



## PRESS RELEASE

### States fulfil their commitment:

### **Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress obtains required number of ratifications for entry into force**

- *Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety will enter into force on 5 March 2018*
- *Groundbreaking treaty requires response measures to be taken in the event of damage resulting from living modified organisms*
- *Japan deposits decisive instrument of acceptance.*

**6 December 2017** – The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, following the deposit of the instrument of acceptance by Japan on 5 December 2017, will enter into force on 5 March 2018.

Adopted as a supplementary agreement to the Cartagena Protocol on Biosafety, the Supplementary Protocol aims to contribute to the conservation and sustainable use of biodiversity by providing international rules and procedures in the field of liability and redress relating to living modified organisms. A groundbreaking international treaty, the Supplementary Protocol requires that response measures are taken in the event of damage resulting from living modified organisms, or where there is sufficient likelihood that damage will result if timely response measures are not taken. The Supplementary Protocol also includes provisions in relation to civil liability.

“The entry into force of the Nagoya-Kuala Lumpur Supplementary Protocol represents a milestone in the history of the Cartagena Protocol on Biosafety. The entry into force of this important instrument provides a key piece of the international regulatory regime applying to living modified organisms. It provides practical rules to respond to damage resulting from living modified organisms that find their origin in a transboundary movement and gives effect to the polluter pays principle,” said Mr. Rafael Pacchiano Alamán, Minister of Environment and Natural Resources, Mexico, and President of the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD).

Dr. Cristiana Paşca Palmer, CBD Executive Secretary, said: “The forthcoming entry into force of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress represents a major step towards achieving the objectives of the Strategic Plan for the Cartagena Protocol on Biosafety and towards the conservation and sustainable use of biodiversity.

“It is of great symbolic value that Japan, where the Supplementary Protocol was adopted, has deposited the decisive instrument which will trigger the entry into force of this important international instrument. I urge all Parties to the Biosafety Protocol yet to do so to ratify the Supplementary Protocol as soon as possible. I also urge Parties to the Biodiversity Convention that have not yet done so to ratify the Biosafety Protocol so that they can also become Parties to the Supplementary Protocol.”

<sup>1</sup> The instrument of approval deposited by the European Union does not count as additional to the instruments deposited by its member States (Article 18(3) of the Supplementary Protocol).



The Supplementary Protocol will enter into force on the ninetieth day after the deposit of the fortieth instrument of ratification, accession, acceptance or approval.<sup>1</sup> The following Parties have now ratified, accepted, approved or acceded to the Nagoya-Kuala Lumpur Supplementary Protocol: Albania, Bulgaria, Burkina Faso, Cambodia, Central African Republic, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, European Union, Finland, Germany, Guinea-Bissau, Hungary, India, Ireland, Japan, Latvia, Liberia, Lithuania, Luxembourg, Mali, Mexico, Mongolia, Netherlands, Norway, Romania, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Togo, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, and Viet Nam.

With generous support from the Government of Japan, through the Japan Biodiversity Fund, the Secretariat of the CBD is organizing activities to support Parties in implementing the Supplementary Protocol at the national level.

- More information available at: <http://bch.cbd.int/protocol/supplementary>
- Information on how to become a Party to the Supplementary Protocol is available at: [http://bch.cbd.int/protocol/NKL\\_ratification.shtml](http://bch.cbd.int/protocol/NKL_ratification.shtml)
- A list of Parties to the Supplementary Protocol can be accessed at: <http://bch.cbd.int/protocol/parties/#tab=1>

#### **NOTE TO EDITORS**

The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress is a binding supplementary agreement to the Cartagena Protocol on Biosafety. Adopted on 15 October 2010, the Supplementary Protocol will enter into force on 5 March 2018. Currently, there are 41 Contracting States to the Supplementary Protocol.

The Supplementary Protocol provides that States must require operators to take response measures in the event of damage resulting from living modified organisms which find their origin in a transboundary movement. Such measures must also be taken where there is a sufficient likelihood that damage will result if timely response measures are not taken. Parties may develop further civil liability rules in this regard. Response measures are any reasonable actions to prevent, minimize, contain, mitigate or otherwise avoid damage or measures to restore biological diversity. The Supplementary Protocol defines damage as adverse effect on the conservation and sustainable use of biological diversity that is measurable or otherwise observable and significant, taking also into account risks to human health. In addition to imposing a requirement for response measures, the Supplementary Protocol obliges Parties to continue to apply existing legislation on civil liability or to develop specific legislation concerning liability and redress for material or personal damage associated with damage as defined in the Supplementary Protocol.

Following the entry into force of the Supplementary Protocol, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety will serve as the meeting of the Parties to the Supplementary Protocol.

#### **The Convention on Biological Diversity (CBD)**

Opened for signature at the Earth Summit in Rio de Janeiro in 1992, and entering into force in December 1993, the Convention on Biological Diversity is an international treaty for the conservation of biodiversity, the sustainable use of the components of biodiversity and the equitable sharing of the benefits derived from the use of genetic resources. With 196 Parties so far, the Convention has near universal participation among countries. The Convention seeks to address all threats to biodiversity and ecosystem services, including threats from climate change, through scientific assessments, the development of tools, incentives and processes, the transfer of technologies and good practices and the full and active involvement of relevant stakeholders including indigenous and local communities, youth, NGOs, women and the business community. The Cartagena Protocol on Biosafety and the Nagoya

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Protocol on Access and Benefit Sharing are supplementary agreements to the Convention. The Cartagena Protocol, which entered into force on 11 September 2003, seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology. To date, 171 Parties have ratified the Cartagena Protocol. The Nagoya Protocol aims at sharing the benefits arising from the utilization of genetic resources in a fair and equitable way, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies. It entered into force on 12 October 2014 and to date has been ratified by 104 Parties. For more information visit: [www.cbd.int](http://www.cbd.int). For additional information, please contact: David Ainsworth on +1 514 287 7025 or at [david.ainsworth@cbd.int](mailto:david.ainsworth@cbd.int); or Johan Hedlund on +1 514 287 6670 or at [johan.hedlund@cbd.int](mailto:johan.hedlund@cbd.int); or Ulrika Nilsson on +1 514 287 8720 or at [ulrika.nilsson@cbd.int](mailto:ulrika.nilsson@cbd.int)

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