct the risk assessments*: 89% of the respondents from Africa, 74% from the Asia and the Pacific, CEE 71%, GRULAC 60%, WEOG 100%, LDCs 86% and SIDS 83%.

58. **Question 79** asked how many people in the country *had been trained in risk assessment, monitoring, management and control of LMOs in*:

⁹ According to the information available in the BCH, as of the date this report was prepared, 12 Parties (7% of the Parties to the Protocol) had submitted to the BCH at least one record under the category *Bilateral, Regional or Multilateral Agreement or Arrangement*.

(a) *Risk assessment*: 20 Parties (16%) reported having *100 or more* people trained; 16 Parties (13%) reported having *50 or more* people trained; 37 Parties (30%) reported having *10 or more* people trained; 35 Parties (28%) reported having *one or more* people trained; and 16 Parties (13%) reported having *none* trained;

(b) *Management/control*: 20 Parties (16%) reported having *100 or more* people trained; 12 Parties (10%) reported having *50 or more* people trained; 32 Parties (26%) reported having *10 or more* people trained; 38 Parties (31%) reported having *one or more* people trained; and 22 Parties (18%) reported having *none* trained;

(c) *Monitoring*: 16 Parties (13%) reported having *100 or more* people trained; 12 Parties (10%) reported having *50 or more* people trained; 29 Parties (23%) reported having *10 or more* people trained; 35 Parties (28%) reported having *one or more* people trained; and 32 Parties (26%) reported having *none* trained.

59. In responding to **Question 80**, 82 Parties (66%) reported *using training material and/or technical guidance for training in risk assessment and risk management of LMOs*: 51% of the respondents from Africa, 71% in Asia and the Pacific, CEE 65%, GRULAC 59%, WEOG 100%, LDCs 50% and SIDS 40%.

60. In responding to **Question 81**, 48 Parties (39%) reported that they are *using the “Manual on Risk Assessment of LMOs” (developed by CBD Secretariat) for training in risk assessment*: 38% of the respondents from Africa, 57% in Asia and the Pacific, CEE 53%, GRULAC 18%, WEOG 22%, LDCs 47% and SIDS 13%.

61. In **Question 82**, 44 Parties (35%) reported that they are *using the “Guidance on Risk Assessment of LMOs” (developed by the Online Forum and the AHTEG on Risk Assessment and Risk Management for training in risk assessment*: 33% of the respondents from Africa, 43% in Asia and the Pacific, CEE 53%, GRULAC 23%, WEOG 28%, LDCs 43% and SIDS 7%.

62. In responding to **Question 83**, 56 Parties (55%) reported that *the currently available training materials or technical guidance on risk assessment and/or risk management of LMOs is sufficient*: 45% of the respondents from Africa, 59% in Asia and the Pacific, CEE 71%, GRULAC 19%, WEOG 88%, LDCs 32% and SIDS 30%.

63. **Question 84** asked whether the country had the *capacity to detect, identify, assess and/or monitor living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health*:

(a) *Detect*: 92 Parties (74%) reported that their country had this capacity. The percentages of respondents from the different regions/economic groups are as follows: 62% of the respondents from Africa, 71% in Asia and the Pacific, 88% in CEE, 68% in GRULAC, 100% in WEOG, 53% from LDCs and 27% of the respondents from SIDS;

(b) *Identify*: 80 Parties (65%) reported that their country had this capacity. The percentages of respondents from the different regions/economic groups are as follows: 54% of the respondents from Africa, 61% in Asia and the Pacific, 88% in CEE, 41% in GRULAC, 100% in WEOG, 47% from LDCs and 20% of the respondents from SIDS;

(c) *Assess*: 76 Parties (61%) reported that their country had this capacity. The percentages of respondents from the different regions/economic groups are as follows: 49% of the respondents from

Africa, 50% in Asia and the Pacific, 88% in CEE, 45% in GRULAC, 100% in WEOG, 40% from LDCs and 7% of the respondents from SIDS;

(d) *Monitor*: 71 Parties (57%) reported that their country had this capacity. The percentages of respondents from the different regions/economic groups are as follows: 46% of the respondents in Africa, 43% in Asia and the Pacific, 88% in CEE, 36% in GRULAC, 100% in WEOG, 43% from LDCs and 0% of the respondents from SIDS.

64. **Question 85** asked whether the country *adopted or used any guidance documents for the purpose of conducting risk assessment or risk management, or for evaluating risk assessment reports submitted by notifiers*:

(a) *Risk assessment*: 76 Parties (61%) reported that they had *adopted or used guidance documents for the purpose of risk assessment*. The percentages of respondents from the different regions/economic groups are as follows: 41% of the respondents in Africa, 68% in Asia and the Pacific, 82% in CEE, 45% in GRULAC, 94% in WEOG, 40% from LDCs and 13% of the respondents from SIDS;

(b) *Risk management*: 71 Parties (57%) reported that they had *adopted or used guidance documents for the purpose of risk management*. The percentages of respondents from the different regions/economic groups are as follows: 38% of the respondents in Africa, 57% in Asia and the Pacific, 76% in CEE, 54% in GRULAC, 94% in WEOG, 37% from LDCs and 13% of the respondents from SIDS.

65. In responding to **Question 86**, 26 Parties (21%) reported that their country is *using the "Guidance on Risk Assessment of LMOs" (developed by the Online Forum and the AHTEG on Risk Assessment and Risk Management) for conducting risk assessment or risk management, or for evaluating risk assessment reports submitted by notifiers*. The percentages of respondents from the different regions/economic groups are as follows: 13% of the respondents in Africa, 36% in Asia and the Pacific, 35% in CEE, 14% in GRULAC, 11% in WEOG, 17% from LDCs and 7% of the respondents from SIDS.

66. In **Question 87**, 55 Parties (44%) reported that their country has *adopted common approaches to risk assessment with other countries*. The percentages of respondents from the different regions/economic groups are as follows: 38% of the respondents from Africa, 32% in Asia and the Pacific, 65% in CEE, 14% in GRULAC, 94% in WEOG, 37% from LDCs and 7% of the respondents from SIDS.

67. With reference to international cooperation, in **Question 88**, 44 Parties (35%) reported that they have *cooperated with other Parties with a view to identifying LMOs or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity*: 26% of the respondents from Africa, 29% in Asia and the Pacific, 47% in CEE, 14% in GRULAC, 83% in WEOG, 27% from LDCs and 7% of the respondents from SIDS.

68. 62 Parties (50%) reported that their country had *conducted a risk assessment of an LMO including any type of risk assessment of LMOs, e.g. for contained use, field trials, commercial purposes, direct use as food, feed, or for processing (Question 89)*. The percentages of respondents from the different regions/economic groups who reported to have conducted such a risk assessment are as follows: 31% of the respondents in Africa, 43% in Asia and the Pacific, 53% in CEE, 55% in GRULAC, 94% in WEOG, 20% from LDCs and 13% of the respondents from SIDS.

69. Of the 62 Parties who answered Yes to *Question 89*, the scope of the risk assessments were reported as follows (**Question 90**): 32 Parties (13%) reported that the risk assessment was in relation to *LMOs for processing*; 35 Parties (15%) reported that the risk assessment was in relation to *LMOs for direct use as feed*; 39 Parties (16%) reported that the risk assessment was in relation to *LMOs for direct use as food*; 45 Parties (19%) reported that the risk assessment was in relation to *LMOs for contained use*; 54 Parties (23%) reported that the risk assessment was in relation to *field trials*; and 35 Parties (15%) reported that the risk assessment was in relation to *commercial production*.

70. In **Question 91**, 21 Parties (34%) reported that they have *always submitted summary reports of the risk assessments to the BCH*; 21 Parties (34%) *in some cases only*; and 20 Parties (32%) reported that they have never done so.¹⁰

71. In responding to **Question 92**, 52 Parties (84%) reported that they have *conducted risk assessments for all decision(s) taken on LMOs for intentional introduction into the environment or on domestic use of LMOs-FFP*; 5 Parties (8%) *in some cases only*; and 5 Parties (8%) reported having never done so.

72. **Question 93** asked if the country had taken decisions regarding LMOs, *how many risk assessments have been conducted during the reporting period*; 30 Parties (48%) reported *more than 10 risk assessments*; 9 Parties (15%) reported *less than 10*; 17 Parties (27%) *less than five*; and 6 Parties (10%) reported *none*.

73. In responding to **Question 94**, 74 Parties (60%) reported that, at least to some extent, they have *taken measures to ensure that any LMO, whether imported or locally developed, undergoes an appropriate period of observation that is commensurate with its life-cycle or generation time before it is put to its intended use*: 51% of the respondents from Africa, 46% in Asia and the Pacific, 71% in CEE, 50% in GRULAC, 100% in WEOG, 43% from LDCs and 13% of the respondents from SIDS.

74. In responding to **Question 95**, 58 Parties (48%) reported that they have *established a mechanism for monitoring potential effects of LMOs that are released into the environment*; 18 Parties (15%) answered *to some extent*; and 45 Parties (37%) reported that they have not done so. The percentages of respondents from the different regions/economic groups which have not established such a mechanism are as follows: 36% of the respondents from Africa, 48% in Asia and the Pacific, 25% in CEE, 64% in GRULAC, 0% in WEOG, 47% from LDCs and 80% of the respondents from SIDS.

75. In responding to **Question 96**, 89 Parties (72%) reported that their country *has the infrastructure (e.g. laboratory facilities) for monitoring or managing LMOs*. The percentages of respondents from the different regions/economic groups are as follows: 72% of respondents in Africa, 61% in Asia and the Pacific, 88% in CEE, 50% in GRULAC, 100% in WEOG, 63% from LDCs and 20% of the respondents from SIDS.

76. **Question 97** invited further details on the implementation of Articles 15 and 16. Many Parties emphasized that in accordance with the Protocol, risk assessments are undertaken on a case-by-case basis in line with international best practices (Bt cotton being the most commonly approved). Eight African Parties, four Parties from Asia and the Pacific, two EEC Parties, and one Party from GRULAC reported a strong need for capacity-building to equip laboratories and train experts in risk assessment. On the other hand, a number of EU Parties, as well as four African Parties, two Asia and the Pacific Parties, and two GRULAC Parties reported that they have laboratory facilities capable of undertaking risk assessments

¹⁰ According to the information available in the BCH as of the date this report was prepared, 41 Parties (24% of the Parties to the Protocol) had submitted at least one summary of a risk assessment to the BCH.

and regularly hold training workshops on risk assessment. Two Parties from Asia and the Pacific and another from WEOG, both of which authorize numerous LMOs, reported that rigorous risk assessments are undertaken on all LMOs for import or for research and development within their countries. An African Party reported that it adopted the COMESA Regional Policy on Biotechnology and Biosafety and “pledged to undertake harmonised approaches to risk assessment regarding LMOs.” Another reported that it is working with other parts of the COMESA through its biotechnology and biosafety policy to take action on risk management. Another reported it “has developed a manual for risk assessment and risk management as well as undertaken two introductory risk assessment and risk management training workshop for biosafety regulators.” One Party from Asia and the Pacific reported the use of the Codex Alimentarius (FAO) and Organisation for Economic Co-operation and Development (OECD) risk assessment guidance. Three GRULAC Parties, two Asia and Pacific Parties, and one African Party reported using the guidance and training materials provided by the Secretariat on risk assessment. Most EU Parties referred to the EU report which states: “The EU domestic legal framework on LMOs is based on a prior risk assessment before authorization can be given. The EU has put in place a comprehensive system of risk assessment and risk management dealing with releases into the environment or placing on the market of LMOs, whether imported into or developed within the EU. The notification provided by the company intending to market a LMO must include a full risk assessment of the risks to human and animal health and to the environment, which is assessed by the European Food Safety Authority (EFSA), with an active involvement of Member States, notably as regards the authorisation of LMOs for cultivation, where they carry out the initial risk assessment. The aim of the environmental risk assessment is, on a case by case basis, to identify and evaluate potential adverse effects of the LMO, both direct and indirect, immediate or delayed, on human health and the environment.” Some of these EU Parties referred to the European Authority’s Guidelines Food Safety Authority (EFSA) as a source of guidelines on the risk assessment of LMOs.

Article 17 – Unintentional transboundary movements and emergency measures (Questions 98-105)

77. In their responses to **Question 98**, 53 Parties (43%) reported having *established and maintained appropriate measures to prevent unintentional transboundary movements of LMOs*. 29 Parties (23%) *to some extent*; and 42 Parties (34%) reported that they have not done so. The percentages of the latter response from the different regions/economic groups are as follows: 46% of the respondents from Africa, 39% in Asia and the Pacific, 0% in CEE, 59% in GRULAC, 0% in WEOG, 47% from LDCs and 73% of the respondents from SIDS.

78. In responding to **Question 99**, 80 Parties (65%) reported that they have, at least to some extent, *established a mechanism for addressing emergency measures in case of unintentional transboundary movements of LMOs that are likely to have significant adverse effect on biological diversity*: 62% of the respondents from Africa, 54% in Asia and the Pacific, 100% in CEE, 27% in GRULAC, 100% in WEOG, 50% from LDCs and 27% of the respondents from SIDS.

79. In responding to **Question 100**, 62 Parties (50%) reported that they have *the capacity to take appropriate measures in the event that an LMO is unintentionally released*: 31% of the respondents from Africa, 43% in Asia and the Pacific, 82% in CEE, 27% in GRULAC, 100% in WEOG, 23% from LDCs and 13% of the respondents from SIDS.

80. In the current reporting period, in responding to **Question 101**, 2 Parties (2%) reported that they have *received, more than 10 times, information concerning occurrences that led, or may have led, to unintentional transboundary movement(s) of one or more LMOs to or from territories under their jurisdiction*; 3 Parties (2%) *less than 5 times*; and 119 Parties (96%) reported that they have never received such information.

81. Only 4-5 Parties responded to **Questions 102-104**: 1 Party (20%) reported in responding to **Question 102** that they have *notified, for every occurrence, affected or potentially affected States, the BCH and, where appropriate, relevant international organizations, of the above release.*¹¹ One Party (20%) reported that they have notified *for some occurrences*. Three more Parties (60%) reported that they have not done so. In responding to **Question 103**, 3 respondents (75%) reported that they have notified the *affected or potentially affected State*, but not the BCH. One respondent (25%) reported that they have notified *relevant international organizations*. In responding to **Question 104**, one Party (20%) reported that it has, *in some cases, consulted the affected or potentially affected States to enable them to determine appropriate responses and initiate necessary action, including emergency measures*; one Party (20%) reported that it has *always consulted*; and the remaining 3 respondents (60%) (2 Parties from Africa, 1 from WEOG) reported that *consultation was never made*.

82. **Question 105** invited further details on the implementation of Article 17. A number of Parties from all regions reported that their Competent National Authorities are responsible for emergency measures. Others reported that this issue is addressed under umbrella national disaster prevention regulations. An African Party reported “there is no capacity in the country to control intentional or unintentional transboundary movements and emergency measures.” Another has a National Committee on prevention and disaster management. Another reported “A Postshipment Testing and LMO Surveillance department regularly checks imported consignments, stock in warehouses and seeds in seed houses for the presence of LMOs which may have been unintentionally or illegally acquired.” Three others report “porous” borders with insufficiently trained customs officers as well as other infrastructural and financial constraints which hamper, for example, quarantine measures. A Party from Asia and the Pacific reported that it has “no mechanisms and no local capacity” to support Article 17. A GRULAC party reported that “more training is required to set specific procedures for customs control.” A CEE Party reported “a botanical impurification (small amount) of GM soybean (MON)” in limited samples of corn. Most EU Parties referred to the EU report which states: “Article 14 of Regulation 1946/2003 provides for measures to prevent unintentional transboundary movement of LMOs and appropriate responses, including emergency measures.” One EU WEOG Party has a “Crisis cell” in its Federal public Service Health for unintentional transboundary movements of LMOs likely to have significant adverse effects on biological biodiversity, including human health. Another has “judicial police powers” responsible for emergency measures.

Article 18 – Handling, transport, packaging and identification (Questions 106-122)

83. In responding to **Question 106**, 64 Parties (52%) reported that they have *taken measures to require that LMOs that are subject to transboundary movement are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards*; 29 Parties (23%) having taken such measures *to some extent*; and 31 Parties (25%) reported not having taken such measures. The percentages of respondents from the different regions/economic groups which reported not having taken such measures are as follows: 36% of the respondents from Africa, 29% in Asia and the Pacific, 0% in CEE, 41% in GRULAC, 0% in WEOG, 37% from LDCs and 73% of the respondents from SIDS.

84. In responding to **Question 107**, 56 Parties (45%) reported that they have *taken measures to require that documentation accompanying LMOs-FFP clearly identifies that, in cases where the identity of the LMOs is not known through means such as identity preservation systems, they may contain living modified organisms and are not intended for intentional introduction into the environment, as well as a*

¹¹ Although one Party reported that it had *notified the BCH of every occurrence* that led, or may have led, to unintentional transboundary movement(s) of one or more LMOs to or from territories under their jurisdiction, no such information has been registered in the BCH.

contact point for further information; 23 Parties (19%) to some extent; and 45 Parties (36%) reported not having done it. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 44% of the respondents from Africa, 39% in Asia and the Pacific, 12% in CEE, 64% in GRULAC, 6% in WEOG, 37% from LDCs and 87% of the respondents from SIDS.

85. In responding to **Question 108**, 57 Parties (46%) reported that they have *taken measures to require that documentation accompanying LMOs-FFP clearly identifies that, in cases where the identity of the LMOs is known through means such as identity preservation systems, they contain living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for further information; 26 Parties (21% of the respondents to this question) to some extent; and 41 Parties (33%) reported not having done it. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 38% of the respondents from Africa, 32% in Asia and the Pacific, 6% in CEE, 73% in GRULAC, 0% in WEOG, 37% from LDCs and 87% of the respondents from SIDS.*

86. Of the Parties who answered *Yes* or *Yes, to some extent* to **Question(s) 107 and/or 108**, 56 Parties (66%) reported that their country requires *existing types of documentation for the identification of LMOs-FFP* under *Question 109*; 8 Parties (9%) reported that their country requires *a stand-alone document*; 21 Parties (25%) reported that their country requires *an existing or a stand-alone document*.

87. In responding to **Question 110**, 66 Parties (53%) reported that they have *taken measures to require that documentation accompanying LMOs that are destined for contained use clearly identifies them as living modified organisms 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 LMO are consigned; 24 Parties (19%) to some extent; and 34 Parties (27%) reported not having done it. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 36% of the respondents from Africa, 32% in Asia and the Pacific, 0% in CEE, 50% in GRULAC, 0% in WEOG, 37% from LDCs and 87% of the respondents from SIDS.*

88. Of the 78 Parties who responded *Yes* or *Yes, to some extent* to *Question 110*, 57 Parties (65%) reported that their country requires *existing types of documentation for the identification of LMOs that are destined for contained* under **Question 111**. Nine Parties (10%) reported that their country requires *a stand-alone document*; and 22 Parties (25%) reported that their country requires *existing or a stand-alone document*.

89. In responding to **Question 112**, 63 Parties (51%) reported that they have *taken measures to require that documentation accompanying LMOs that are intended for intentional introduction into the environment of the Party of import, clearly identifies them as living modified organisms; 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 this Protocol applicable to the exporter; 26 Parties (21%) reported having taken such measures to some extent; and 35 Parties (28%) reported not having done it. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 38% of the respondents from Africa, 29% in Asia and the Pacific, 6% in CEE, 45% in GRULAC, 6% in WEOG, 40% from LDCs and 80% of the respondents from SIDS.*

90. **Question 113** asked countries *what type of documentation is required for the identification of LMOs that are intended for intentional introduction into the environment*. Of the 89 Parties who responded *Yes* or *Yes, to some extent* to *Question 112*, 58 Parties (66%) reported that their country

requires *existing types of documentation*. 13 Parties (15%) reported that their country requires a *stand-alone document*; and 17 Parties (19%) reported that their country requires an *existing or a stand-alone document*.

91. **Question 114** asked whether countries *have available any guidance for the purpose of ensuring the safe handling, transport, and packaging of living modified organisms*. 77 Parties (62%) reported that they had such guidance available. The percentages of respondents from the different regions/economic groups are as follows: 67% of the respondents from Africa, 57% in Asia and the Pacific, 65% in CEE, 36% in GRULAC, 89% in WEOG, 63% from LDCs and 27% of the respondents from SIDS.

92. In responding to **Question 115**, 50 Parties (41%) reported that they have *the capacity to enforce the requirements of identification and documentation of LMOs*; 44 Parties (36%) *to some extent*; and 29 Parties (24%) reported not having this capacity. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 32% of the respondents from Africa, 32% in Asia and the Pacific, 6% in CEE, 32% in GRULAC, 0% in WEOG, 41% from LDCs and 60% of the respondents from SIDS.

93. In responding to **Question 116**, 7 Parties (6%) reported that *100 or more* customs officers in their country *have received training in the identification of LMOs*; 12 Parties (10%) reported *50 or more*; 22 Parties (18%) reported *10 or more*; 28 Parties (23%) reported *one or more*; and 55 Parties (44%) reported *none* had received such training.

94. In responding to **Question 117**, 51 Parties (41%) reported that they have *established procedures for the sampling and detection of LMOs*; 34 Parties (27%) *to some extent*; and 39 Parties (31%) reported not having done so. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 54% of the respondents from Africa, 29% in Asia and the Pacific, 6% in CEE, 41% in GRULAC, 0% in WEOG, 53% from LDCs and 73% of the respondents from SIDS.

95. **Question 118** asked countries *how many laboratory personnel had received training in detection of LMOs*. 7 Parties (6%) reported that they had *100 or more* trained personnel; 7 Parties (6%) reported *50 or more*; 42 Parties (34%) reported *10 or more*; 51 Parties (41%) reported *one or more*; and 17 Parties (14%) reported *none*.

96. **Question 119** asked countries whether they had *reliable access to laboratory facilities for the detection of LMOs*. A total of 92 Parties (74%) reported that they had such access. The percentages of respondents from the different regions/economic groups are as follows: 67% of the respondents in Africa, 71% in Asia and the Pacific, 88% in CEE, 59 % in GRULAC, 100% in WEOG, 53% from LDCs and 40% of the respondents from SIDS.

97. **Question 120** asked countries *how many laboratories are certified for LMO detection*. 1 Party (1%) reported *50 or more*; 7 Parties (6%) reported *10 or more*; 8 Parties (6%) reported *5 or more*; 56 Parties (45%) reported *one or more*; and 52 Parties (42%) reported *none*.

98. **Question 121** asked countries *how many of the certified laboratories in Question 120 are currently operating in the detection of LMOs*. One Party (1%) reported *50 or more*; 6 Parties (8%) reported *10 or more*; 8 Parties (11%) reported *5 or more*; 56 Parties (78%) reported *one or more*; and 1 Party (1%) reported *none*.

99. **Question 122** invited further details on the implementation of Article 18. Most Parties reported on detection rather than handling, transport, and packaging which are, for most Parties, primarily being handled by Competent National Authorities. A number of developing country Parties reported being at

various stages of developing detection laboratories and training personnel. For example, a GRULAC Party reported it is establishing a “Center for Excellence” lab for the detection of LMOs. A CEE Party reported it has 18 certified laboratories involved in LMO detection but that more training of laboratory personnel and customs officers is required. Another reported that guidance was “prepared with technical support from the World Health Organization Regional Office for Europe. Each year the training and skills development on food safety are provided for the personnel under the NATO’s HASP Introduction project.” An Asia-Pacific Party reported it has “42 institutions undertaking agricultural product quality supervision and testing have been accredited to detect GM composition and test the environmental and food safety.” Another reported it has 44 laboratories capable of LMO screening analysis and 20 laboratories capable of LMO identification and quantification analysis. Another reported it has three agencies with laboratory facilities for the detection of LMOs. Another reported that it “has a LMO detection laboratory at the National Food Testing Laboratory but it is not yet certified” and that currently there are two officials who have been trained in the field. Another reported undertaking exhaustive LMO detection studies on corn at the American University. An African Party reported it had developed a manual for its laboratory to detect genetically modified crops. A WEOG Party reported that plant material, such as seeds and leaves, are tested overseas at MPI-accredited facilities located in different countries. Most EU Parties referred to the EU report which states (before setting out the specificities): “The EU set up a comprehensive legal framework which addresses the topic of handling, transport, packaging and identification of living modified organisms” One EU Party referred to being a part of the European Network of GMO Laboratories (ENGL), the main missions of which are “the development, harmonisation and standardisation of sampling, detection, identification and quantification methods for GMOs or GMO-derived products from a wide variety of matrices, covering seeds, cereals, foodstuffs, animal feed and environmental samples.”

Article 19 – Competent National Authorities and National Focal Points (Questions 123-125)

100. Out of the 74 Parties which reported that they have *designated more than one competent national authority*, 64 Parties (86%) reported, under **Question 123**, that they have *established a mechanism for the coordination of their actions prior to taking decisions regarding LMOs*. The percentages of respondents from the different regions/economic groups are as follows: 72% of the respondents from Africa, 81% in Asia and the Pacific, 92% in CEE, 93% in GRULAC, 100% in WEOG, 80% from LDCs and 71% of the respondents from SIDS.

101. In responding to **Question 124**, 52 Parties (42%) reported that they have *established adequate institutional capacity to enable the competent national authority(ies) to perform the administrative functions required by the Cartagena Protocol on Biosafety*; 54 Parties (44%) reported having established adequate institutional capacity *to some extent*; and 18 Parties (15%) reported not having done so. The percentages of respondents from the different regions/economic groups among the 18 Parties are as follows: 18% of the respondents from Africa, 29% in Asia and the Pacific, 0% in CEE, 14% in GRULAC, 0% in WEOG, 27% from LDCs and 40% of the respondents from SIDS.

102. Question 125 invited further details on the implementation of Article 19. Some Parties reported that the same entity performs the functions of the Competent National Authority and National Focal Point. Others reported that although only one BCH-NFP and one CPB-NFP is permissible, multiple agencies assist with the work of the focal points. A GRULAC Party reported that it “has designated a National Focal Point for Biosafety, however, because of lack of resources, the Focal Point could not perform the administrative tasks.” Similarly, an African Party reported “national authorities have been designated but they are limited in terms of adequate institutional capacity to enable normal operation.” However, an Asia-Pacific Party reported that a decree has established a “National Council for Biosafety of 18 members from various concerned institutions headed by the National Competent Authority to manage the LMOs and biosafety matters at the national level.” The EU reported that it has “has

designated its own competent authority and focal point, while EU Member States have also designated their own national focal points and competent authorities. There is close collaboration and information sharing between EU and national administrations.”

Article 20 – Information Sharing and the Biosafety Clearing-House (BCH) (Questions 126a-135)

103. **Question 126** focuses on the specific categories of information (a-q) for which Parties must provide information to the BCH, according to the *Modalities of operation of the BCH* (decision BS-I/3, annex):

(a) *Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20, para. 3 (a))* are reported to be available and in the BCH by 73 Parties (59%); not available by 12 Parties (10%); and available, but not or only partially available¹² in the BCH, by 38 Parties (31%). The breakdown of the latter is as follows: 42% of the respondents from Africa, 43% in Asia and the Pacific, 24% in CEE, 23% in GRULAC, 6% in WEOG, 41% from LDCs and 40% of the respondents from SIDS;

(b) *National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11, para. 5)* are reported to be available and in the BCH by 62 Parties (50%); not available by 22 Parties (18%); and available, but not or only partially available in the BCH, by 40 Parties (32%).¹³ The breakdown of the latter is as follows: 41% of the respondents from Africa, 32% in Asia and the Pacific, 35% in CEE, 36% in GRULAC, 6% in WEOG, 37% from LDCs and 47% of the respondents from SIDS;

(c) *Bilateral, multilateral and regional agreements and arrangements (Articles 14, para. 2 and 20, para. 3 (b))* are reported to be available and in the BCH by 14 Parties (11%); not available by 89 Parties (72%); and available, but not or only partially available in the BCH, by 20 Parties (16%)¹⁴. The breakdown of the latter is as follows: 34% of the respondents from Africa, 21% in Asia and the Pacific, 6% in CEE, 0% in GRULAC, 0% in WEOG, 41% from LDCs and 7% of the respondents from SIDS;

(d) *Contact details for competent national authorities (Article 19, paras. 2 and 3), national focal points (Article 19, paras. 1 and 3), and emergency contacts (Article 17, para. 3 (e))* are reported to be available and in the BCH by 102 Parties (83%); not available by 2 Parties (2%); and available, but not or only partially available in the BCH, by 19 Parties (16%). The breakdown of the latter is as follows: 16% of the respondents from Africa, 25% in Asia and the Pacific, 12% in CEE, 18% in GRULAC, 0% in WEOG, 10% from LDCs and 20% of the respondents from SIDS;

(e) *Reports submitted by the Parties on the operation of the Protocol (Article 20, para. 3 (e))* are reported to be available and in the BCH by 93 Parties (76%); not available by 18 Parties (15%); and available, but not or only partially available in the BCH, by 12 Parties (10%).¹⁵ The breakdown of the

¹² In the analyses of the responses to questions 126 a-q, information that is “available, but not or only partially available in the BCH”, represents those respondents who selected *Information available but only partially available in the BCH* or *Information available but not in the BCH* in their responses to the questions.

¹³ According to the information available in the BCH, as of the date this report was prepared, 47 Parties (28% of the Parties to the Protocol) had submitted to the BCH at least one record under the category *National Laws, Regulations and Guidelines* and marked it as specifically relevant to the subject area *LMOs for direct use as food, feed or for processing*.

¹⁴ See note 13 under the section on Article 14.

¹⁵ According to the information available in the BCH as of the date this report was prepared, 55 Parties (45% of the 121 Parties as of 11 September 2005) had submitted the Interim National Report on the Implementation of the Cartagena Protocol on Biosafety; 91 Parties (65% of the 141 Parties as of 11 September 2007) had submitted the First Regular National Report; and 153

latter is as follows: 18% of the respondents from Africa, 7% in Asia and the Pacific, 0% in CEE, 14% in GRULAC, 0% in WEOG, 24% from LDCs and 27% of the respondents from SIDS;

(f) *Decisions by a Party on regulating the transit of specific living modified organisms (LMOs) (Article 6, para. 1)* are reported to be available and in the BCH by 22 Parties (18%);¹⁶ not available by 87 Parties (71%); and available, but not or only partially available in the BCH, by 14 Parties (12%). The breakdown of the latter is as follows: 11% of the respondents from Africa, 11% in Asia and the Pacific, 6% in CEE, 23% in GRULAC, 6% in WEOG, 10% from LDCs and 0% of the respondents from SIDS;

(g) Information on *Occurrences of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17, para. 1)* is reported to be available and in the BCH by 3 Parties (2%); not available by 116 Parties (94%); and available, but not or only partially available in the BCH, by 4 Parties (3%).¹⁷ The breakdown of the latter is as follows: 8% of the respondents from Africa, 4% in Asia and the Pacific, 0% in CEE, 0% in GRULAC, 0% in WEOG, 10% from LDCs and 7% of the respondents from SIDS;

(h) Information on *Illegal transboundary movements of LMOs (Article 25, paragraph 3)* are reported to be available and in the BCH by 4 Parties (3%); not available by 111 Parties (90%); and available, but not or only partially available in the BCH, by 9 parties (7%).¹⁸ The breakdown of the latter is as follows: 5% of the respondents from Africa, 7% in Asia and the Pacific, 6% in CEE, 5% in GRULAC, 17% in WEOG, 7% from LDCs and 13% of the respondents from SIDS;

(i) *Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Articles 10, paras. 3 and 20, para. 3(d))* are reported to be available and in the BCH by 35 Parties (28%); not available by 60 Parties (48%); and available, but not or only partially available in the BCH, by 29 Parties (23%).¹⁹ The breakdown of the latter is as follows: 28% of the respondents from Africa, 29% in Asia and the Pacific, 6% in CEE, 23% in GRULAC, 22% in WEOG, 20% from LDCs and 20% of the respondents from SIDS;

(j) *Information on the application of domestic regulations to specific imports of LMOs (Article 14, para. 4)* are reported to be available and in the BCH by 29 Parties (23%); not available by 76 Parties (61%); and available, but not or only partially available in the BCH, by 19 Parties (15%).²⁰ The breakdown of the latter is as follows: 23% of the respondents from Africa, 14% in Asia and the Pacific, 18% in CEE, 14% in GRULAC, 0% in WEOG, 27% from LDCs and 7% of the respondents from SIDS;

(k) *Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11, para. 1)* are reported to be available and in the BCH by 35 Parties (28%); not available by 76 Parties (61%); and

Parties (95% of the 161 Parties as of 11 September 2011) had submitted the Second Regular National Report (<http://bch.cbd.int/database/reports/>).

¹⁶ See note 3 under the section on Article 6.

¹⁷ See note 11 under the section on Article 17.

¹⁸ According to the information available in the BCH, as of the date this report was prepared, 7 Parties (4% of the Parties to the Protocol) had submitted to the BCH a *Notification about illegal transboundary movements of LMOs*.

¹⁹ See note 4 under the section on Articles 7-10.

²⁰ According to the information available in the BCH, as of the date this report was prepared, 7 Parties (4% of the Parties to the Protocol) had submitted to the BCH at least one *Notification that domestic regulations shall apply with respect to specific imports of LMOs*.

available, but not or only partially available in the BCH, by 13 Parties (11%).²¹ The breakdown of the latter is as follows: 5% of the respondents from Africa, 18% in Asia and the Pacific, 24% in CEE, 5% in GRULAC, 6% in WEOG, 3% from LDCs and 13% of the respondents from SIDS;

(l) *Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11, para. 4) or in accordance with annex III (Article 11, para. 6) (requirement of Article 20, para. 3(d))* are reported to be available and in the BCH by 34 Parties (28%); not available by 73 Parties (59%); and available, but not or only partially available in the BCH, by 16 Parties (13%).²² The breakdown of the latter is as follows: 15% of the respondents from Africa, 14% in Asia and the Pacific, 18% in CEE, 14% in GRULAC, 0% in WEOG, 10% from LDCs and 7% of the respondents from SIDS;

(m) *Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11, para. 6)* are reported to be available and in the BCH by 30 Parties (24%); not available by 80 Parties (65%); and available, but not or only partially available in the BCH, by 13 Parties (10%).²³ The breakdown of the latter is as follows: 13% of the respondents in Africa, 7% in Asia and the Pacific, 18% in CEE, 14% in GRULAC, 0% in WEOG, 13% from LDCs and 13% of the respondents from SIDS;

(n) *Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12, para. 1)* are reported to be available and in the BCH by 7 Parties (6%); not available by 110 Parties (89%); and available, but not or only partially available in the BCH, by 6 Parties (5%).²⁴ The breakdown of the latter is as follows: 8% of the respondents from Africa, 0% in Asia and the Pacific, 12% in CEE, 5% in GRULAC, 0% in WEOG, 7% from LDCs and 0% of the respondents from SIDS;

(o) *Information on LMOs granted exemption status by each Party (Article 13, para. 1)* are reported to be available and in the BCH by 6 Parties (5%); not available by 114 Parties (91%); and available, but not or only partially available in the BCH, by 3 Parties (93%).²⁵ The breakdown of the latter is as follows: 5% of the respondents from Africa, 0% in Asia and the Pacific, 6% in CEE, 0% in GRULAC, 0% in WEOG, 0% of the respondents from LDCs and SIDS;

(p) *Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13, para. 1)* are reported to be available and in the BCH by 5 Parties (4%); not available by 116 Parties (94%); and available, but not or only partially available in the BCH, by 2 Parties (2%).²⁶ The breakdown of the latter is as follows: 3% of the respondents from Africa, 0% in Asia and the Pacific, 6% in CEE, 0% in GRULAC, 0% in WEOG, 0% of the respondents from LDCs and SIDS;

(q) *Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20, para. 3 (c))* are reported to be available and in the BCH by 32 Parties (26%);²⁷ not available by 69 Parties (56%); and available, but not or only partially available in the BCH, by 23 Parties (18%). The breakdown of the

²¹ See note 5 under the section on Article 11.

²² See note 5 under the section on Article 11.

²³ See note 6 under the section on Article 11.

²⁴ See note 7 under the section on Article 12.

²⁵ See note 8 under the section on Article 13.

²⁶ See note 8 under the section on Article 13.

²⁷ See note 10 under the section on Articles 15 & 16.

latter is as follows: 26% of the respondents from Africa, 14% in Asia and the Pacific, 12% in CEE, 18% in GRULAC, 17% in WEOG, 13% from LDCs and 0% of the respondents from SIDS.

104. In responding to **Question 127**, 76 Parties (61%) reported that they have, at least to some extent, *established a mechanism for strengthening the capacity of the BCH National Focal Point to perform its administrative functions*: 67% of the respondents from Africa, 61% in Asia and the Pacific, 59% in CEE, 50% in GRULAC, 67% in WEOG, 67% from LDCs and 53% of the respondents from SIDS.

105. In responding to **Question 128**, 106 Parties (85%) reported that they have, at least to some extent, *established a mechanism for the coordination among the BCH National Focal Point, the Cartagena Protocol focal point, and the competent national authority(ies) for making information available to the BCH*: 77% of the respondents from Africa, 89% in Asia and the Pacific, 88% in CEE, 91% in GRULAC, 89% in WEOG, 80% from LDCs and 80% of the respondents from SIDS.

106. In responding to **Question 129**, 33 Parties (30%) reported that they use *the information available in the BCH in their decision making processes on LMOs*; 48 Parties (44%) reported doing so *in some cases*; and 28 Parties (26%) reported that they do not use it. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 33% of the respondents from Africa, 20% in Asia and the Pacific, 18% in CEE, 25% in GRULAC, 28% in WEOG, 32% from LDCs and 60% of the respondents from SIDS.

107. In their responses to **Question 130**, 22 Parties (18%) reported having *experienced difficulties accessing or using the BCH*: 28% of the respondents from Africa, 14% in Asia and the Pacific, 0% in CEE, 27% in GRULAC, 6% in WEOG, 23% from LDCs and 27% of the respondents from SIDS.

108. In their responses to **Question 131**, 69 Parties (56%) reported that *the information submitted to the BCH is complete and up-to date*: 37% of the respondents from Africa, 61% in Asia and the Pacific, 65% in CEE, 55% in GRULAC, 83% in WEOG, 43% from LDCs and 40% of the respondents from SIDS.

109. **Question 132** invited respondents to indicate *the number of regional, national and international events organized in relation to biosafety (e.g. seminars, workshops, press conferences, educational events, etc.) in the last 2 years*. 10 Parties (8%) organized *25 or more* events; 28 Parties (23%) organized *10 or more*; 34 Parties (27%) organized *5 or more*; 40 Parties (32%) organized *one or more*; and 12 Parties (10%) organized *none*.

110. **Question 133** asked countries to *indicate the number of biosafety related publications that have been made available in their country in the last year*. Two Parties (2%) indicated *100 or more* publications; 2 Parties (2%) indicated *50 or more*; 28 Parties (23%) indicated *10 or more*; 60 Parties (48%) indicated *one or more*; and 32 Parties (26%) indicated *none*.

111. **Question 134** asked Parties who responded that publications had been made available in their country in the last year (*Question 133*), to *indicate which modalities were preferred*. 49 Parties (53%) indicated *national websites* as the preferred modality; 28 Parties (30%) indicated *national libraries*; and 15 Parties (16%) indicated the *BCH Central Portal*.

112. **Question 135** invited further details on the implementation of Article 20. Some developing country Parties reported not having sufficient capacity to make available required information through the BCH. Three developing country Parties expressly stated their desire to participate in the UNEP-GEF BCH-III Project. Other Parties, from all regions, listed their biosafety activities without indicating if they have been shared through the BCH. A GRULAC Party reported that it is working on making some recent

decisions (with accompanying risk assessments) available through the BCH. An Asia-Pacific Party reported that its attempt to create a national BCH failed and, as a result, it submits its information directly through the Central Portal of the BCH. However, six others, as well as an African Party, reported that their national BHCs are fully operational and interoperable with the Central Portal. The EU reported that it appointed the Joint Research Centre (JRC) of the European Commission as the European Community BCH Focal Point in January 2004. Many EU Parties reported that their relevant BCH information is made available through the EU country profile page (at <http://bch.cbd.int/about/countryprofile.shtml?country=eur>). One EU Party reported that its “risk assessment summaries of the contained use were not published in the BCH.” Another WEOG EU Party reported that the submission of information to the BCH is an ongoing process that requires considerable time and there are sometimes difficulties allocating sufficient resources.

Article 21 – Confidential information (Questions 136-138)

113. In responding to **Question 136**, 91 Parties (73%) reported that they have, at least to some extent, *established procedures to protect confidential information received under the Protocol*: 64% of the respondents from Africa, 79% in Asia and the Pacific, 88% in CEE, 55% in GRULAC, 94% in WEOG, 67% from LDCs and 40% of the respondents from SIDS.

114. In their responses to **Question 137**, 71 Parties (57%) reported that they *always allow the notifier to identify information that is to be treated as confidential*: 21 Parties (17%) stated that they do so *in some cases only*; and 32 Parties (26%) reported not allowing it. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 33% of the respondents from Africa, 29% in Asia and the Pacific, 12% in CEE, 36% in GRULAC, 6% in WEOG, 40% from LDCs and 60% of the respondents from small island developing States.

115. **Question 138** invited further details on the implementation of Article 21. An Asia-Pacific Party reported its legislation requires “that personnel of the bodies reviewing and approving risk assessments and experts involved in the reviews shall protect the technological and commercial secrets of the applicant.” Similarly, another reported that there is an “exemption from disclosure of information including commercial confidence, trade secrets or intellectual property... unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.” However, another reports that no such information can be classified as confidential in this context. Another reported that confidentiality will be waived if disclosure is necessary for concerned stakeholders to conduct a risk assessment. An African Party reported that all information becomes public upon approval. Most EU Parties referred to the EU report which states: “The EU applies its domestic legislative framework instead of the Protocol's advance informed agreement procedure. This framework is compatible with the provisions of the Protocol. It contains confidentiality provisions that apply equally to domestic and foreign producers of GMOs.” In particular, under EU regulations, and the regulations of a number of other Parties, the following cannot be considered confidential: the general description of the LMO, the name and address of the authorisation holders, the risk assessment information, and any methods and plans for emergency responses.

Article 22 – Capacity-building (Questions 139-157)

116. In responding to **Question 139**, 40 Parties (32%) reported that their country has *predictable and reliable funding for building capacity for the effective implementation of the Protocol*. 84 Parties (68%) reported that they did not have predictable and reliable funding. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 82% of the respondents from Africa, 54% in Asia and the Pacific, 47% in CEE, 86% in GRULAC, 56% in WEOG, 87% from LDCs and 80% from SIDS.

117. In their responses to **Question 140**, 86 Parties (69%) reported that they have, at least to some extent, *received external support or benefited from collaborative activities with other Parties in the development and/or strengthening of human resources and institutional capacities in biosafety*. The percentages of respondents from the different regions/economic groups, in this regard are as follows: 82% of the respondents from Africa, 71% in Asia and the Pacific, CEE 59%, GRULAC 95%, WEOG 17%, LDCs 80% and SIDS 80%.

118. In **Question 141**, the above 86 Parties which reported having received external support or benefited from collaborative activities with other Parties, were asked to indicate how the support has been made available. 36% of the responses²⁸ refer to *bilateral channels*; 24% to *regional channels*; and 40% to *multilateral channels*.

119. In response to **Question 142**, 41 Parties (33%) reported that they have, at least to some extent, *provided support to other Parties in the development and/or strengthening of human resources and institutional capacities in biosafety*. This includes: 26% of the respondents from Africa, 39% in Asia and the Pacific, 18% in CEE, 36% in GRULAC, 50% in WEOG, 17% from LDCs and 13% from SIDS.

120. In **Question 143**, the above 41 Parties which reported having provided support to other Parties, were asked to indicate how the support has been made available.²⁹ 37% of the responses refer to support through *bilateral channels*; 32% to *regional channels*; and 32% to *multilateral channels*.

121. In response to **Question 144**, 86 Parties (69%) reported that they have *initiated a process to access GEF funds for building capacity in biosafety*: 87% of the respondents from Africa, 79% in Asia and the Pacific, 65% in CEE, 82% in GRULAC, 6% in WEOG, 90% from LDCs and 87% from SIDS.

122. In **Question 145**, the above 86 Parties which reported having initiated a process to access GEF funds were asked to characterize the *ease of the process*. No respondent characterized the process as *very easy*; 10 Parties (12%) characterized it as *easy*, 46 Parties (53%) as *average*; 21 Parties (24%) as *difficult* and 9 Parties (10%) as *very difficult*. The percentages of respondents from the different regions/economic groups that characterized the process as *difficult* or *very difficult* are as follows: 41% from Africa, 36% in Asia and the Pacific, 9% in CEE, 39% in GRULAC, 48% in LDCs and 31% of Parties from SIDS. No Party in WEOG characterized the process as *difficult* or *very difficult*.

123. In **Question 146** countries were asked whether they *have ever received funding from the GEF for building capacity in biosafety*. 20 responses referred to receiving funding for a *pilot biosafety enabling activity*; 78 for the *development of national biosafety frameworks*; 47 for the *implementation of national biosafety frameworks*; 65 for *Phase I of the project Building Capacity for Effective Participation in the BCH*; 39 for *Phase II* of the same project; and 6 for *Phase III* of the same project.

124. In response to **Question 147**, 98 Parties (79%) reported that, at least to some extent, *during the current reporting period*, they have *undertaken activities for the development and/or strengthening of human resources and institutional capacities in biosafety*. The percentages of respondents from the different regions/economic groups that have done so are as follows: 82% of Parties from Africa, 79% in Asia and the Pacific, 76% in CEE, 100% in GRULAC, 50% in WEOG, 77% from LDCs and 80% from SIDS.

²⁸ Questions 141 and 143 allow each respondent to provide multiple answers and therefore the results are offered as percentages of responses rather than respondents.

²⁹ See note 29 above.

125. In **Question 148**, the 98 Parties which reported that they have undertaken capacity-building activities were asked to indicate *in which areas those activities were undertaken*. The following are the percentages of the responses³⁰ relating to the different areas:

- 11% of the responses referred to *Human resources capacity development and training*;
- 9% to *Information exchange and data management including participation in the Biosafety Clearing-House*;
- 10% to *Institutional capacity*;
- 10% to *Risk assessment and other scientific and technical expertise*;
- 9% to *Identification of LMOs, including their detection*;
- 7% to *Scientific, technical and institutional collaboration at subregional, regional and international levels*;
- 7% to *Risk management*;
- 10% to *Public awareness, participation and education in biosafety*;
- 5% to *Scientific biosafety research relating to LMOs*;
- 5% to *Socio-economic considerations*;
- 3% to *Implementation of the documentation requirements under Article 18.2 of the Protocol*;
- 5% to *Taking into account risks to human health*.
- 3% to *Measures to address unintentional and/or illegal transboundary movements of LMOs*;
- 3% to *Technology transfer*;
- 2% to *Handling of confidential information*;

126. With regard to **Question 149**, 44 Parties (36%) reported that they have, *during the current reporting period, carried out a capacity-building needs assessment*. This includes: 41% of the respondents from Africa, 43% in Asia and the Pacific, 24% in CEE, 55% in GRULAC, 0% in WEOG, 47% from LDCs and 13% from SIDS.

127. Of the 44 Parties who responded that they had carried out a capacity-building needs assessment in *Question 149*, 10 Parties (23%) reported that they had *submitted this information to the BCH (Question 150)*. The 34 Parties (77%) who reported that they had not submitted this information to the BCH include: 75% of the respondents from Africa, 67% in Asia and the Pacific, 75% in CEE, 92% in WEOG, 86% from LDCs and 50% from SIDS.

128. In responding to **Question 151**, 95 Parties (77%) reported that they *still have capacity-building needs*; 10% *have a few*; and 13% do not have any. The percentages of respondents from the different regions that reported having capacity-building needs (*many or at least a few*) are as follows: 93% in Asia and the Pacific, 22% in WEOG. All respondents from Africa, CEE, and GRULAC indicated that they have needs.

³⁰ Question 148 allows each respondent to provide multiple answers and therefore the results are offered as percentages of responses rather than respondents.

129. In **Question 152**, the 108 Parties which reported still having capacity-building needs (many or a few) were asked to indicate *in which areas they still need capacity-building*. The following are the percentages of responses received:

- 7% of the responses³¹ referred to *Human resources capacity development and training*
- 6% to *Institutional capacity*
- 7% to *Risk assessment and other scientific and technical expertise*
- 7% to *Identification of LMOs, including their detection*
- 7% to *Scientific, technical and institutional collaboration at subregional, regional and international levels*
- 7% to *Risk management*
- 7% to *Public awareness, participation and education in biosafety*
- 7% to *Scientific biosafety research relating to LMOs*
- 7% to *Measures to address unintentional and/or illegal transboundary movements of LMOs*
- 6% to *Technology transfer*
- 6% to *Information exchange and data management including participation in the Biosafety Clearing-House*
- 7% to *Socio-economic considerations*
- 6% to *Implementation of the documentation requirements under Article 18.2 of the Protocol*
- 7% to *Taking into account risks to human health*
- 5% to *Handling of confidential information*

130. With regard to **Question 153**, 35 Parties (28%) reported that they have *developed a capacity-building strategy or action plan* including: 23% of the respondents in Africa, 36% in Asia and the Pacific, 35% in CEE, 38% in GRULAC, 11% in WEOG, 30% in LDCs and 20% of the respondents from SIDS.

131. In response to **Question 154**, 51 Parties (41%) reported that their *country has in place a functional national mechanism for coordinating biosafety capacity-building initiatives*. 72 Parties (59%) reported that they did not have in place such a mechanism. The breakdown of percentages of Parties reporting the latter is as follows: 56% of the respondents from Africa, 57% in Asia and the Pacific, 65% in CEE, 71% in GRULAC, 44% in WEOG, 47% in LDCs and 67% in SIDS.

132. **Question 155** asked Parties *how many biosafety short-term training programmes and/or academic courses are offered annually in your country*. 11 Parties (9%) reported *10 per year or more*; 14 Parties (11%) reported *5 per year or more*; 49 Parties (40%) reported *1 per year or more*; 14 Parties (11%) reported *less than 1 per year*; and 35 Parties (28%) reported *none*.

133. In response to **Question 156**, 47 Parties (38%) reported that they have *submitted the details of their national biosafety experts to the Roster of Experts in the BCH*.³² This includes: 33% of the

³¹ Question 152 allows each respondent to provide multiple answers and therefore the results are offered as percentages of responses rather than respondents.

respondents from Africa, 36% in Asia and the Pacific, 47% in CEE, 33% in GRULAC, 50% in WEOG, 20% from LDCs and 7% from SIDS.

134. **Question 157** invited further details on the implementation of Article 22, including further details about experience in accessing GEF funds. Many Parties reported participating in and hosting capacity-building workshops and activities. A Party from Asia and the Pacific reported that over USD 2 million was invested in a key biosafety laboratory from 2012 to 2015 and had engaged in extensive training activities. Another reported that nine academic institutions offer courses on biotechnology and biosafety. However, another reported that “funding is shrinking for biosafety capacity building. Mainstreaming biosafety into various and related sectors could capitalize the achievement of the implementation of the national biosafety framework.” An African Party reported that it had received support to implement the Cartagena Protocol from WAEMU, ABNE, NEPAD, and CORAF/WECARD. Another reported that it “considers capacity-building in the areas of social economic considerations and post release monitoring for GM crops very critical as we have already received two GMO applications (Bt maize and Bt cotton) for commercial release.” A number of EU Parties referred to the EU report which states: “The EU has contributed to capacity building initiatives in the field of biosafety for the effective implementation of the Protocol in developing country Parties as well as in Parties with economies in transition. There have been no capacity-building activities at the EU level as such.” A number of developing country Parties reported benefitting from UNEP-GEF initiatives including the Project on Development of National Biosafety Frameworks, the BCH Capacity-Building Project, and the Support to the Preparation of the Third National Reports on the Implementation of the Protocol. However, an African Party reported that “the procedure for obtaining GEF funding for new projects can be qualified as average due to the fact that the project development cycle is rigorous and long from project identification to project approval.” This sentiment was echoed, in varying strengths, by three other African Parties, three GRULAC Parties, two Parties from Asia and the Pacific, and a CEE Party. Overall, a high number of developing country Parties reported a need for significant external assistance in order to effectively implement the Cartagena Protocol.

Article 23 – Public awareness and participation (Questions 158-176)

135. In response to **Question 158**, 45 Parties (36%) reported that they have *established a strategy or put in place legislation for promoting and facilitating public awareness, education and participation concerning the safe transfer, handling and use of LMOs*; 57 Parties (46%) have done so *to some extent* and 22 Parties (18%) reported that they have not established any strategy. The percentages of respondents from the different regions/economic groups that have not yet established any strategy are as follows: 21% of the respondents from Africa, 11% in Asia and the Pacific, 12% in CEE, 36% in GRULAC, 6% in WEOG, 13% in LDCs and 40% from SIDS.

136. In response to **Question 159**, 52 Parties (42%) reported that their country has *designed and/or implemented an outreach/communication strategy on biosafety*. This includes: 44% of the respondents from Africa, 43% in Asia and the Pacific, 41% in CEE, 29% in GRULAC, 56% in WEOG, 33% in LDCs, 20% in SIDS.

137. In response to **Question 160**, 59 Parties (48%) reported that their country has *awareness and outreach programmes on biosafety*. This includes: 54% of the respondents from Africa, 64% in Asia and the Pacific, 29% in CEE, 19% in GRULAC, 61% in WEOG, 47% in LDCs, 33% in SIDS.

³² According to the information available in the BCH, as of the date this report was prepared, 54 Parties (32% of the Parties to the Protocol) had submitted at least one *Biosafety Expert* to the BCH Roster of Experts.

138. **Question 161** asked, if the answer is Yes to *Question 160* (i.e. ‘Does your country have any awareness and outreach programmes on biosafety?’), please indicate what entity is responsible for carrying out the programmes and/or services and at which level the programmes take place (e.g. local, national, etc.). A number of Parties from all regions reported that, at the national level, government ministries and departments are responsible for awareness and outreach programmes on biosafety, primarily through websites. A CEE Party reported that the Institute of Genetics and Cytology (NCBC) and the Aarhus Centre are responsible for the implementation of outreach programmes. An Asia-Pacific Party established an “educational and science popularization base” for LMOs which conducts training workshops on LMO testing. An EU Party reported that in high school it is possible to take courses in “biosafety/genetechnology.” Similarly, a GRULAC Party reported that biosafety officers conduct lectures on LMOs in secondary schools and colleges. Another reported that “brochures, posters, flyers and promotional items, community consultations, school visits, news articles, PSAs, appearance on radio and television shows were all used as part of the Public Education and Outreach strategy.” Most EU Parties referred to the EU report, which states: “At the EU level, several programmes are relevant:

(a) “Better Training for Safer Food” is a training programme on food and feed safety, animal health and animal welfare, and plant health, including analysis of LMOs. The courses are delivered in EU and non-EU countries, targeting the staff of competent authorities dealing with official controls from EU and select non-EU countries;

(b) EU research programmes on the biosafety of LMOs, which include a module on communication, e.g. AMIGA (Assessing and Monitoring the Impacts of Genetically modified plants (GMPs) on Agro-ecosystems, <http://www.amigaproject.eu/project/overview/>); DEMETRA (Development of a quick Monitoring index as a tool to assess Environmental impacts of TRANsgenic crops, <http://www.life-demetra.eu/aesito/demetra>); PRICE (PRactical Implementation of Coexistence in Europe, <http://price-coexistence.com>); GRACE (Verification of GMO risk assessment elements and review and communication of evidence collected on the biosafety of GMO, <http://www.grace-fp7.eu/content/project>); MARLON (Monitoring of Animals for Feed-related Risks in the Long Term); VERDI (Valuating environmental impacts of GM crops - ecological and ethical criteria for regulatory decision-making, <http://wiki.eas.iis.fraunhofer.de/verdi/index.php/Public:Abstract>); G-TwYST (Genetically modified plants Two Year Safety Testing, <http://www.g-twyst.eu>).

139. In response to **Question 162**, 68 Parties (55%) reported that they have *established a biosafety website, searchable archives, national resource centres or sections in existing national libraries dedicated to biosafety educational materials*.³³ This includes: 26% of the respondents from Africa, 79% in Asia and the Pacific, 71% in CEE, 36% in GRULAC, 89% in WEOG, 37% from LDCs and 27% from SIDS.

140. In response to **Question 163**, which asked countries *how many collaborative initiatives (including joint activities) on the Cartagena Protocol and other Conventions and processes has your government established in the last 4 years*, 3 Parties (2%) reported *10 or more*; 10 Parties (8%) reported *5 or more*; 50 Parties (40%) reported *one or more*; and 61 Parties (49%) reported *none*.

141. With regard to **Question 164**, 54 Parties (44%), including all responding Parties from WEOG, reported that they have *established a mechanism to ensure public access to information on living modified organisms that may be imported*; 38 Parties (31%) reported having done so *to some extent*; and 32 Parties (26%) reported that they have not established such a mechanism. The percentages of respondents from the different regions/economic groups that have not established such a mechanism are

³³ According to the information available in the BCH, as of the date this report was prepared, 85 Parties (50% of the Parties to the Protocol) had submitted at least one *National Database or Website link* to the BCH.

as follows: 28% of the respondents from in Africa, 32% in Asia and the Pacific, 12% in CEE, 45% in GRULAC, 27% from LDCs and 73% from SIDS.

142. In response to **Question 165**, 66 Parties (53%), including all responding Parties from WEOG, reported that they have *established a mechanism to consult the public in the decision-making process regarding LMOs*; 31 Parties (25%) reported having done so *to some extent*; and 27 Parties (22%) reported that they have not established such a mechanism. The percentages of respondents from the different regions/economic groups that have not established such a mechanism are as follows: 23% of the respondents from Africa, 29% in Asia and the Pacific, 6% in CEE, 41% in GRULAC, 23% in LDCs and 53% in SIDS.

143. In their responses to **Question 166**, 70 Parties (57%), including all responding Parties from WEOG, reported that they have *established a mechanism to make available to the public the results of decisions taken on LMOs*; 23 Parties (19%) reported that have done so *to some extent*; and 30 Parties (24%) reported that they have not established such a mechanism. The percentages of respondents from the different regions/economic groups that have not established such a mechanism are as follows: 32% of the respondents from Africa, 36% in Asia and the Pacific, 6% in CEE, 32% in GRULAC, 31% in LDCs and 73% from SIDS.

144. In response to **Question 167**, 54 Parties (44%) reported that their country had *informed the public about existing modalities for public participation in the decision-making process regarding living modified organisms*. 35 Parties (28%) reported that they had informed the public *to some extent*. 35 Parties (28%) reported that they had not informed the public. The percentages of respondents from the different regions/economic groups that have not informed the public about existing modalities for public participation are as follows: 38% of the respondents from Africa, 32% in Asia and the Pacific, 6% in CEE, 45% in GRULAC, 0% in WEOG, 43% in LDCs, 60% in SIDS.

145. Under **Question 168**, which asked countries who responded positively to *Question 167* to indicate what type of *modalities were used to inform the public*, 34 Parties (17%) reported using *public hearings*; 18 Parties (9%) reported using *mailing lists*; 35 Parties (17%) reported using *forums*; 47 Parties (23%) reported using a *newspaper*; and 70 Parties (34%) reported using a *national website*.

146. Of the countries who indicated more than one modality for public participation in *Question 168*, **Question 169** asked Parties *which modality was most used*. 9 Parties (11%) indicated *public hearings*; 1 Party (1%) indicated *mailing lists*; 13 Parties (15%) reported *forums*; 9 Parties (11%) indicated *newspaper*; and 52 Parties (62%) reported *national website*.

147. With regard to **Question 170**, 81 Parties (65%) reported that they have *taken initiatives to inform their public about the means of public access to the Biosafety Clearing-House*. This includes: 54% of the respondents from Africa, 68% in Asia and the Pacific, 76% in CEE, 64% in GRULAC, 78% in WEOG, 60% in LDCs and 47% of the respondents from SIDS.

148. **Question 171** asked Parties how many academic institutions in their country are *offering biosafety education and training courses and programmes*. 13 Parties (11%) reported *10 or more*; 13 Parties (11%) reported *5 or more*; 18 Parties (15%) reported *3 or more*; 45 Parties (37%) reported *one or more*; and 34 Parties (28%) indicated *none*.

149. Under **Question 172**, countries were asked to report on *the number of educational materials and/or online modules on biosafety that are available and accessible to the public in your country*. 2 Parties (2%) reported *100 or more*; 7 Parties (6%) reported *25 or more*; 17 Parties (14%) reported *10 or*

more; 16 Parties (13%) reported *5 or more*; 43 Parties (35%) reported *one or more*; and 38 Parties (31%) reported *none*.

150. In their responses to **Question 173**, 49 Parties (40%) reported that *during the current reporting period*, they have *promoted and facilitated public awareness, education and participation concerning the safe transfer, handling and use of LMOs*; 36 Parties (29%) reported doing so *to some extent*; and 38 Parties (31%) reported that they have not done so. The percentages of respondents from the different regions/economic groups that have not yet done so are as follows: 28% of the respondents from Africa, 39% from Asia and the Pacific, 24% from CEE, 33% from GRULAC, 28% from WEOG, 30% from the least developed countries, and 60% from small island developing States.

151. Furthermore, in response to **Question 174**, out of the 85 Parties that reported that they have promoted and facilitated public awareness, education and participation (either fully or to some extent, *Question 173*), 55 Parties (65%) reported that they have *cooperated with other States and international bodies*. This includes: 75% of the respondents from Africa, 59% from Asia and the Pacific, 69% from CEE, 29% from GRULAC, 85% from WEOG, 67% from LDCs and 33% from SIDS.

152. In their responses to **Question 175**, 30 Parties (29%) reported that, *during the current reporting period*, they have *consulted the public in the decision-making process regarding LMOs and made the results of such decisions available to the public more than 5 times*; 26 Parties (25%) reported that they have done so *less than 5 times*; and 46 Parties (45%) reported that they have had no consultations. The percentages of respondents from the different regions/economic groups that have had no consultations are as follows: 65% of the respondents from Africa, 47% from Asia and the Pacific, 13% from CEE, 65% from GRULAC, 12% from WEOG, 64% from LDCs and 100% from SIDS.

153. **Question 176** invited further details on the implementation of Article 23. A number of Parties, from all regions, referred to specific government and Competent National Authority websites, national BCHs, the Central Portal of the BCH, and LMO databases. A CEE Party reported it conducted special courses for students, holding seminars, speeches on radio and television, and explained to the public the accessibility of information on the BCH and its use for training purposes. Another reported it “has consulted the public during the decision making process for one GMO soybean notifications for FFP.” An Asia-Pacific Party reported it organized a national training workshop for journalists on biosafety management of LMOs that was attended by nearly 100 editors and journalists from major national media. Another reported it has had the Protocol text and decisions translated into the national language for wider dissemination to the public. An African Party reported “several awareness workshops was held at national level for the public through the mass media, workshops, forums, meetings, training of stakeholders by the Government through the Ministry of environment and forest resources.” However, another reported that public participation is limited due to language barriers. A GRULAC Party reported it uses social media to share biosafety information. Another reported: “in the particular case of indigenous communities, it has a basic protocol for designing consultations with indigenous peoples and communities settled in areas where the release of GMOs into the environment is sought.” Another reported conducting workshops on accessing the BCH. Most EU Parties referred to the EU report which states: “the EU is Party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. An amendment to the Aarhus Convention was adopted in May 2005. This amendment makes more specific the obligations placed on Parties with regard to public participation in decision-making processes regarding LMOs. Relevant Community law governing LMOs, and in particular Directive 2001/18/EC and Regulation (EC) No 1829/2003, incorporates provisions for public participation in decision-making on LMOs, consistent with the amendment to the Aarhus Convention. The European Union approved this amendment on 1 February 2008 but the ratification has not yet taken place.” Some EU Parties have ratified the amendment. Two

Asia and the Pacific Parties reported that they also align their regulations on public participation to the Aarhus Convention.

Article 24 – Non-Parties (Questions 177-183)

154. In response to **Question 177**, 10 Parties (8%) reported that they have *entered into bilateral, regional, or multilateral agreements with non-Parties regarding transboundary movements of LMOs* and 114 Parties (92%) reported that they have not done so. The percentages of respondents from the different regions/economic groups that have entered into such agreements are as follows: 8% of the respondents from Africa, 7% in Asia and the Pacific, 6% in CEE, 9% in GRULAC, 11% in WEOG, 10% in LDCs and 0% from SIDS.

155. In response to **Question 178**, 46 Parties (37%) reported that they have *imported LMOs from a non-Party*. This includes: 18% of the respondents from Africa, 36% from Asia and the Pacific, 29% CEE, 45% in GRULAC, 78% in WEOG, 10% in LDCs and 13% in SIDS.

156. With regard to **Question 179**, 13 Parties (10%) reported having *exported LMOs to a non-Party*. This includes: 5% of the respondents from Africa, 4% from Asia and the Pacific, 18% from GRULAC and 33% from WEOG. All respondents from CEE, LDCs and SIDS reported that they have not exported LMOs to any non-Party.

157. In **Question 180**, countries which reported having imported from, or exported LMOs to, a non-Party were asked to indicate whether *such transboundary movements of LMOs were consistent with the objective of the Protocol*. 40 Parties (85%), including all responding Parties from Africa, CEE and WEOG, reported that *the transboundary movements were always consistent with the objective of the Protocol*; one Party (2%) reported that this was so *in some cases only*; 6 Parties (13%) reported that the movements were not consistent with the objective of the Protocol.

158. With regard to **Question 181**, out of those Parties which reported having imported LMOs from, or exported LMOs to, a non-Party, 14 Parties (30%) reported that *information about these transboundary movements was always submitted to the BCH*; 5 Parties (11%) reported such information being submitted *in some cases only*; and 27 Parties (59%) reported that no such information was submitted to the BCH. The percentages of respondents to this question from the different regions/economic groups which reported that no such information was submitted to the BCH are as follows: 57% of the respondents from Africa, 67% from Asia and the Pacific, 60% in CEE, 90% in GRULAC, 33% in WEOG, 67% in LDCs and all respondents from SIDS.

159. In **Question 182** countries that were not Parties to the Cartagena Protocol were asked *whether they had contributed information to the BCH on LMOs released in, or moved into, or out of, areas from its national jurisdiction*. All the national reports received were from Parties and therefore no responses were received on this question.

160. **Question 183** invited further details on the implementation of Article 24. Seven GRULAC Parties and one WEOG Party in the EU reported importing LMOs for introduction into the environment from one or more of the non-Parties: United States, Canada, Argentina and Chile. An African Party reported that the objectives of the Cartagena Protocol are respected with regard to any agreements made with non-Parties. Two others reported importing food aid containing LMOs and noted that consignments were “transported and milled under supervision of the biosafety officers.” A number of Parties reported the import of LMOs from non-Parties for contained use only. Also, an Asia-Pacific Party reported “public and private sector organizations actively involved in research in biotechnology have been regularly importing various strains of living modified microorganisms, cell lines and other LMOs from non-Parties

for the purpose of contained use only. However, information about such imports is not posted on websites because it involves confidential business information and relates to research.” Most EU Parties referred to the EU report which states: “As regards imports of LMOs, the EU applies its domestic legislative framework to all imports of LMOs, whether these originate from parties or non-parties to the Protocol. As regards exports of LMOs, notification requirements of the exporter to the competent authority of the Party of import established by Regulation (EC) No 1946/2003 apply regardless of whether the country of import is a Party or a non-Party to the Protocol.”

Article 25 – Illegal transboundary movements (Questions 184-191)

161. In response to **Question 184**, 90 Parties (72%), including all Parties from WEOG, reported that they have, at least to some extent, *adopted domestic measures aimed at preventing and/or penalizing transboundary movements of LMOs carried out in contravention of its domestic measures to implement the Protocol*. This includes: 62% of the respondents from Africa, 64% in Asia and the Pacific, 82% in CEE, 73% in GRULAC, 53% from LDCs and 40% from SIDS.

162. Additionally, in response to **Question 185**, 67 Parties (54%) reported having, at least to some extent, *established a strategy for detecting illegal transboundary movements of LMOs*. This includes: 36% of the respondents in Africa, 54% in Asia and the Pacific, 76% in CEE, 41% in GRULAC, 89% in WEOG, 37% in LDCs and 20% from SIDS.

163. **Question 186** asked countries to indicate *how many times they received information concerning cases of illegal transboundary movements of an LMO to or from territories under their jurisdiction during the current reporting period*. 7 Parties (6%) reported *more than 10 cases*; 2 Parties (2%) reported *less than 10 cases*; 7 Parties (6%) reported *less than 5 cases* and 108 Parties (87%) reported that they never received such information.

164. **Questions 187-190** requested further details from the 16 Parties which reported having received information concerning cases of illegal transboundary movements:

- In **Question 187**, 2 Parties (13%) reported having *informed the BCH and the other Party(ies) involved*; 1 Party (6%) reported having done so *only in some cases*; 9 Parties (56%) reported having informed *only the other Party(ies) involved*; 1 Party (6%) *only the BCH*; and 3 Parties (19%) reported that they have informed *neither the BCH nor the other Party(ies) involved*.³⁴ The breakdown by regional and economic group of Parties reporting the latter is as follows: 2 Parties from Africa (also part of the LDCs group), and 1 Party from Asia and the Pacific.
- In **Question 188**, 16 Parties (100%) reported that they have *established the origin of the LMO(s)*.
- In **Question 189**, 14 Parties (88%) reported that they have *established the nature of the LMO(s)*; 1 Party (6%) reported that they have done so *in some cases*; and 1 Party (6%) reported not having established the nature of the illegal LMO(s).
- In **Question 190**, 11 Parties (69%) reported that they have *established the circumstances of the illegal transboundary movement(s)*; 3 Parties (19%) have done so *in some cases*; and 2 Parties (13%) have not established the circumstances.

³⁴ See note 19 under the section on Article 20.

165. **Question 191** invited further details on the implementation of Article 25. Some Parties, from all regions, reported illegal transboundary movement of LMOs with penalties, after the supervised milling or destruction of the product, ranging from fines (that increase exponentially with repeat offences) to compensation (sometimes equalling up to three times the amount of the damage caused). Some developing Parties reported that they lack the capacity to monitor illegal transboundary movements, in particular with regard to training customs officers and establishing detection laboratories. However, an African Party reported that border officials (customs officers, phytosanitary officers, livestock agents, etc.) are subject to a national programme in the use of LMO detection kits. An Asia-Pacific Party reported that, in 2011, a “checkpoint intercepted maize seeds (a total of 25 bags weighing 250 kg) carried by ‘tour smugglers.’” A similar seizure took place in 2013. A WEOG Party reported that its Food Safety Authority takes 100-150 samples of products consisting of, containing or produced from soy beans, maize, rape seeds, rice and papaya in its annually based monitoring and surveillance programme. The samples are taken from shipments, production sites, and shops and are analysed for LMOs with documentation controls being performed. A GRULAC Party reported that an LMO “was able to bypass the measures that are in place to prevent the illegal transboundary movement since the agency responsible for issuing permits after the conduct of risk assessment was not consulted and hence the item was imported in the absence of official permission to do so.” Most EU Parties referred to the EU report which states: “According to Directive 2001/18/EC, it is the Member States that are obliged to take domestic measures to prevent and penalize illegal transboundary movements of GMOs. European legislation contains explicit obligations on Member States to lay down rules on penalties applicable to infringements of the provisions of European regulations. It further states that these penalties shall be effective, proportionate and dissuasive.” An EU CEE country noted that being an inland country, not bordering the EU, it is not a point of entry for illegal commodities and seeds.

Article 26 – Socio-economic considerations (Questions 192-197)

166. **Question 192** asked whether countries have *any specific approaches or requirements that facilitate how socio-economic considerations should be taken into account in LMO decision-making*. 57 Parties (46%) reported that they had such approaches or requirements; 67 Parties (54%) reported that they had no such approaches or requirements. The percentages of respondents from the different regions/economic groups which reported the latter are as follows: 46% of the respondents from Africa, 64% in Asia and the Pacific, 53% in CEE, 73% in GRULAC, 33% in WEOG, 50% from LDCs and 87% from SIDS.

167. In their responses to **Question 193**, 19 Parties (28%) reported that, *when taking a decision on import, they have taken into account socio-economic considerations arising from the impact of the LMO on the conservation and sustainable use of biological diversity*; 7 Parties (10%) reported doing so *only in some cases*; and 43 Parties (62%) reported they have not taken socio-economic considerations into account. The percentages of respondents from the different regions/economic groups reporting the latter are as follows: 68% of the respondents from Africa, 50% in Asia and the Pacific, 63% in CEE, 64% in GRULAC, 63% in WEOG, 75% from LDCs and 86% of the respondents from SIDS.

168. In their responses to **Question 194**, 7 Parties (6%) reported that they have *50 or more peer reviewed published materials used for the purpose of elaborating or determining national actions with regard to socio-economic considerations*; 5 Parties (4%) reported *10 or more*; 8 Parties (6%) reported *5 or more*; 17 Parties (14%) reported *one or more*; and 87 Parties (70%) reported having *none*.

169. **Question 195** asked: *what is your country's experience, if any, in taking socio-economic considerations into account in LMO decision making? Please give details*. Most Parties, from all regions, reported that socio-economic considerations are not taken into account in LMO decision making except, in some instances, in very broad terms. However, an African Party reported that they were taken into

account during decision-making relating to ongoing field trials on genetically modified cotton. Similarly, an Asia-Pacific Party reported “socio-economic impact were undertaken to facilitate decisions in case of Bt cotton and Bt brinjal”. Another reported that they are taken into account for all agricultural LMOs. A GRULAC Party reported that evaluations are related to “maize hybrids and their impact on the economy of the producers.” Another reported that they are taken into account on a case-by-case basis. An African Party reported it’s “Biosafety Act requires mandatory consideration of socioeconomic impact assessment when an environmental release or placing in the market of a GMO is intended. Socioeconomic issues are being considered in the two applications for environmental release that the Authority is currently reviewing ie Bt maize and Bt cotton environmental release applications. Decision in the two applications is still pending.” Another reported that a decision rejected an application for the general release of genetically modified potato based on a risk assessment that took into account socio-economic considerations. One GRULAC Party, one Asia-Pacific Party, and one African Party also said that their risk assessments took into account socio-economic considerations. The EU’s response to this question was “none”.

170. In their responses to **Question 196**, 17 Parties (14%) reported that they have *cooperated with other Parties on research and information exchange on any socio-economic impacts of LMOs*. 34 Parties (27%) reported that they have *cooperated to some extent*. 73 Parties (59%) reported that they had not cooperated with other Parties in this regard. The percentages of respondents from the different regions/economic groups which reported having cooperated, at least to some extent, are as follows: 33% of the respondents from Africa, 29% in Asia and the Pacific, 53% in CEE, 23% in GRULAC, 89% in WEOG, 23% from LDCs and 0% of the respondents from SIDS.

171. **Question 197** requested further details on the implementation of Article 26. A number of Parties, from all regions, reported that, while socio-economic considerations are deemed important in the decision-making process, they are not clearly defined in biosafety legislation. However, an African Party’s biosafety law explicitly states that permits will not be issued for LMOs when there is a risk of harm to the “socio-economic environment.” Similarly, another reported that “socio-economic consideration is a mandatory requirement for environmental releases of GMOs.” An Asia-Pacific Party reported that universities and other research institutes have been charged with undertaking research on the socio-economic impacts of genetically modified cotton, maize, soybeans, and rice. Another reported that it has organized a national workshop on socioeconomic considerations in the use of LMOs. Most EU Parties referred to the EU report, which states: “Socio-economic considerations have been relevant at Member State level for the question of co-existence between conventional, organic and GM crops. The European Commission has issued a Recommendation in 2010 on guidelines for the development of national strategies and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming. The responsibility to develop national co-existence measures lies with the member States, informed by the guidelines provided by the European Commission and by using Best Practice Documents (BPDs) for the coexistence of GMOs with conventional and organic crops developed by the European Coexistence Bureau.” An EU WEOG Party reported that the only authorized crop in the EU is corn MON 810 and it is the country with the largest acreage in the EU (about 90% of the total).

Article 27 – Liability and Redress (Questions 198-202)

172. **Questions 198** asked whether the responding country had ratified or acceded to the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress. 43 Parties (35%) reported having ratified or acceded to the Supplementary Protocol. 26% of the respondents from Africa, 25% in Asia and the Pacific, 65% in CEE, 9% in GRULAC, 72% in WEOG, 30% from least developed countries, and 13% of the respondents from small island developing States.

173. Of the 81 Parties who responded that they had not ratified or acceded to the Supplementary Protocol in *Question 198*, 48 Parties (64%) reported that there is *a national process in place towards becoming a Party under Question 199*. 89% of the respondents from Africa, 58% in Asia and the Pacific, 60% in CEE, 32% in GRULAC, 75% in WEOG, 76% from LDCs and 25% of the respondents from SIDS.

174. In response to **Question 200**, 11 Parties (9%) reported that their country had *received financial and/or technical assistance for capacity-building in the area of liability and redress relating to living modified organisms*. 113 Parties (91%) reported not having received such assistance. Of the latter: 87% of the respondents from Africa, 93% in Asia and the Pacific, 88% in CEE, 91% in GRULAC, 100% in WEOG, 93% of LDCs, 87% of SIDS.

175. In response to **Question 201**, 72 Parties (58%) reported that their country has *administrative or legal instrument that provide for response measures for damage to biodiversity resulting from living modified organisms*. 52 Parties (42%) reported not having such an instrument. The percentages of respondents from the different regions/economic groups which reported the latter are as follows: 41% of the respondents from Africa, 68% in Asia and the Pacific, 24% in CEE, 59% in GRULAC, 0% in WEOG, 50% of LDCs, 80% of SIDS.

176. **Question 202** invited further details on activities undertaken towards the implementation of the Supplementary Protocol. Ten African, eight Asia and the Pacific, three GRULAC, and two CEE Parties reported that they are at varying stages in the process towards ratifying the Supplementary Protocol with some developing country Parties stating that they will require capacity-building initiatives in order to achieve this goal. A number of other Parties reported that they have already participated in capacity-building workshops for the implementation of the Supplementary Protocol. Two African Parties and a GRULAC Party reported that they are currently using the “polluter pays” principle until the Supplementary Protocol is ratified. Another African Party reported that it is drafting its own liability and redress regulations which are awaiting approval. Similarly, another reported: “the country has enacted the Environmental Management Act...which is an overarching piece of legislation to deal with issues of liability and redress as it relates to the environment.” Most EU Parties referred to the EU report, which states: “The liability provisions of the Nagoya-Kuala Lumpur Supplementary Protocol are covered by the Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004, on environmental liability with regard to the prevention and remedying of environmental damage, the Environmental Liability Directive (ELD), which establishes a framework based on the “polluter pays” principle, according to which the polluter pays and repairs when environmental damage occurs.”

Article 28 – Financial Mechanism and Resources (Question 203)

177. **Question 203** asked countries *how much additional funding (in the equivalent of US dollars) your country has mobilized in the last four years to support implementation of the Biosafety Protocol, beyond the regular national budgetary allocation*. 13 Parties (16%) reported *less than 5,000 USD*; 13 Parties (16%) reported *5,000 USD or more*; 10 Parties (13%) reported *50,000 USD or more*; 12 Parties (15%) reported *100,000 USD or more*; 19 Parties (24%) reported *500,000 USD or more*; 11 Parties (14%) reported *1,000,000 USD or more*; and 1 Party (1%) reported *5,000,000 USD or more*.

Article 33 – Monitoring and reporting (Questions 204a-206)

178. **Question 204a** asked whether the responding country had *in place a monitoring and/or an enforcement system for the implementation of the Cartagena Protocol* and **Question 204b** asked whether the responding country had *in place a monitoring and/or an enforcement system for the implementation of the Cartagena Protocol*:

- Monitoring system: 77 Parties (62%) reported that they had such a system in place. Of these, 67% of the respondents from Africa, 54% in Asia and the Pacific, 88% in CEE, 27% in GRULAC, 83% in WEOG, 63% of LDCs, 13% of SIDS.
- Enforcement system: 82 Parties (66%) reported that they had such a system in place. Of these, 69% of the respondents from Africa, 68% in Asia and the Pacific, 94% in CEE, 18% in GRULAC, 89% in WEOG, 70% of LDCs, 20% of SIDS.

179. **Questions 205-206** focused on previous national reports on the implementation of the Protocol. Under **Question 205**, 107 Parties (86%) reported that they have *submitted the previous national reports (Interim, first, second national reports)*; and 17 Parties (14%) reported that they have not submitted all previous reports.³⁵ The breakdown by regional and economic group of Parties reporting the latter is as follows: 21% of the respondents from Africa, 11% in Asia and the Pacific, 6% in CEE, 23% in GRULAC, 0% in WEOG, 17% from LDCs and 7% of the respondents from SIDS.

180. In their responses to **Question 206**, those 17 Parties which reported that they have not submitted all of the previous reports indicated the *main challenges that hindered the submission*:

- 42% of responses³⁶ referred to *lack of financial resources to gather the necessary information*;
- 16% to *lack of relevant information at the national level*;
- 11% to *difficulty in compiling the information from various sectors*;
- 32% to *no obligation to submit (e.g. country was not a Party at the time)*.

Other information (Question 207)

181. **Question 207** requested any other information on issues related to national implementation of the Protocol, including any obstacles or impediments encountered. A number of Parties from all regions reiterated their need for capacity-building initiatives in order to better implement the Protocol with some specifically urging additional support from UNEP-GEF. More specifically, with regard to capacity-building, there was an emphasis on establishing a national law on biosafety (i.e. after work on National Biosafety Frameworks stalled), risk assessment, monitoring and detection of LMOs, socio-economic considerations, and ratification and implementation of the Supplementary Protocol. Aggravating the identified lack of capacity is the low priority that some governments place on biosafety issues. Some developing Party countries reported that Internet connectivity issues hamper their efforts in implementing the Protocol. An African Party reported: “there is a challenge of posting information directly to the BCH as a regulator when the approved LMOs are still at research level and have not been allocated specific identity codes. This makes it appear that countries are not sharing information.” Another reported “the implementation of the Protocol has been smooth except a court case which was brought against it by some anti-GM group. The activities of this group have increased scepticism among the public and has therefore made the implementation of the Protocol challenging.” Similarly, a GRULAC Party reported that the interests of indigenous peoples often made certain aspects of implementation difficult especially in regard to the intentional introduction into the environment of LMOs. Another reported that the recent global financial crisis “resulted in the adoption of austerity measures and budgetary constraints which challenged much of our environmental management and

³⁵ See note 16 under the section on Article 20.

³⁶ It is noted that Question 206 allows each respondent to provide multiple answers and therefore the results are offered as percentages of responses rather than respondents.

sustainable development programmes,” including in biosafety. Some EU Parties, and the EU itself, highlighted the two layers of implementation of the Protocol, one at EU level and one at national level.

182. Finally, **Question 208** offered the possibility to provide any other information on difficulties *that* Parties may have encountered in filling in this report. In general, Parties express satisfaction with the reporting format. However, ambiguities were reported in questions 34-5, 42, 60, and 87. Also, a number of Parties reported that “Not applicable” should be an answer choice to most, if not all, of the questions (in particular for question 126) and more of the questions should have “Yes, to some extent” as an option (such as questions 82 and 114.). Other Parties suggested that more answer choices should include an “in progress” choice and that there should be more multiple answer (i.e. check box) questions. A GRULAC Party reported that question 15 should include the years 2015 and 2016 as answer choices. Another reported that the questions were not very clear and often repetitive. A CEE Party recommended “as regard to the questions 106-112 - Under the Art. 18 of the Report, we would suggest that the questions should be some shorter (to be easy for understanding) and more options for responses would be appreciated.” An Asia-Pacific Party reported that “on the selection of answers, we prefer a more precise system i.e. 1-4, 5-9, 10-14 etc., instead of 1 or more, 5 or more, 10 or more etc.” An EU WEOG Party stated that the report is unnecessarily long and time-consuming. Another suggested that “the questions where the Party is asked to quantify something, for example the number of customs officers trained in LMO detection or the number of laboratories involved in detection, are not meaningful. The focus should be on whether the resources available are considered to be adequate, there should be no need to quantify the answers.” The EU recommends, for future reference, the following:

- **Question 99** should be “Has your country established a mechanism for addressing emergency measures in case of releases which lead or may lead to unintentional transboundary movements of LMOs that are likely to have significant adverse effect on biological diversity?”
 - **Question 100** should be “Does your country have the capacity to take appropriate measures in the event that a release which leads or may lead to an unintentional transboundary movement of an LMO occurs?”
 - **Question 101** should be “In the current reporting period, how many times has your country received information concerning occurrences resulting in a release that led, or may have led, to unintentional transboundary movement(s) of one or more LMOs to or from territories under its jurisdiction?”
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