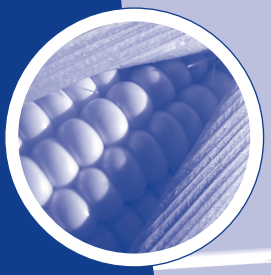
Global Biosafety

FROM CONCEPTS TO ACTION

Decisions from the first meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety

Kuala Lumpur, Malaysia
23-27 February 2004



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For further information please contact

The Secretariat of the Convention on Biological Diversity
World Trade Centre
393 St Jacques Street West, Suite 300
Montreal, Quebec, Canada H2Y 1N9
Phone: +1 (514) 288 2220
Fax: +1 (514) 288 6588
E-mail: secretariat@biodiv.org
Website: http://www.biodiv.org

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GLOBAL BIOSAFETY: FROM CONCEPTS TO ACTION

The concept of biosafety refers to the need to protect human health and the environment from possible adverse effects of the products of modern biotechnology, in particular, so-called living modified organisms (LMOs). In adopting the Cartagena Protocol on Biosafety in January 2000, the Conference of the Parties to the Convention on Biological Diversity agreed on an international framework for biosafety, with particular reference to transboundary movements of LMOs and the ultimate aim of maximizing the benefits of biotechnology while minimizing its possible adverse effects.

The Protocol establishes a harmonized set of rules and procedures for regulating movements of living modified organisms from one country to another. In particular, it establishes an advance informed consent procedure, under which an exporter is required to provide to the importing country with a prior written notification containing certain minimum information to enable the latter to take a decision on whether or not to allow the import to proceed.

The Protocol entered into force on 11 September 2003, less than four years after its adoption. The first meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety was held in Kuala Lumpur from 23 to 27 February 2004. This booklet contains the decisions adopted at that meeting.

These decisions will shape the evolution of the Protocol in the coming years and will, to a great extent, determine its ability to achieve its objectives. Some of the decisions are procedural or administrative in nature, others are operational and aim to support implementation, while others still map out future work to resolve some of the issues that remain outstanding from the negotiation process.

One of the key means to support implementation is through capacity-building, which will be essential for ensuring that all Parties are in a position to make informed decisions and to derive full benefit from the Protocol. Accordingly, in decisions BS-I/4 and BS-I/5, the Parties adopted an Action Plan for Building Capacities for the Effective Implementation of the Protocol, together with a coordination mechanism for its implementation, and interim guidelines for the roster of experts on biosafety to provide assistance to developing countries and countries with economies in transition in risk assessment and risk management, and in capacity-building. They also adopted interim guidelines for the pilot phase of a voluntary fund to pay for the use of experts selected from the roster.

Another critical operational area addressed by the Parties in Kuala Lumpur relates to Article 18 of the Protocol, on handling, transport, packaging and identification of living modified organisms. Paragraph 2 (a) of that article deals with documentation accompanying living modified organisms intended for direct use as food or feed or for processing and provides, *inter alia*, that the Parties are to take a decision on the detailed documentation requirements no later than two years after the entry into force of the Protocol. In order to advance this process, the Parties decided to establish an Open-ended Technical Expert Group on Identification Requirements of Living Modified Organisms

Intended for Direct Use as Food or Feed, or for Processing and adopted terms of reference for its work (decision BS-I/6 A). It was also agreed that a workshop on capacity-building and exchange of experience on the safe handling, transport, packaging and identification of living modified organisms would be held before the first meeting of this Group (decision BS-I/6 D).

The Parties also outlined identification requirements for transboundary shipments of living modified organisms for contained use or for intentional introduction into the environment (decision BS-I/6 B) and invited Parties and other Governments to take measures to apply the OECD Unique Identifiers for Transgenic Plants, without prejudice to the possible development of other systems (decision BS-I/6 C).

The Parties also adopted procedures and mechanisms to facilitate decision-making by Parties of import (decision BS-I/2). The guidelines and procedures state, *inter alia*, that Parties shall cooperate to ensure that importing Parties have access to the Biosafety Clearing-House—the main information-sharing platform under the Protocol—and that procedures and mechanisms should be demand-driven by importing Parties.

In decision BS-I/3, the Parties approved the transition of the Biosafety Clearing-House to a fully operational phase and adopted modalities for its operation. These modalities outline the role of the Biosafety Clearing-House, its characteristics, its administration, the role of Biosafety Clearing-House focal points, modalities for technical oversight and advice, the obligations of partner organizations, reporting arrangements, and procedures for periodic review by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

A major breakthrough at the meeting was the agreement reached on procedures and mechanisms for compliance under the Protocol (decision BS-I/7). The Parties established a Compliance Committee with 15 members nominated by Parties and elected by the Conference of the Parties serving as the meeting of the Parties to the Protocol. These members will serve in their individual capacity. The Committee is intended to promote compliance with the Protocol, address cases of non-compliance and provide advice and assistance where appropriate.

The Parties also established an Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Protocol to elaborate international rules and procedures regarding liability and redress for damage resulting from transboundary movements of living modified organisms (decision BS-I/8). The Ad Hoc Group is expected to complete its work in 2007.

With regard to national reporting on measures that taken by Parties to implement the Protocol, the meeting decided that such reports are to be submitted every four years but in the initial four-year period an interim report is to be submitted two years after the entry into force of the Protocol (decision BS-I/9). The Parties also approved a format for that interim report.

The Parties also discussed a number of other issues for the effective implementation of the Protocol and decided in decision BS-I/11 to use, as appropriate, all mechanisms

available for considering scientific and technical issues arising from the Protocol, and formulating consensual views and common guidance necessary for effective implementation. They also provided guidance on transboundary movements of living modified organisms between Parties and non-Parties and developed a recommendation to the Conference of the Parties on guidance to the financial mechanism, focusing in particular on eligibility criteria for funding and on the need to support capacity-building. This recommendation was subsequently adopted with amendments as part of decision VII/20 of the Conference of the Parties to the Convention on Biological Diversity.

Finally, at the procedural level, the Parties adopted decision BS-I/1 regarding the application to their meetings of the rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity. They also agreed on a medium-term programme of work from their second to fifth meetings, according to which the second and third meetings would be held on an annual basis, with a decision on subsequent periodicity of meetings to be taken at a later stage (decision BS-I/12). The next meeting will be held in the second quarter of 2005 at a venue and date to be specified by the Executive Secretary in consultation with the Bureau (decision BSI/13).

In sum, the progress made at the meeting was impressive and bodes well for the future. The procedure and administrative basis for the Protocol process has been laid, and the necessary operational tools to support and monitor implementation are now in place. In addition, processes have been set in motion to resolve outstanding issues that could not be settled during the negotiations, and the number of Parties to the Protocol—already accounting for more than half of the Parties to the Convention—continues to grow. The groundwork has been prepared for a movement from concepts to action likely to ensure the achievement of the objectives of the Convention in providing a framework that makes it possible to derive maximum benefit from the potential that modern biotechnology has to offer while minimizing the risks to biological diversity, taking also into account risks to human health.

Hamdallah Zedan
Executive Secretary
Convention on Biological Diversity

DECISIONS ADOPTED BY THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

BS-I/1.

RULES OF PROCEDURE FOR MEETINGS OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Noting that, according to Article 29, paragraph 5, of the Protocol, the rules of procedure of the Conference of the Parties to the Convention shall be applied*, mutatis mutandis*, under the Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recognizing that, when the rules of procedure of the Conference of the Parties to the Convention are applied *mutatis mutandis* under the Protocol, Articles 29, 30 and 31 of the Protocol, in particular, will affect the application of the rules of procedure to the Conference of the Parties serving as meeting of the Parties to the Protocol*,*

Decides by consensus that*:*

(a) When rule 21 of the rules of the procedure for meetings of the Conference of the Parties to the Convention is applied to the Conference of the Parties serving as the meeting of the Parties to the Protocol, this rule shall be supplemented by the following paragraph:

> "Where a member of the Bureau of the Conference of the Parties to the Convention representing a Party to the Convention but, at that time, not a Party to the Protocol, is substituted by a member elected by and from among the Parties to the Protocol, the term of office of the substitute member shall expire at the same time as the term of office of the member of the Bureau he or she substitutes."

(b) When the rules of procedure of the Conference of the Parties of the Convention are amended by the Conference of the Parties to the Convention, those amendments shall not apply to the Conference of the Parties serving as the meeting of the Parties to the Protocol, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

BS-I/2.

PROCEDURES AND MECHANISMS FOR FACILITATING DECISION-MAKING BY PARTIES OF IMPORT (ARTICLE 10, PARAGRAPH 7)

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling Article 10, paragraph 7, of the Cartagena Protocol on Biosafety, which requires that the Conference of the Parties serving as the meeting of the Parties, at its first meeting, to decide upon appropriate procedures and mechanisms to facilitate decision-making by Parties of import,

Noting decision V/1 of the Conference of the Parties to the Convention with regard to the work plan of the Intergovernmental Committee for the Cartagena Protocol on Biosafety,

Decides:

(a) To adopt, pursuant to Article 10, paragraph 7, of the Protocol, the procedures and mechanisms to facilitate decision-making by Parties of import, as contained in the annex to this decision;

(b) To continue to identify and build upon the mechanisms that will further facilitate capacity building;

(c) To review, in line with Article 35 of the Protocol, the procedures and mechanisms referred to in subparagraph (a) above, and take appropriate action.

Annex

PROCEDURES AND MECHANISMS TO FACILITATE DECISION-MAKING BY PARTIES OF IMPORT UNDER PARAGRAPH 7 OF ARTICLE 10 OF THE CARTAGENA PROTOCOL ON BIOSAFETY

A. Guidelines

1. The procedures and mechanisms, hereby defined pursuant to Article 10, paragraph 7, of the Protocol, are designed to facilitate decision-making by Parties of import, especially those encountering difficulties in the decision-making process under Article 10 of the Protocol.

2. In facilitating the decision-making under Article 10 of the Protocol, priority shall be given, within the framework of Article 22 of the Protocol, to capacity-building of developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, and also taking into account centres of origin and centres of genetic diversity.

3. Parties shall cooperate with a view to ensuring that Parties of import, especially

developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, have access to the Biosafety Clearing House or to the information it houses for the purpose of facilitating decision-making. The decision on the modalities of the operation of the Biosafety Clearing House pursuant to paragraph 4 of Article 20 should take into account the needs of Parties of import in decision-making as a matter of priority.

4. The procedures and mechanisms to facilitate decision-making shall be demand-driven by Parties of import.

5. While other mechanisms should be kept under consideration, the roster of experts and the Biosafety Clearing-House are among the main mechanisms to provide, upon request, the necessary support to Parties of import to facilitate decision-making by them under Article 10 of the Protocol. The modalities for use of the roster of experts for the purpose of facilitating decision-making by Parties of import shall follow the rules of procedure or guidelines to be adopted by the Conference of the Parties serving as the meeting of the Parties with regard to how the roster of experts should be used by Parties, including issues relating to selection of experts, covering the costs of the expert time and services and the establishment of duties to be undertaken by the experts.

B. Procedures

6. A Party of import, especially developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition may, at any time after having received notification from the Party of export or the notifier under Article 8 of the Protocol, seek, through the Secretariat, any relevant assistance from, among other mechanisms, the roster of experts to deal with the notification it received and to be able to make a decision.

7. In the case where no acknowledgement of receipt of notification or decisions are communicated by a Party of import that is a developing country Party or a Party with an economy in transition, under the time frame established under Articles 9 and 10 of the Protocol, and after the Party of export has sought clarification from the Party of import on the reason for lack of response or decision, the Party of export may remind the Party of import of the need for an acknowledgement and, as appropriate, help it financially to obtain expert or other assistance, including through the use of the roster of experts, in order to enable the Party of import to reach a decision.

8. These procedures and mechanisms to facilitate decision-making by Parties of import shall be separate from, and without prejudice to the procedures and mechanisms established under Article 34 of the Protocol on compliance and the dispute-settlement procedures under Article 27 of the Convention.

BS-I/3.

INFORMATION-SHARING AND THE BIOSAFETY CLEARING-HOUSE (ARTICLE 20): MODALITIES OF OPERATION OF THE BIOSAFETY CLEARING-HOUSE

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Having examined the note by the Executive Secretary, (UNEP/CBD/BS/COP-MOP/1/5), reviewing the progress in the development and implementation of the pilot phase of the Biosafety Clearing-House,

Taking note of the recommendations made by the Intergovernmental Committee for the Cartagena Protocol on Biosafety on the development of the pilot phase of the Biosafety Clearing-House,

Taking note that the progress made and experience gained during the implementation of the pilot phase has produced valuable insights as to the future development of the Biosafety Clearing-House,

Recognizing that some developing countries, in particular the least developed and small island developing states among them, either do not have access to the Internet, or experience periodically unreliable telecommunication networks, and/or unaffordably high cost of access to the Internet, as well as inadequate information technology and competent human resources capacity to access and manage Internet-based information,

Welcoming the proposed UNEP-GEF add-on project "Building Capacity for Effective Participation in the Biosafety Clearing-House" and calling on the Global Environment Facility to extend support to all eligible countries,

1. *Approves* the transition of the pilot phase of the Biosafety Clearing-House to the fully operational phase;

2. *Adopts* the modalities of operation of the Biosafety Clearing-House that are contained in the annex to this decision;

3. *Welcomes* the participation in the pilot phase of governments and international organizations that have provided information to the Biosafety Clearing-House, either directly through the Management Centre of the Central Portal, or through the development of nodes that are interoperable with the Central Portal of the Biosafety Clearing-House;

4. *Encourages* Parties, governments and other users to develop national, regional, sub-regional and institutional nodes that are interlinked with the Central Portal, in accordance with minimum standards for partnership as outlined in Section F of the Annex hereto. It is suggested that these nodes and/or partnerships would focus initially on:

(a) Providing searchable access to information to facilitate decision-making, particularly that required under the Advance Informed Agreement procedure and information required to implement Article 11 on the procedure for living modified

organisms intended for direct use as food or feed, or for processing;

(b) Providing searchable access to any other information required by the Protocol to be made available to Parties through the Biosafety Clearing-House as outlined in section A of the Annex to the present decision ; and

(c) Facilitating access to and dissemination of scientific, technical, environmental and legal information on, and experience with, living modified organisms;

5. *Urges* all Parties, governments and other users to provide relevant information to the Biosafety Clearing-House as soon as possible, including information pertaining to decisions on the release or import of living modified organisms taken prior to entry into force of the Protocol;

6. *Invites* relevant international, regional, subregional and national organizations and entities willing to offer their cooperation as active partners in the implementation of the Biosafety Clearing-House to communicate the details of their offer and *requests* the Executive Secretary of the Secretariat to enter into collaborative arrangements and to report to its second meeting on the results of such arrangements;

7. *Calls upon* each Party that has not yet done so to designate an appropriate national focal point for the Biosafety Clearing-House;

8. In this regard, *invites* Governments, organizations and other users interested in entering into a partnership with the Biosafety Clearing-House to nominate an appropriate focal point to carry out this role;

9. *Requests* the Executive Secretary to further develop non-Internet based biosafety clearing-house mechanisms that effectively interface with the Internet-based technology, and are consistent with the characteristics and administrative requirements detailed in sections B and C of the annex to the present decision, and to make them available to Parties and Governments upon request;

10. *Requests* the Executive Secretary to continue analysing the identified capacity-building and financial requirements of developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition, as well as countries that are centres of origin and centres of genetic diversity, to enable their active participation in the Biosafety Clearing-House. This information will be provided to Governments, intergovernmental and non-governmental organizations with a role in capacity-building;

11. *Calls upon* the international community to make additional voluntary contributions to meet the capacity-building needs of countries with respect to the implementation of national components of the Biosafety Clearing-House;

12. *Decides* to review the implementation of the Biosafety Clearing-House at its second meeting and requests the Executive Secretary to submit a progress report to that meeting, with a view to developing a longer-term programme of work for the Biosafety Clearing-House**.**

Annex

MODALITIES OF OPERATION OF THE BIOSAFETY CLEARING-HOUSE

A. Role of the Biosafety Clearing-House

1. The role of the Biosafety Clearing-House in the provision and exchange of information in support of implementation of the Protocol, is clearly articulated in the Protocol. At a minimum, the Biosafety Clearing-House has a role in providing access to information relating to:

(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 paragraph 3 (a));

(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 paragraph 5);

(c) Bilateral, multilateral and regional agreements and arrangements (Articles 14 paragraph 2 and 20 paragraph 3 (b));

(d) Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19 paragraph 1 and 19 paragraph 3), and emergency contacts (Article 17 paragraph 3 (e));

(e) Reports submitted by the Parties on the operation of the Protocol (Article 20 paragraph 3 (e));

(f) Decisions by a Party on regulating the transit of specific living modified organisms (LMOs) (Article 6 paragraph 1);

(g) Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17 paragraph 1);

(h) Illegal transboundary movements of LMOs (Article 25 paragraph 3);

(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) (Article 10 paragraph 3 and Article 20 paragraph 3(d));

(j) Information on the application of domestic regulations to specific imports of LMOs (Article 14 paragraph 4);

(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 paragraph 1);

(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 paragraph 4) or in accordance with annex III (Article 11 paragraph 6) (requirement of Article 20 paragraph 3(d));

(m) Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11 paragraph 6);

(n) Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12 paragraph 1);

(o) LMOs granted exemption status by each Party (Article 13 paragraph 1);

(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 paragraph 1); and

(q) Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20 paragraph 3 (c)).

B. Characteristics of the Biosafety Clearing-House

2. The Biosafety Clearing-House shall be developed in a manner consistent with the following characteristics:

(a) Guided by the principles of inclusiveness, transparency and equity, and open to all Governments;

(b) Making use of a central portal to assist in the use and navigation of the Biosafety Clearing-House website;

(c) Containing a central database for making information available through the Biosafety Clearing-House, that stores, at a minimum, information from countries without a national database, as well as incorporating information provided by interoperable information-exchange systems;

(d) Providing access to information to assist countries in capacity-building for implementation of the Protocol, as well as providing support to the Coordination Mechanism for the Action Plan for Building Capacities for the Effective Implementation of the Protocol (which includes databases on capacity-building activities; identified national needs and priorities), established pursuant to decision BS-I/5;

(e) Providing access to the roster of experts on biosafety established by decision EM-I/3, paragraph 14, of the Convention of the Parties;

(f) As a decentralized mechanism where appropriate, making use of the Internet as a delivery mechanism, as well as other mechanisms to ensure the participation of Parties without Internet access;

(g) Making use of common formats to report information, such as decision information, laws and regulations, and national contact details, using a modular data structure where possible;

(h) Making use, where appropriate, of a controlled vocabulary to describe records, which can be translated into the official United Nations languages, to facilitate the ability to search for records in all languages;

(i) Making use of metadata about each record (i.e., descriptive identifiers such as name, date, author, etc.), to facilitate the submissions, searching, location and retrieval of information;

(j) Making use of existing unique identification systems for living modified organisms, as appropriate, to facilitate searching and retrieval of information;

(k) Facilitating navigation of the central portal website in all official United Nations languages;

(l) Requiring that all information be submitted to the Biosafety Clearing-House in an official language of the United Nations, while recognizing that full information sources and documents that are linked to records from the Biosafety Clearing-House may be available only in a language of the submitting Government and not in an official language of the United Nations;

(m) Encouraging Parties and other Governments to also provide courtesy translations of information in the Biosafety Clearing-House into one or more languages that are commonly used internationally, in order to minimize the burden of translation;

(n) Not including confidential data as such information shall be exchanged on a bilateral basis;

(o) Building up its functions and activities in response to clear and identified demand, and based on further experience and available resources;

(p) In close cooperation with relevant international organizations to maximize use of existing experience and expertise; and

(q) Enhancing networking between national, regional, sub-regional and international centres with relevant expertise, as well as non-governmental organizations and the private sector, to maximize use of existing experience and to minimize any duplication of work.

C. Administration of the Biosafety Clearing-House

3. The Secretariat of the Convention shall administer the central portal of the Biosafety Clearing-House. These functions will include:

(a) Developing and maintaining the central portal and central databases to ensure the Biosafety Clearing-House is accessible, user-friendly, searchable, and understandable;

(b) Identifying, reviewing and establishing, as necessary, common formats for reporting information to the Biosafety Clearing-House;

(c) Providing hard copies of information available through the Biosafety Clearing-House, as and when requested by Parties;

(d) Assisting governments, on request, in the use of the Biosafety Clearing-House central portal, and coordinating the development of national, regional, subregional and

institutional nodes that are interlinked with the central portal;

(e) Entering into administrative arrangements with relevant international, regional, sub-regional and national organizations and entities, as appropriate; and

(f) Performing such other administrative functions as are directed by the Conference of the Parties serving as the meeting of the Parties to the Protocol in other decisions.

D. Role of the Biosafety Clearing-House focal points

4. National focal points (or, where appropriate, Institutional Focal Points) for the Biosafety Clearing-House shall be nominated to liaise with the Secretariat regarding issues of relevance to the development and implementation of the Biosafety Clearing-House, whose functions shall include the following roles and responsibilities:

(a) Active clearance for publishing information registered on the Biosafety Clearing-House, including validation at a national level of records to make them publicly available through the central portal;

(b) Liaison with the Secretariat regarding the technical aspects of national participation in the Biosafety Clearing-House, as well as provision of advice on further technical development including, *inter alia*, suggestions for improvements to the layout and system specifications of the central portal and central databases; and

(c) Facilitation of the development of a network of multi-sectoral and interdisciplinary partners, as appropriate in the implementation process of the Biosafety Clearing-House.

E. Technical oversight and advice

5. The Secretariat may seek assistance from an informal advisory committee, constituted and coordinated by the Executive Secretary in a transparent manner, with a particular focus on providing guidance with respect to resolution of technical issues associated with the ongoing development of the Biosafety Clearing-House.

F. Obligations of partner organizations

6. Relevant international, regional, sub-regional and national organizations and entities willing to offer their cooperation as active partners in the operation of the Biosafety Clearing-House shall follow specific interoperability guidelines for information-sharing, to be prepared by the Secretariat for this purpose. Where partner institutions are hosting information that is required by the Protocol to be made available to the Biosafety Clearing-House, the following minimum standards will apply:

(a) Nomination of an institutional focal point in the partner organization, responsible for liaison with the Secretariat;

(b) Written confirmation by the relevant Party or Government that responsibility for provision of this information has been conveyed to the institution in question;

(c) Guaranteed maintenance of their information-exchange system, as well as

provision of 24 hour/7 day a week availability and open access to the required information;

(d) If these standards cannot be maintained, or if a partner does not wish to continue to provide information to the Biosafety Clearing-House, all data or information subject to this partnership shall be transferred to the central databases maintained by the Secretariat.

G. Reports on activities

7. Once a year, the Quarterly Report prepared by the Secretariat shall include information on the operation of the Biosafety Clearing-House, including information such as the number of and regional distribution of national focal points; the number of records available through the Biosafety Clearing-House; and partnership arrangements that have been entered into. These reports shall also be made available through the Biosafety Clearing-House itself.

8. In addition, Parties and other users of the Biosafety Clearing-House are encouraged to provide the Secretariat with feedback on their experiences with its operation. Such feedback shall be made available to the Conference of the Parties serving as the meeting of the Parties, and may serve as a basis for further development of the Biosafety Clearing-House.

H. Periodic review

9. The implementation and operation of the Biosafety Clearing-House shall be subject to periodic review, which should aim to include consultation with a wide variety of countries and participating organizations. The first review should be undertaken by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol, with a view to developing a longer-term programme of work. Periodic reviews should then take place in accordance with Article 35 of the Protocol.

BS-I/4.

CAPACITY-BUILDING (ROSTER OF EXPERTS)

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety

I. STATUS AND IMPLEMENTATION OF THE ROSTER OF EXPERTS ON BIOSAFETY

1. *Adopts* the Interim Guidelines for the Roster of Experts on Biosafety, contained in annex I to the present decision;

2. *Invites* Parties and Governments to use the Interim Guidelines for the Roster of Experts on Biosafety;

3. *Urges* Parties and Governments that have not yet done so to submit nominations of experts to the Secretariat in accordance with the Interim Guidelines for the Roster of Experts on Biosafety, using the nomination form provided via the Biosafety Clearing-House and reproduced in appendix 1 of annex I to the present decision;

4. *Recognizing* that the roster of experts will be most useful if there is sufficient detail to discern the particular areas of knowledge and specialization for each expert, *urges* Governments to update, or to request their nominated experts to update, the information currently contained in the roster, for each field of the nomination form;

5. *Requests* the Executive Secretary, as the administrator of the roster, to implement the functions specified in the Interim Guidelines for the Roster of Experts on Biosafety;

6. *Requests* the Executive Secretary to report to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol on the status of the use of the roster of experts on biosafety, with a view to monitoring the regional balance in the use of experts;

II. PILOT PHASE OF THE VOLUNTARY FUND FOR THE ROSTER OF EXPERTS ON BIOSAFETY

Reaffirming the important role to be played by the voluntary fund in supporting developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, to pay for the use of experts selected from the roster,

Noting and welcoming the decision of the Conference of the Parties, at its sixth meeting, to establish, pursuant to paragraphs 6 and 7, of recommendation 2/9 B of the Intergovernmental Committee for the Cartagena Protocol on Biosafety, and on a pilot-phase basis, a trust fund, to be administered by the Secretariat, for voluntary contributions from Parties and Governments for the specific purpose of supporting developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition to pay for the use of experts selected from the roster of experts on biosafety,

7. *Adopts* the Interim Guidelines for the Pilot Phase of the Voluntary Fund for the Roster of Experts on Biosafety, as contained in annex II to the present decision;

8. *Invites* Parties and Governments to use the Interim Guidelines for the Pilot Phase of the Voluntary Fund for the Roster of Experts on Biosafety;

9. *Requests* the Executive Secretary to administer the pilot phase of the Voluntary Fund according to the Interim Guidelines for the Pilot Phase of the Voluntary Fund for the Roster of Experts on Biosafety;

10. *Decides* that the pilot phase of the Voluntary Fund for the Roster of Experts on Biosafety shall last for a period of four years and *requests* the Executive Secretary on its completion to provide the Conference of the Parties serving as the meeting of the Parties to the Protocol with an evaluation of its performance along with recommendations for any necessary future action;

11. *Urges* Governments and other donors to make contributions to the pilot phase of the voluntary fund for the roster of experts;

12. *Invites* the financial mechanism for the Protocol to assess whether it can have a role to play in the roster of expert**s.**

Annex I

INTERIM GUIDELINES FOR THE ROSTER OF EXPERTS ON BIOSAFETY

A. Mandate of the roster

1. The mandate of the roster of experts shall be to provide advice and other support, as appropriate and upon request, to developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of LMOs. Moreover, the roster of experts should perform all other functions assigned to it by the Conference of the Parties serving as the meeting of the Parties to the Protocol in the future, in particular in the fields of capacity-building.

2. The roster of experts is an instrument to build capacities and to aid developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition until adequate capacities have been built.

B. Administration of the roster

The Secretariat of the Convention/Protocol shall administer the roster. These functions will include:

(a) Establishing and reviewing, as necessary, the nomination form;

(b) Maintaining an appropriate electronic database to allow easy access to the roster;

(c) Maintaining a paper copy, updated at least once a year, of the roster;

(d) Advising the Parties on coverage of all areas of expertise available through the roster, and on regional and gender balances on the roster from time to time;

(e) Assisting Parties, on request, in identifying appropriate experts; and

(f) Performing such other administrative functions as are set out in these Guidelines or as directed by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol in other decisions;

(g) Verifying the availability of experts as necessary.

C. Access to the roster

Access to the roster should be maintained through the Biosafety Clearing-House (via the Internet or non-electronic means). The Secretariat will publish once a year a written version of the roster for distribution to each Party, along with a description of how the different Internet search fields can be used to aid Parties to identify needed expertise. A Party may request any updated version in between these publications.

D. Membership on the roster of experts

1. Nomination of members

1. Roster members shall be nominated by Governments. Governments are responsible for ensuring that nominees possess the highest professional qualities and expertise in the fields for which they are nominated. Parties should consult with relevant stakeholders and seek interested individuals including from national and sub-national governments, research and academic institutions, industry and non-governmental organizations for the purpose of providing balanced, high-quality nominations.

2. The Parties are encouraged to consider retired experts with accumulated knowledge and experience, and with no current institutional affiliations, as potential nominees.

2. Mechanism for nomination

1. The nomination form attached to these guidelines as appendix 1 shall be used for all nominations. Electronic submissions of the form are encouraged. Nominating Governments should ensure the accuracy of the information submitted on all nomination forms. The Executive Secretary will undertake a review of the roster of experts nomination form with input from Governments and, in particular, to review the categories of expertise.

2. Governments shall endeavour to keep their nominations to the roster of experts up-to-date. Parties shall use their national reports to the Cartagena Protocol on Biosafety to confirm their nominations and, if necessary, update information of individual experts. Non-Parties are invited to confirm and update information with the same periodicity.

3. Maximum number of nominations

Each Government is recommended not to nominate more than 50 experts, and not

more than five experts per area of specialization (as this term is used in the nomination form) may be nominated.

4. Balanced representation

1. All Governments are encouraged to nominate experts and to encourage regional balance in the roster. Governments should utilize regional centres of excellence in developing countries, in particular the least developed and small island developing States among them, and countries with economies in transitions, as sources for the nomination of experts. The Secretariat will ensure that the roster database allows for a regional breakdown of roster members as a primary "filter" in searching the list of members.

2. Governments are encouraged to promote gender balance in their nominations, as well as ensure appropriate expertise for assessments with respect to Article 26 of the Cartagena Protocol.

3. The Executive Secretary shall report annually to the Parties on the sectoral, regional and gender balances in the roster.

5. Required information on experts

Information required for each nominee is set out in the nomination form. The Secretariat shall ensure each form is complete prior to listing a nominee on the roster.

6. Institutions

Involving experts from existing and independent institutions with relevant expertise in biosafety would allow access to a wide base of multidisciplinary knowledge. Therefore, experts are invited to indicate in the nomination form whether they are members of any institution.

E. Scope of expertise required

1. The areas of expertise required for members of the roster are identified on the nomination form in appendix 1.

2. The areas of expert advice and support that may be provided through the roster are set out in the indicative list contained in appendix 2 to these guidelines.

F. Choice of experts for assignments

1. Choice by requesting Party

The choice of experts for any given assignment is to be made by the requesting Party.

2. Assistance by Secretariat

When requested by a Party seeking an expert, the Secretariat shall provide assistance to the Party to identify experts listed in the specific area(s) of expertise in the roster. Where feasible, the Secretariat should include a list of potential experts that reflects regional and gender participation.

3. Secretariat facilitating initial contact

The Secretariat may facilitate the initial contact of a Party seeking assistance with any expert on the roster. When direct contact is made by a Party to an expert, the Party should report the contact and its result to the Secretariat in order to ensure that full records on the operations of the roster can be maintained.

G. Obligations of individuals on the roster

1. Ensuring complete and accurate information on nomination forms

Experts are responsible to ensure that the information on their nomination form is complete and accurate.

2. Agreement to release nomination form information to the public

All information on the nomination form should normally be made available to the public, including on the Biosafety Clearing-House, after a nomination is completed. However, a roster member may request the non-disclosure of direct contact information (telephone, address, fax and e-mail) if she or he chooses.

3. Acceptance or refusal of a request for assistance/advice

Members of the roster may accept or reject any proposed assignment.

4. Declining to act if there is a real or perceived conflict of interest

1. Experts should decline any assignment where an assignment may raise a real or perceived conflict of interest. Prior to undertaking any assignment through the roster, or to being put forward on a secretariat shortlist, each roster member will complete a conflict of interest declaration, indicating if they have any personal, institutional or other professional interests or arrangements that would create a conflict of interest or that a reasonable person might perceive creates a conflict.

2. If the declaration raises concerns, the Secretariat or Party concerned may seek further information from the expert. If legitimate concerns remain, it is recommended that any judgments as to whether a conflict exists should err on the side of caution, consistent with maintaining the highest level of credibility of the roster process.

5. Acting in a personal capacity

Each expert shall act solely in their personal capacity, regardless of any other governmental, industry, organizational or academic affiliation.

6. Exhibiting highest professional standards

Any expert carrying out an assignment is expected to comply with all applicable professional standards in an objective and neutral way, and to exhibit a high degree of professional conduct in undertaking an assignment. These standards should extend to any discussions that assist a Party in choosing an expert. Experts are expected to perform their duties in a timely manner.

7. Contributing to training of local personnel when possible

Experts may be asked, when appropriate, to contribute to on-the-ground-training and capacity-building of local personnel as part of their assignment.

8. Confidentiality and transparency

1. Unless otherwise authorized by the requesting Party concerned, experts on the roster undertaking assignments shall not divulge confidential information obtained through or as a result of performing their duties. Confidentiality should be as stipulated in the agreement between the Party and the expert.

2. The final written advice of the expert shall be made available through the Biosafety Clearing-House, respecting confidential information.

9. Setting clear expectations

It is the responsibility of the Party and the expert to ensure that the expectations and terms of reference of the Party are clear, and that these have been understood by the expert.

10. Submitting a report

Brief reports should be prepared by the expert following completion of the assignment, including overall assessment of the process, the results achieved and constraints encountered, as well as suggestions that might be considered for future assignments.

H. Payment of roster members

1. Pro bono assignments

Any expert may choose to undertake an assignment on a *pro bono* basis. The same principles relating to conflict of interest, acting in a personal capacity, and other obligations under section G would apply to such *pro bono* assignments.

2. Secondment

Any organization may permit experts affiliated with it to undertake an assignment as a secondment from their usual duties. Transparent and full disclosure of any such arrangements should be made. No Government or institution is obligated to cover any or all of the cost of a nominated expert.

3. Payments fixed by contract with requesting Party

Legal arrangements for fees and/or expenses associated with an assignment should be addressed in contractual agreements between the Party and the expert in question.

I. Liability

Decisions taken by the requesting Party on the basis of advice provided will be the sole responsibility of the Party**.**

1. Liability of nominating Party

Nominating Governments shall not be liable for the personal conduct, inputs or results arising from or connected with the work of an expert it has nominated.

2. Liability of the Secretariat

The Secretariat shall not be liable for, or subject to any legal process arising from or connected with, the use or advice of an expert from the roster.

3. Liability of experts

Liability of the expert and the applicable law should be addressed in the contract between the Party seeking assistance and the expert.

J. Reports

1. Parties are encouraged to provide the Secretariat with an evaluation of the advice or other support provided by experts and the results achieved. Such evaluations should be made available through the Biosafety Clearing-House.

2. Once a year, the Quarterly Report prepared by the Secretariat will include a section on the operation of the roster, which should include factual information on the number of experts on the roster, regional, gender, discipline breakdowns of the roster, direct contacts initiated by Parties and their results or contacts facilitated by the Secretariat and their results, including the individual experts contracted by each requesting Party, a note on the topic and description of the assignment, results of the work undertaken and the availability of written products. These reports should be made available through the Biosafety Clearing-House.

K. Periodic review

The operation of the roster should be subject to independent periodic review. The first review should take place in two years. Periodic reviews should then take place in accordance with Article 35 of the Protocol. These periodic reviews should be broad-based, looking at appropriate balances in the roster membership, its uses, successes, failures, quality control of roster assignments, the need for additional advisory services in administering the roster, and other possible recommendations for revisions to the mandate or these rules of procedure to respond to the findings.

Appendix 1

NOMINATION FORM FOR THE BIOSAFETY ROSTER OF EXPERTS

EXPERT INFORMATION

Please provide full names rather than only acronyms or initials

Title: ☐ Ms. ☐ Mr. ☐ Other: _____
☐ Professor ☐ Dr.

Name:

Employer / Organization:

Job Title:

Address:

Telephone:

Facsimile:

Email:

Web Site:

Year of Birth:

Gender: ☐ Male ☐ Female

Nationality:

Details of Current Employment

Start Date of Employment (year):

Organization Type: ☐ Academic ☐ Industry
☐ Government ☐ Non-Governmental Organization (NGO)
☐ Inter-Governmental Organization (IGO)
Other: _____

Main Areas of Responsibility:

Education

Formal education and other qualifications:

Expertise

This section allows you to specify your main expertise for contribution to the roster. Areas of expertise are organized under 8 broad subheadings as follows:

1. Data Management and Information Sharing 2. Institutional Development 3. Legislation and Regulation 4. Public Awareness and Participation	5. Research and Development 6. Risk Assessment and Risk Management (including specification of organisms and traits) 7. Social and Economic Sciences 8. Teaching and Training

Please indicate only the particular subjects in which you have **specialized expertise**.

Data Management and Information-Sharing

☐ Database
☐ Environmental statistics
☐ Information exchange
☐ Information technology
☐ Information clearing-house
☐ Other: _____

Institutional Development

☐ Agricultural management
☐ Environmental management
☐ Human resources
☐ Infrastructure development
☐ Project administration
☐ Public health
☐ Resources management
☐ Other: _____

Legislation and Regulation

☐ Access and Benefit Sharing
☐ Biosafety regulation
☐ Intellectual property law
☐ International environmental law
☐ International trade law
☐ National environmental law
☐ National trade regulations
☐ Other: _____

Public Awareness and Participation

☐ Campaigning and advocacy
☐ Community participation
☐ Journalism
☐ Public information / communications

Research and Development

☐ Biotechnology product development
☐ Biotechnology research
☐ Other: _____

Risk Assessment and Risk Management

- ☐ Agricultural ecology
- ☐ Agriculture
- ☐ Alien invasive species
- ☐ Analytical detection methods
- ☐ Animal ecology
- ☐ Animal pathology
- ☐ Aquaculture
- ☐ Biochemistry
- ☐ Biotechnologies
- ☐ Botany
- ☐ Entomology
- ☐ Environmental impact assessment
- ☐ Epidemiology
- ☐ Evolutionary biology
- ☐ Food sciences
- ☐ Forestry ecology
- ☐ Genetic engineering
- ☐ Genetics of natural populations
- ☐ Human biology
- ☐ Indigenous knowledge
- ☐ Marine biology/ecology
- ☐ Microbial Ecology
- ☐ Microbiology
- ☐ Molecular biology
- ☐ Mycology
- ☐ Pest management
- ☐ Plant pathology
- ☐ Plant physiology
- ☐ Population biology
- ☐ Risk assessment process design and application
- ☐ Soil biology
- ☐ Taxonomy
- ☐ Toxicology
- ☐ Virology
- ☐ Zoology
- ☐ Other: _____

Organisms:
(specify organisms for which you have expertise, indicating Genus and species where possible)

Organism Traits: (specify organism traits for which you have expertise)

- ☐ Antibiotic resistance
- ☐ Bacterial resistance
- ☐ Fungus resistance
- ☐ Herbicide tolerance
- ☐ Insect resistance
- ☐ Marker genes
- ☐ Nematode resistance
- ☐ Product quality
- ☐ Virus resistance
- ☐ Other: _____

Social and Economic Sciences

- ☐ Agricultural economics
- ☐ Bioethics
- ☐ Environmental economics
- ☐ Life cycle assessment
- ☐ Social sciences
- ☐ Socio-economic factors
- ☐ Sustainable development
- ☐ Technology assessment
- ☐ Other: _____

Teaching and Training

- ☐ Environmental education
- ☐ Extension work
- ☐ Informal teaching (e.g., workshop facilitation)
- ☐ Other: _____

Employment History

Main Countries or Regions Worked:

Please give details of previous employment beginning with the most recent previous employer.

Previous Employer 1

Name of the Employer / Organization:

Job Title:

Duration of Time Employed:

Address:

Main Areas of Responsibility:

Previous Employer 2

Name of the Employer / Organization:

Job Title:

Duration of Time Employed:

Address:

Main Areas of Responsibility:

Previous Employer 3

Name of the Employer / Organization:

Job Title:

Duration of Time Employed:

Address:

Main Areas of Responsibility:

Other Relevant Work Experience
(e.g. volunteer work experience)

Description:

Responsibilities:

Publications

Three most relevant publications:
1.
2.
3.

List of publications (please list complete citations of all peer-reviewed articles, books, book chapters, conference papers and other publications; you may send a file if the list is long):

Awards and Memberships

Scientific awards, professional societies, honorary memberships, and membership in advisory committees/panels:

Knowledge of Languages

Mother Tongue:	☐ Arabic	☐ English	☐ Russian
	☐ Chinese	☐ French	☐ Spanish
	Other: _____		
Speak well:	☐ Arabic	☐ English	☐ Russian
	☐ Chinese	☐ French	☐ Spanish
	Other: _____		
Read well:	☐ Arabic	☐ English	☐ Russian
	☐ Chinese	☐ French	☐ Spanish
	Other: _____		
Write well:	☐ Arabic	☐ English	☐ Russian
	☐ Chinese	☐ French	☐ Spanish
	Other: _____		

References

Please give name and detailed contact information for key professional references

Reference 1:

Reference 2:

Reference 3:

Any Other Relevant Information

Please list any other information relevant to your role as an expert.

Confirmation and Agreement

I hereby confirm that the above information is correct and agree for its inclusion in the Roster of Experts on Biosafety under the Cartagena Protocol on Biosafety and the Convention on Biological Diversity. I have no objection to this information being made publicly available.

Signature: _____ Date: _____

CONFIRMATION BY NOMINATING GOVERNMENT

This section must be completed by a National Focal Point

Government:	
Name of Government Representative:	
Focal Point Type:	☐ Cartagena Protocol on Biosafety National Focal Point ☐ Biosafety Clearing-House National Focal Point ☐ CBD National Focal Point
Date:	
Signature:	

Appendix 2

INDICATIVE LIST OF AREAS OF ADVICE AND SUPPORT FOR THE ROSTER OF EXPERTS FOR IMPLEMENTATION OF THE CARTAGENA PROTOCOL

INSTITUTION BUILDING	RISK ASSESSMENT	RISK MANAGEMENT
Needs assessment and biosafety framework planning (a) Inventory of existing and anticipated biotechnology programmes and practices (b) Capacity to develop present and future import/export data (c) Accurate understanding of industry biotechnology practices in relevant sectors (d) Capacity to compile and analyse existing legal and administrative biosafety regimes (e) Multi-disciplinary strategic planning capacity (f) Capacity to relate biosafety regime to other international obligations ***Biosafety regime development*** (a) Develop/strengthen legal and regulatory structures (b) Develop/strengthen administrative processes to manage risk assessment and risk management (c) Develop domestic/regional risk assessment capacity (d) Capacity to administer notification, acknowledgement and decision response process (e) Capacity to make and report decision on LMO import in required time frames (f) Emergency notification and planning and response capacity (g) Enforcement capacity at borders ***Long-term regime-building/maintenance*** (a) Capacity to monitor, review and report on the effectiveness of risk management programme, including legal, regulatory and administrative mechanisms (b) Capacity to monitor longer-term environmental impacts, if any (based on current baselines) (c) Establishment of environmental reporting systems	***General risk assessment capacities*** (a) Ability to coordinate multi-disciplinary analyses (b) Enhancement of technological and institutional capacities for risk assessment (c) Capacity to identify and access appropriate outside expertise (d) Understanding of relevant bio-technology processes and applications ***Science and socio-economic capacities*** (a) Analyse risks to conservation and sustainable use of biodiversity (b) Undertake life-cycle analysis (c) Analyse risks to human health of effects on biodiversity (d) Analyse ecosystem effects of living modified organism introduction (e) Assess food security issues arising from risks to biodiversity (f) Value and roles of biodiversity to local and indigenous communities (g) Other socio-economic considerations related to biodiversity (h) Enhancement of related scientific, technical capacities *Note*: Specific types of scientific expertise required will vary from case to case, but broadly involve two areas: - evaluation of genetic modifications - evaluation of interactions with the receiving environment	***General risk management capacities*** Understanding of application of risk management tools to different biotechnology sectors ***Decision-making capacities*** (a) Identification and quantification of risks, including through sound application of the precautionary approach (b) Capacity to assess relative effectiveness of management options for import, handling and use, where appropriate (c) Capacity to assess relative trade impacts of management options, where appropriate (d) Impartial review of proposed management regime prior to decision-making ***Implementation of decisions*** (a) Identification and handling of living modified organisms at point of import and export (b) Monitoring of environmental impacts against expected impacts (c) Capacity to monitor, enforce and report on compliance

CROSS-CUTTING CAPACITIES
Data management and information-sharing
(a) Exchange of scientific, technical, environmental and legal information
(b) Collection, storage and analysis of scientific, regulatory and administrative data
(c) Communication to the Biosafety Clearing-House
Human resources strengthening and development
(a) All aspects of regime development, evaluation and maintenance for risk assessment and risk management
(b) Raising awareness of modern biotechnology and biosafety among scientists, government officials
(c) Training and longer-term education
(d) Procedures for safe handling, use and transfer of living modified organisms
Public awareness and participation
(a) Administer and disseminate information on legal and administrative framework
(b) Public awareness of/participation in scientific assessment process
(c) Risks associated with handling and use
Involvement of stakeholders e.g. non-governmental organizations, local communities, private sector
(a) Capacity to negotiate with and provide opportunity for private sector involvement
(b) Processes for community, NGO consultation in development of risk assessment and management regimes
(c) Processes for community, NGO consultation prior to decisions
Regional capacity development
(a) Scientific assessment of risk
(b) Harmonization of legal regimes
(c) Training of human resources
(d) Information sharing

Source: Indicative Framework for Capacity-Building under the Cartagena Protocol on Biosafety, (UNEP/CBD/ICCP/1/4).

Annex II

INTERIM GUIDELINES FOR THE PILOT PHASE OF THE VOLUNTARY FUND FOR THE ROSTER OF EXPERTS ON BIOSAFETY

A. Purpose of the pilot phase of the Voluntary Fund

The pilot phase of the Voluntary Fund for the Roster of Experts is hereby established to support developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, to pay for the use of experts selected from the roster.

B. Financing of the pilot phase of the Voluntary Fund

The pilot phase of the Voluntary Fund shall be financed from voluntary contributions. Annually, the Executive Secretary shall seek contributions to the Voluntary Fund from Governments, governmental, intergovernmental and non-governmental organizations, and other sources with the financial ability to do so, in accordance with the Financial Rules of the Convention and the Financial Regulations and Rules of the United Nations.

C. General administration of the Voluntary Fund

1. The pilot phase of the Fund shall be administered by the Executive Secretary in accordance with the interim guidelines for the roster of experts on biosafety contained in annex 1 to the present decision, and in accordance with the Financial Rules of the Convention.

2. The Bureau of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol shall advise the Executive Secretary on administrative and operational matters relating to the activities of the pilot phase of the Voluntary Fund.

3. The Secretariat of the Convention on Biological Diversity shall receive voluntary contributions and, upon request and as agreed, distribute on a case-by-case basis, an agreed amount from the Voluntary Fund to eligible Parties in accordance with the eligibility criteria specified in section D below.

4. All administrative costs of the pilot phase of the Voluntary Fund shall be met by the Voluntary Fund. In accordance with the Financial Regulations and Rules of the United Nations, 13 per cent of the total amount disbursed shall be levied to cover the administrative costs**.**

5. The Secretariat shall prepare reports on the status, operation and use of the pilot phase of the Voluntary Fund for consideration by each meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, as well as allocation reports and financial statements in accordance with the Financial Rules of the Convention. These reports shall be made available through the Biosafety Clearing-House.

6. Once a year, the Secretariat will report in its Quarterly Report for the fourth quarter the status of the use of the pilot phase of the Voluntary Fund, listing the value, purpose, and timing of approved requests and completed assignments. A summary of use of the Voluntary Fund by region will also be included. This report will be in the same Quarterly Report as the report required on use of the roster itself, specified in section J, paragraph 2, of the interim guidelines for the roster of experts annexed to the present decision.

D. Eligibility criteria

The eligibility criteria are defined as follows:

(a) *Eligible countries*: Funding requests will only be considered from developing country Parties, in particular the least developed and small island developing States

among them, and Parties with economies in transition;

(b) *Eligible activities*: Funding requests shall be related to the use of experts from the roster, for purposes defined by decision EM-I/3 and the interim guidelines for the roster of experts on biosafety, annexed to the present decision. These purposes include providing advice and support to Parties to conduct risk assessment, make informed decisions, develop national human resources, promote institutional strengthening, associated with transboundary movements of living modified organisms, or perform other functions approved by the Conference of the Parties serving as the meeting of the Parties to the Protocol in future, particularly in the field of capacity-building. The use of experts and their contributions should be complementary to, and not duplicate, the assistance provided through the financial mechanism;

(c) *Eligible costs*:

(i) Eligible costs include professional fees, travel expenses, and other costs directly related to the use of experts. The pilot phase of the Voluntary Fund shall not be used to support broader activities or projects that comprise anything other than the use of experts;

(ii) The general United Nations daily rate for professional fees for experts shall apply, as appropriate. In cases where the normal daily rate for an expert from a particular country exceeds the United Nations daily rate, higher rates may be approved;

(d) *Criteria for assessment of funding requests*: The requests made by the eligible Parties shall be assessed on the basis of the following criteria:

(i) *Regional balance*: Preference shall be given to requests from Parties in regions where the Voluntary Fund has been underutilized;

(ii) *Satisfactory compliance for previous grants*: Consideration of new funding requests shall be conditional upon satisfactory compliance with outstanding reporting requirements for previous grants to the same Party under the Voluntary Fund;

(iii) *Timing of receipt of the request*: Requests will be assessed on a first-come-first-served basis. However, if the number and value of requests is high in relation to the funds available, the Bureau of Conference of the Parties serving as the meeting of the Parties to the Protocol may advise the Secretariat to gather all requests over a specified time period so that all can be assessed simultaneously;

(iv) Any other criteria that may be approved by the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(e) *Maximum amount per funding request*: Subject to the availability of funds, the maximum amount to be requested from the Fund shall not exceed US$20,000.00;

(f) *Maximum disbursement per Party per year*: The maximum amount to be disbursed from the Fund to any one Party shall not exceed US$50,000.00 in a calendar year.

E. Procedures for application, processing of requests, disbursement of funds, and reporting

The following shall be the steps related to application for funding by Parties, processing of requests, disbursement of funds, and reporting:

(a) Funding requests from eligible Parties shall be endorsed by the competent national authority and submitted by the national focal point to the Executive Secretary. Each funding request shall be prepared using the attached funding request form (appendix A), and shall be submitted to the Secretariat at least 60 days prior to the intended date on which the assignment is to commence;

(b) The Secretariat shall acknowledge receipt of the funding application within two weeks of receipt of a completed funding request form;

(c) The funding request shall be evaluated by the Secretariat, in consultation with the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol, according to the eligibility criteria defined in section D above, and a decision on the request shall be communicated within 30 days of receipt of the application;

(d) If funding is approved, the Secretariat shall prepare a memorandum of understanding, based on the template attached as appendix B, which specifies the purpose and extent of the assignment to be undertaken, the date of completion for the assignment, the reporting requirements and the obligations of the recipient Party regarding the use of the funds. This memorandum of understanding shall be signed by the Secretariat and delivered to the recipient Party for signature within 30 days of receipt of the application;

(e) The recipient Party shall return the signed memorandum of understanding to the Secretariat within 30 days;

(f) The Secretariat shall disburse 50 per cent of the approved funds, to the bank account nominated by the Party, within 30 days of receiving the signed memorandum of understanding from the recipient Party;

(g) Each recipient Party shall be required to submit to the Executive Secretary a copy of the final report of the expert(s), immediately upon completion of the assignment but not later than three months after completion of the assignment, and to report on the assignment using the reporting form attached as appendix C;

(h) Upon receipt of the final experts report from the recipient Party, the Secretariat shall transfer the outstanding balance;

(i) The Secretariat shall make all submitted reports on assignments available through the Biosafety Clearing-House.

Appendix A

REQUEST FOR FUNDING FROM THE PILOT PHASE OF THE VOLUNTARY FUND FOR THE ROSTER OF EXPERTS ON BIOSAFETY

Requesting Party:

Name(s) and organization(s) of expert(s):

Purpose of assignment:

Specific activities of the assignment:

Start date: _____ End date: _____

Expected costs (US dollars) (attach more details if necessary):

Item	Rate and # Units	Total
Professional fees[1]	____ days @ $_____ /day	
Travel		
Accommodation and subsistence[2]	____ nights @ $_____ night	
Other (specify):		
Other (specify):		
TOTAL		

[1] Standard UN rates should be used; other rates must be justified and are subject to approval by the Executive Secretary

[2] Standard UN rates will apply

Representative of Competent National Authority

Name: _____ Organization: _____

Signature: _____ Date: _____

National Focal Point

Name: _____ Signature: _____

Date: _____

Appendix B

MEMORANDUM OF UNDERSTANDING FOR SUPPORT FROM THE PILOT PHASE OF THE VOLUNTARY FUND FOR THE ROSTER OF EXPERTS ON BIOSAFETY

1. This Memorandum of Understanding is made between

The Secretariat of the Convention on Biological Diversity (the Secretariat), and

Agency: _____, of

Country: _____ (the Recipient), which is the competent national authority with respect to implementation of the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

2. This memorandum of understanding addresses the responsibilities of both the Secretariat and the Recipient regarding the use of the pilot phase of the Voluntary Fund for the Roster of Experts on Biosafety to fund the use of the following expert(s) for the following period:

Name(s) and organization(s) of expert(s): _____

Start date: _____ End date: _____

3. The attached request for funding specifies additional details including the purpose of the assignment, the specific activities of the assignment, and the costs and value of the request.

4. The Secretariat agrees to fulfil its obligations with respect to the modalities for application, processing of requests, disbursement of funds, and reporting as specified in the interim guidelines for the pilot phase of the Voluntary Fund for the Roster of Experts on Biosafety.

5. The Recipient agrees to fulfil its obligations with respect to the modalities for application, processing of requests, disbursement of funds, and reporting as specified in the interim guidelines for the pilot phase of the Voluntary Fund for the Roster of Experts on Biosafety.

6. It is the responsibility of the Recipient, in discussion with the expert, to ensure that the expectations and terms of reference of the Party are clear, that these have been understood by the expert, and provided in written form to the expert at the outset of the assignment.

7. Specific conditions agreed to for this memorandum of understanding are the following:

_____

Signatures
For the Secretariat

Name: _____ Signature: _____

Date: _____

For the Recipient

Name: _____ Signature: _____

Date: _____

Bank account details for transfer of funds:

Bank name: _____

Branch ID/Number: _____

Swift/Sort code: _____

Complete mailing and street address:

_____

_____

_____

Account holder: _____

Account number: _____

Currency: _____

Appendix C

REPORTING FORM FOR WORK SUPPORTED BY THE PILOT PHASE OF THE VOLUNTARY FUND FOR THE ROSTER OF EXPERTS ON BIOSAFETY

Party:

Competent National Authority:

A. Specifications of the assignment

Name(s) and organization(s) of expert(s):

Purpose of assignment:

Specific activities of the assignment:

Start date: _____ End date: _____

B. Assessment

Is the final report(s) of the work of the expert(s) attached? Yes No

Was the work finished in the time specified? If no, why not?

Did the work and associated products fulfil the purpose of the assignment? If no, why not?

Please report on the quality and standard of work performed by the expert(s).

C. Signatures

Representative of Competent National Authority

Name: _____ Organization: _____

Signature: _____ Date: _____

National Focal Point

Name: _____ Signature: _____

Date: _____

BS-I/5.

CAPACITY-BUILDING

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Welcoming the preparatory work and the recommendations by the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) on the issue of capacity-building as well as the documents prepared by the Executive Secretary,

Recognizing the urgent need to address the critical capacity-building requirements of developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, for effective implementation of the Protocol,

Recognizing also the relationship between capacity-building and the ability of developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition to comply with the provisions of the Protocol,

Taking note of the capacity-building needs and priorities with regard to the Biosafety Clearing-House submitted by Parties and other Governments,

Emphasizing the importance of ensuring that capacity-building initiatives are demand-driven and responding to the needs and priorities identified by the recipient countries,

Welcoming the biosafety capacity-building initiatives already supported by Global Environment Facility and its Implementing Agencies and by bilateral development agencies and other organizations,

Taking note of decision VI/17 of the Conference of the Parties, requesting the Global Environment Facility to provide financial resources for national capacity-building in biosafety, in particular for enabling effective participation in the Biosafety Clearing-House and in the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety,

Taking note also of the initial gap analysis by the Executive Secretary of the capacity-building initiatives and the capacity-building needs and priorities submitted to the Biosafety Clearing-House by Parties and Governments as an important step in identifying areas where further efforts would be needed,

Emphasizing the importance for Parties and other Governments to develop and implement concrete and mutually supportive capacity-building activities,

Emphasizing also the need for a coordinated approach towards capacity-building at all levels in order to develop possible synergies and promote partnerships among different capacity-building efforts and funding initiatives for the effective implementation of the Protocol,

Welcoming the initial activities undertaken by the Executive Secretary to facilitate and promote coordination of existing capacity-building initiatives in biosafety,

Action Plan for Building Capacities for Effective Implementation of the Protocol

1. *Adopts* the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety endorsed by the ICCP, as contained in annex I to the present decision;

2. *Invites* Parties, other Governments, international and regional organizations, non-governmental organizations, private sector and scientific organizations and other relevant bodies to support the effective implementation of the Action Plan, taking into account the potential roles as contained in annex II to the present decision, of different entities in facilitating capacity-building, and recognizing the need for synergies between the capacity-building activities of the private sector and civil society and national programmes and priorities;

3. *Welcomes* the progress made in implementing the Action Plan, summarized in the note by the Executive Secretary on capacity-building (UNEP/CBD/BS/COP-MOP/1/6), and *invites* Parties, other Governments and relevant organizations to take further measures towards its effective implementation;

4. *Takes note* of the gaps in the implementation of the Action Plan identified in the initial analysis in the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/1/6), and invites Parties, other Governments and relevant organizations to take collaborative actions to address those gaps;

5. *Decides* to undertake a comprehensive review and possible revision of the Action Plan and at its third meeting, on the basis of the progress report to be prepared by the Executive Secretary and also on the basis of the capacity needs and priorities submitted by Parties and other Governments and decides to, at the same time, review the guidance to the financial mechanism with a view to updating it, as appropriate***;***

6. *Invites* Parties and other Governments that have not yet submitted their capacity-building needs and priorities to the Biosafety Clearing-House to do so as soon as possible;

7. *Urges* Parties and other governments to review their needs and priorities periodically and update their records in the Biosafety Clearing-House accordingly;

8. *Encourages* Parties and other Governments to develop national strategic plans and programmes to address their identified needs and priorities;

9. *Invites* Parties, other Governments and relevant organizations in a position to provide assistance to developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition to, as an initial step, review the information on the needs and priorities submitted by those countries to the Biosafety Clearing-House when developing assistance programmes;

10. *Urges* Parties, other Governments and relevant organizations to register in the Biosafety Clearing-House relevant information on their existing biosafety capacity-building initiatives, including reports on the achievements, lessons learned and opportunities for cooperation as well as suggestions on how to enhance capacity building for the effective implementation of the Protocol;

11. *Invites* Parties, other Governments and organizations to use, as appropriate, the implementation tool kit contained in annex III to the present decision;

12. *Invites* developed country Parties, Governments, the Global Environment Facility, other donor agencies and relevant organizations to provide financial support and other assistance to developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, to develop and implement capacity-building activities, including organization of national, regional and inter-regional capacity building workshops and preparatory meetings;

13. *Welcomes* the support already provided by the Global Environment Facility for demonstration projects on implementation of the national biosafety frameworks and *invites* the Global Environment Facility to extend such support to other eligible countries;

14. *Urges* the Global Environment Facility to ensure a rapid implementation of its initial strategy for assisting countries to prepare for the ratification and implementation of the Protocol, and to support capacity-building for the establishment of national components of the Biosafety Clearing-House in a flexible manner, and to provide additional support for the development and/or strengthening of existing national and regional centres for training; regulatory institutions; risk assessment and risk management; infrastructure for the detection, testing, identification and long-term monitoring of living modified organisms; legal advice; decision-making; handling of socio-economic considerations; awareness-raising and technology transfer for biosafety;

15. *Requests* the Executive Secretary to prepare a progress report on the implementation of the Action Plan, on the basis of the submissions from Parties, other Governments and relevant organizations, for consideration at its third meeting;

16. *Requests also* the Executive Secretary to compile, on the basis of the information submitted by Parties and other Governments to the Biosafety Clearing-House, a summary report on the capacity needs and priorities for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its regular meetings, and make it available to donor Governments and relevant organizations, as appropriate;

17. *Welcomes* the Outreach Strategy for the Cartagena Protocol on Biosafety developed by the Executive Secretary and *requests* the Executive Secretary to advance its implementation with the view to promoting broader awareness of the Protocol and fostering the active participation and support of a broad range of stakeholders in the implementation of the Protocol;

Coordination Mechanism

18. *Adopts* the Coordination Mechanism for the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety, contained in annex IV to the present decision;

19. *Invites* Parties, other Governments and relevant organizations to provide financial contributions and other support to facilitate the implementation of the Coordination Mechanism;

20. *Urges* Parties, Governments and relevant organizations to register and update information on their biosafety capacity-building activities in the Biosafety Clearing-House, including capacity-building projects, opportunities, and other relevant information;

21. *Welcomes* the generous offer by the Government of Switzerland to sponsor a coordination meeting for representatives of academic and research institutions actively involved in education, training and research programmes in biotechnology and biosafety in the automn of 2004;

22. *Invites* Parties, other Governments and relevant organizations to actively participate in and to support the implementation of the Coordination Mechanism and to share their expertise and resource materials through the Mechanism;

23. *Urges* Parties, other Governments and relevant organizations to establish or strengthen, as appropriate, corresponding national or regional-level coordination mechanism in order to promote synergies between existing capacity-building initiatives;

24. *Requests* the Executive Secretary to discharge, in a phased manner and within existing resources, the functions specified in the annex IV to the present decision in collaboration with other relevant agencies, to implement the Coordination Mechanism;

25. *Requests* the Executive Secretary to prepare a report on the progress made, and lessons learned, in implementing the Coordination Mechanism for consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

Indicators for monitoring implementation of the Action Plan

26. *Takes note* of the preliminary set of criteria and indicators for monitoring implementation of the Action Plan, contained in the annex V to the present decision;

27. *Invites* Parties, other Governments, and relevant organizations to use, as appropriate, the indicators referred to in the paragraph 26 above to monitor their biosafety capacity-building initiatives being implemented in support of the Action Plan;

28. *Invites* Parties, other Governments, and relevant organizations to submit to the Executive Secretary, and to share through the Biosafety Clearing-House, their experience in using the preliminary set of indicators;

29. *Requests* the Executive Secretary to prepare, for consideration at the fourth meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol, a report on the operational experience in using the above-mentioned indicators and proposals for their further development and refinement, on the basis of submissions by Parties, other Governments, and relevant organizations.

Annex I

ACTION PLAN FOR BUILDING CAPACITIES FOR THE EFFECTIVE IMPLEMENTATION OF THE CARTAGENA PROTOCOL ON BIOSAFETY

1. Objective of the Action Plan

1. The objective of this Action Plan is to facilitate and support the development and strengthening of capacities for the ratification and effective implementation of the Cartagena Protocol on Biosafety at the national, sub regional, regional and global levels in a timely manner. In this regard, the provision of financial, technical and technological support to developing countries, in particular the least developed and small island developing states among them, as well as countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, is essential.

2. To achieve the objective, this action plan aims at identifying country needs, priorities, and mechanisms of implementation and sources of funding.

2. Key elements requiring concrete action

3. The following key elements are meant to be considered in a flexible manner, based on a demand-driven approach, taking into account the different situations, capabilities and stages of development of each country:

(a) Institutional capacity-building:

(i) Legislative and regulatory framework;

(ii) Administrative framework;

(iii) Technical, scientific and telecommunications infrastructures;

(iv) Funding and resource management;

(v) Mechanisms for follow-up, monitoring and assessment;

(b) Human-resources development and training;

(c) Risk assessment and other scientific and technical expertise;

(d) Risk management;

(e) Awareness, participation and education at all levels including for decision makers, stakeholders and general public;

(f) Information exchange and data management including full participation in the Biosafety Clearing-House;

(g) Scientific, technical and institutional collaboration at sub regional, regional and international levels;

(h) Technology transfer;

(i) Identification of living modified organisms;

(j) Socio-economic considerations.

3. Processes/steps

4. The following processes/steps should be undertaken within appropriate timeframes:

(a) Identification of capacity needs, including the needs that are not covered prior to the second meeting of ICCP;

(b) Prioritization of the key elements by each country prior to the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol;

(c) Sequencing of actions, including timelines for the operation of capacity-building prior to first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol*;*

(d) Identification of the coverage and gaps in capacity-building initiatives and resources that could support the ratification and implementation, prior to first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol, from the following:

(i) Global Environment Facility (GEF);

(ii) Multilateral agencies;

(iii) Other international sources;

(iv) Bilateral sources;

(v) Other stakeholders;

(vi) National sources;

(e) Enhancing the effectiveness and adequacy of financial resources to be provided by multilateral and bilateral donors and other donors to developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition taking**,** including countries amongst these that are centres of origin and centres of genetic diversity;

(f) Enhancing synergies and coordination of capacity-building initiatives;

(g) Development of indicators for evaluating capacity-building measures.

4. Implementation

5. The activities hereunder are not listed in any order of priority:

4.1 National level

(a) Development of national regulatory frameworks on biosafety;

(b) Development and/or strengthening of institutional, administrative, financial and technical capacities, including the designation of national focal points and competent national authorities;

(c) Establishment of a mechanism to inform all stakeholders;

(d) Appropriate participation of all relevant stakeholders;

(e) A mechanism for handling requests or notifications, including risk assessment and decision-making, as well as public information and participation*;*

(f) Mechanisms for monitoring and compliance;

(g) A short- and long-term assessment for internal and external funding;

4.2 Subregional and regional levels

(a) Regional and subregional collaborative arrangements

(b) Regional and subregional advisory mechanisms

(c) Regional and subregional centres of excellence and training

(d) Regional and subregional website and database

(e) Mechanisms for regional and subregional coordination and harmonization of regulatory frameworks, where appropriate;

4.3 International level

(a) Effective functioning of the Biosafety Clearing-House;

(b) Development/updating of international guidance (by UNEP, FAO, IUCN and others);

(c) Strengthening South-South cooperation;

(d) Development and effective use of the roster of experts;

(e) Regular review and provision of further guidance by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol.

5. Monitoring and coordination

6. Because of the multitude of different actors undertaking different capacity building initiatives, mutual information, coordination and regular monitoring will be promoted in order to avoid duplications and to identify gaps. This exercise will lead to a focus of

capacity building on biosafety, ratification, and implementation of the Cartagena Protocol on Biosafety. The Secretariat and the Biosafety Clearing-House will be actively involved in the process.

7. The Secretariat will prepare, on the basis of Governments' submissions, a report on the steps taken by countries, multilateral/bilateral and other international sources, towards implementation of the Action Plan and submit a report to the Conference of the Parties servicing as the meeting of the Parties to the Protocol so that it identifies whether the actions listed under section 4 have been carried out successfully and effectively.

Appendix

POSSIBLE SEQUENCE OF ACTIONS

Recognizing that the sequence of action necessary to ratify and implement the Protocol is to be decided by Parties according to their national needs,

Cognizant of the urgent need to build capacities in developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity,

Building on the identified elements in the Action Plan and without prejudice to the timeframes indicated therein,

As an aid to assist countries to establish national priorities and to facilitate regional and subregional activities the following sequence of actions based on experience and past practice is proposed for consideration.

POSSIBLE SEQUENCING OF ACTIVITIES IDENTIFIED IN THE ACTION PLAN

Each activity has associated with it specific objectives/tasks identified in the Indicative Framework and associated documents which will facilitate priority setting by countries and enable the establishment of a timetable for capacity development. This sequence does not establish priorities of action to be taken by countries.

A. National level

1. Assessment of effectiveness and adequacy of existing capacity.
2. Assessment of the short- and long-term requirements for internal and external funding.
3. Development of timelines.
4. Development of national regulatory frameworks on biosafety.
5. Development and/or strengthening of institutional, administrative, financial and technical capacities, including the designation of national focal points and competent authorities.

6. A mechanism for handling requests or notifications, including risk assessment and decision-making, as well as public information and participation.

7. Mechanisms for monitoring and compliance.

8. Establishment of a mechanism to inform all stakeholders.

9. Appropriate participation of all relevant stakeholders.

B. Regional and subregional levels

1. Assessment of national, bilateral and multilateral funding.

2. Regional website and database.

3. Mechanisms for regional and sub regional coordination and harmonization of regulatory frameworks, where appropriate.

4. Regional and subregional collaborative arrangements.

5. Regional and subregional advisory mechanisms.

6. Regional and subregional centres of excellence and training.

C. International level

1. Effective functioning of the Biosafety Clearing-House.

2. Enhancing the effectiveness and adequacy and coordination of financial resources to be provided by multilateral and bilateral donors and other donors to developing countries, in particular the least developed and small island developing States among them and countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity.

3. Development and effective use of the roster of experts.

4. Enhancing synergies and coordination of capacity-building initiatives.

5. Strengthening South-South cooperation.

6. Development/updating of international guidance (by UNEP, FAO, IUCN and others).

7. Regular review and provision of further guidance by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol.

Annex II

THE ROLE OF DIFFERENT ENTITIES IN SUPPORTING CAPACITY-BUILDING

1. The present annex summarizes, in a point-by-point list form, the views of Parties and governments regarding the roles which different entities could play to facilitate

capacity-building to assist countries in preparing for the entry into force of the Protocol and in its implementation.

2. The role of the Conference of the Parties serving as the meeting of the Parties to the Protocol:

(a) Assuming the overall responsibility for decisions regarding the establishment of the work programme related to capacity-building and evaluation of its implementation, recognizing the role of other relevant organizations and instruments;

(b) Setting norms for harmonization, where appropriate;

(c) Developing appropriate formats to build capacity and encouraging consistency of standards in such matters as risk assessment and information exchange;

(d) Revising and updating the capacity-building framework in the light of responses to the questionnaire and the outcome of inter-sessional workshops and projects;

(e) Providing general guidelines from an international perspective;

(f) Gathering information necessary to determine what capacity-building measures would be the most effective in assisting countries to implement the provisions of the Protocol, including information on national priority capacity needs and how to meet them.

3. The role of the Secretariat:

(a) Providing an administrative framework for creation of technical and scientific capacity;

(b) Implementing the Biosafety Clearing-House, taking account of priority needs regarding the capacities of Parties and Governments for access to and use of the Biosafety Clearing-House and the views of Parties and Governments on monitoring its progress;

(c) Administering the Biosafety Clearing-House;

(d) Undertaking further synthesis and analysis of the identified needs of countries for implementation of the Protocol, and available means for assistance and information exchange;

(e) Providing technical assistance to Parties and other Governments to help them in conducting their needs assessments;

(f) Serving as a focal point for organizations to submit information to be made public as regards capacity-building initiatives for the implementation of the Protocol, as well as for identifying needs for capacity-building;

(g) Facilitating the flow of information;

(h) Promoting synergies and keeping countries abreast of important developments and opportunities with respect to capacity-building, including the roster of experts;

(i) Facilitating the functioning of the roster of experts;

(j) Implementing the relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(k) Cooperating with the projects of the GEF implementing agencies on national biosafety frameworks;

(l) Facilitating and promoting collaboration and coordination among existing initiatives on capacity-building; and

(m) Providing coordination and leadership and suggesting ways and means to build capacity in countries, taking into account the decisions of the Conference of the Parties serving as meeting of the Parties to the Protocol.

4. Subject to the decisions of the Conference of the Parties, and in accordance with its mandate, the role of the Global Environment Facility (GEF) includes:

(a) Providing funding and other assistance to build necessary legislative and administrative frameworks, and for training in risk assessment and risk management;

(b) Deciding on further areas for financial support for capacity-building in accordance with the identified priority needs of developing countries and countries with economies in transition, responses to the questionnaires, the outcomes of inter-sessional workshops, and its previous pilot project on biosafety;

(c) Implementing the GEF Strategy to assist countries to ratify and implement the Cartagena Protocol on Biosafety;

(d) Facilitating the provision of technical support; and

(e) Facilitating the use of existing and developing regional networks.

5. The role of other bilateral and multilateral donors, as mutually agreed with recipient Parties and Governments, as appropriate:

(a) Providing funding and other assistance to Parties, governments and to the Secretariat, for relevant activities;

(b) Co-financing or providing matching funds for building scientific capacity at the sub regional level, including sponsoring regional and subregional workshops;

(c) Providing short- or long-term experts to advise on identified needs and demands for assistance on specific issues, including those listed in Article 22 of the Protocol;

(d) Reinforcing collaboration among capacity-building projects on biotechnology and biosafety in order to avoid duplication and to efficiently use the limited resources available.

6. The role of intergovernmental organizations as mutually agreed with recipient Parties and Governments, as appropriate:

(a) Assisting national authorities of Parties to take decisions;

(b) Sharing "best practices", models and information pertinent to relations between obligations under trade agreements and obligations under the Protocol;

(c) Developing advice or standards on particular technical or regulatory issues: e.g., the work of the Organisation for Economic Co-operation and Development (OECD) on a unique identifier for LMOs and on Consensus Documents on common elements of risk assessment for particular species;

(d) Contributing to the activities of the GEF initial strategy on biosafety, in line with the terms agreed by the GEF Council and relevant decisions taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(e) Providing access to databases containing information relevant to implementation of the Protocol: e.g. OECD's Biotrack, the International Centre for Genetic Engineering and Biotechnology (ICGEB), the UNIDO Biosafety Information Network and Advisory Service (BINAS);

(f) Developing common principles for public participation and access to information: e.g. the work of the United Nations Economic Commission for Europe under the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;

(g) Promoting synergy and mutual supportiveness among the various organizations and instruments concerned with risk analysis in relation to living modified organisms, including the International Plant Protection Convention (IPPC), the Office International des Epizooties (OIE), the Food and Agriculture Organization of the United Nations (FAO) and the Codex Alimentarius Commission;

(h) Reinforcing collaboration among capacity-building projects on biotechnology and biosafety in order to avoid duplication and to efficiently use the limited resources available; and

(i) Providing co-financing for capacity-building activities.

7. The role of regional networks as mutually agreed with relevant Parties and Governments, as appropriate:

(a) Promoting harmonization of technical, legal and scientific mechanisms in the countries;

(b) Identifying and disseminating information related to best practices in the development of national biosafety frameworks, procedures for risk assessment and risk management, decision-taking, information exchange, and the use of human resources;

(c) Developing regional centres that enable/ensure sharing of expertise and information as well as experiences and concerns;

(d) Participating in the development of the Biosafety Clearing-House; and

(e) Providing co-financing for capacity-building activities.

8. The role of non-governmental organizations as mutually agreed with relevant Parties and Governments, as appropriate:

(a) Cooperating in consensus-building and assisting in raising public education and awareness;

(b) Participating in and assisting in national and regional efforts to implement the Protocol, including helping to implement the Biosafety Clearing-House;

(c) Contributing to guidance on Protocol implementation issues;

(d) Integrating the views and interests of wider stakeholders, including indigenous and local communities, through increased public awareness, education and participation in decision-making and the development of policy and procedures;

(e) Representing specialist or sectoral interests in relation to risk assessment and risk management issues;

(f) Reinforcing collaboration among capacity-building projects on biotechnology and biosafety in order to avoid duplication and to efficiently use the limited resources available;

(g) Associating with capacity-building initiatives, ensuring public participation and promoting public awareness on biosafety issues; and

(h) Providing co-financing for capacity-building activities.

9. The role of private sector/industry as mutually agreed with relevant Parties and Governments, as appropriate:

(a) Participating in and assisting in national and regional efforts to implement the Protocol;

(b) Providing technical advice concerning identification, detection and analytical assessment and for monitoring;

(c) Improving capabilities of accessing and handling electronic information*;*

(d) Undertaking risk assessment, and addressing information needs and concerns of industry;

(e) Associating with initiatives on capacity-building and sharing experience with risk assessment and management of LMOs;

(f) Providing co-financing for capacity-building activities;

(g) Participating in and assisting in national and regional efforts helping to implement the Biosafety Clearing-House;

(h) Reinforcing collaboration among capacity-building projects on biotechnology and biosafety in order to avoid duplication and to efficiently use the limited resources available; and

10. The role of scientific/academic institutions:

(a) Promoting public awareness and implementing training and education activities;

(b) Developing of centres of expertise and excellence for particular risk assessment and risk management issues;

(c) Providing participants for the roster of experts;

(d) Implementing exchange and scholarship programmes aimed at enhancing the teaching and research capacities of higher education and other private and public institutions in developing countries and countries with economies in transition as regards biosafety related issues;

(e) Cooperating on research and information exchange on socio-economic impacts, especially on indigenous and local communities;

(f) Assisting in training and conducting risk assessment, research in LMOs for improved crop production;

(g) Participating in capacity-building initiatives as well as in other activities in relation with the implementation of the Protocol; and

(h) Providing co-financing for capacity-building activities;

(i) Supporting the above activities undertaken in developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, ensuring that in undertaking such activities the expertise available in those countries is utilised first**.**

Annex III

IMPLEMENTATION TOOL KIT

This implementation tool kit provides a compilation, as a checklist, of obligations found in the Cartagena Protocol on Biosafety. These obligations are organized in the following categories:

- Administrative tasks (initial and future)
- Legal requirements and/or undertakings
- Procedural requirements (AIA and Article 11)

I. ADMINISTRATIVE TASKS

	Tasks	*Article*	✓
	Initial actions		
1.	Designate one national authority responsible for liaison with the Secretariat and provide name/address to Secretariat.	19(1),(2)	
2.	Designate one or more competent authorities responsible for performing administrative functions under the Protocol and provide name(s)/address(es) to the Secretariat. If more than one, indicate the types of LMOs for which each competent authority is responsible.	19(1),(2)	
3.	Provide to the Biosafety Clearing-House: - any relevant existing laws, regulations or guidelines, including those applicable to the approval of LMOs-FFP; and - any bilateral, regional or multilateral agreements or arrangements.	20(3)(a)-(b), 11(5), 14(2)	
4.	Specify to the Biosafety Clearing-House cases in which import may take place at the same time as the movement is notified.	13(1)(a)	
5.	Specify to the Biosafety Clearing-House imports of LMOs exempted from the AIA procedures.	13(1)(b)	
6.	Notify the Biosafety Clearing-House if domestic regulations shall apply with respect to specific imports.	14(4)	
7.	Provide the Biosafety Clearing-House with a point of contact for receiving information from other States on unintentional transboundary movements in accordance with Article 17.	17(2)	
8.	Notify the Secretariat if there is a lack of access to the Biosafety Clearing-House and hard copies of notifications to the Clearing House should be provided.	(e.g., 11(1)	
	Follow-up actions		
9.	Provide to the Biosafety Clearing-House: - Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and conducted in accordance with Art. 15; - Final decisions concerning the import or release of LMOs; and - Article 33 reports.	20(3)(c)-(e)	
10.	Make available to the Biosafety Clearing-House information concerning cases of illegal transboundary movements.	25(3)	
11.	Monitor the implementation of obligations under the Protocol and submit to the Secretariat periodic reports at intervals to be determined.	33	
12.	Notify the Biosafety Clearing-House of any relevant changes to the information provided under part I above.		

II. LEGAL REQUIREMENTS AND/OR UNDERTAKINGS

	Tasks	*Article*	✓
1.	Ensure that the development, handling, transport, use, transfer and release of LMOs are undertaken in a manner that prevents or reduces the risks to biological diversity, taking also into account risks to human health.	2(2)	
2.	Ensure that there is a legal requirement for the accuracy of information provided by domestic exporters for purposes of notifications for export to another country and by domestic applicants for domestic approvals for LMOs that may be exported as LMOs-FFP.	8(2), 11(2)	
3.	Ensure that any domestic regulatory framework used in place of the AIA procedures is consistent with the Protocol.	9(3)	
4.	Ensure that AIA decisions are taken in accordance with Article 15.	10(1)	
5.	Ensure that risk assessments are carried out for decisions taken under Article 10 and that they are carried out in a scientifically sound manner.	15(1),(2)	
6.	Establish and maintain appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in risk assessments associated with the use, handling and transboundary movement of LMOs under the Protocol.	16(1)	
7.	Take appropriate measures to prevent the unintentional transboundary movements of LMOs, including measures such as requiring a risk assessment prior to the first release of an LMO.	16(3)	
8.	Endeavour to ensure that LMOs, whether imported or locally developed, have undergone an appropriate period of observation that is commensurate with its life cycle or generation time before it is put to its intended use.	16(4)	
9.	Take appropriate measures to notify affected or potentially affected States, the Biosafety Clearing-House, and, where appropriate, relevant international organizations, when there is an occurrence within its jurisdiction that leads or may lead to an unintentional transboundary movement of and LMO that is likely to have significant adverse effects on the sustainable use and conservation of biodiversity, taking also into account risks to human health in such States.	17(1)	
10.	Take necessary measures to require that LMOs that are subject to transboundary movement under the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards.	18(1)	
11.	Take measures to require that documentation accompanying LMOs-FFP - clearly identifies that they "may contain" LMOs and are not intended for intentional introduction into the environment; and - provides a contact point for further information.	18(2)(a)	
12.	Take measures to require that documentation accompanying LMOs destined for contained use: - Clearly identifies them as LMOs; - Specifies any requirements for their safe handling, storage; transport and use; - Provides a contact point for further information; and - Provides the name and address of individuals or institutions to which they are consigned.	18(2)(b)	

	Tasks	*Article*	✓
13.	Take measures to require that documentation accompanying LMOs that are intended for intentional introduction in the environment and any other LMOs within the scope of the Protocol: - Clearly identifies them as LMOs; - Specifies the identify and relevant traits and/or characteristics; - Provides any requirements for the safe handling, storage, transport and use; - Provides a contact point for further information; - Provides, as appropriate, the name and address of the importer and exporter; and - Contains a declaration that the movement is in conformity with the requirements of the Protocol.	18(2)(c)	
14.	Provide for the designation of confidential information by notifiers, subject to the exclusions set forth in Article 21(6).	21(1),(6)	
15.	Ensure consultation with notifiers and review of decisions in the event of disagreement regarding claims of confidentiality.	21(2)	
16.	Ensure the protection of agreed-upon confidential information and information claimed as confidential where a notification is withdrawn.	21(3),(5)	
17.	Ensure that confidential information is not used for commercial purposes without the written consent of the notifier.	21(4)	
18.	Promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of LMOs, taking also into account risks to human health.	23(1)(a)	
19.	Endeavour to ensure that public awareness and education encompass access to information on LMOs identified in accordance with the Protocol that may be imported.	23(1)(b)	
20.	In accordance with relevant domestic laws, consult with the public in decision making under the Protocol, while respecting confidential information.	23(2)	
21.	Endeavour to inform the public about the means of public access to the Biosafety Clearing-House.	23(3)	
22.	Adopt appropriate measures aimed a preventing and, if appropriate, penalizing transboundary movements in contravention of domestic measures to implement the Protocol.	25(1)	
23.	Dispose, at its expense, LMOs that have been the subject of an illegal transboundary movement through repatriation or destruction, as appropriate, upon request by an affected Party.	25(2)	

III. PROCEDURAL REQUIREMENTS: ADVANCED INFORMED AGREEMENT

	Tasks	*Article*	✓
1.	Notify, or require the exporter to ensure notification to, in writing, the competent national authority of the Party of import prior to the intentional transboundary movement of a living modified organism that falls within the scope of Article 7, paragraph 1.	8(1)	
2.	Provide written acknowledgement of receipt of notification to notifier within 90 days, including: - Date of receipt of notification; - Whether notification meets requirements of annex I; - That the import may proceed only with written consent and whether to proceed in accordance with the domestic regulatory framework or in accordance with Article 10; **OR** - Whether the import may proceed after 90 days without further written consent.	 9(2)(a) 9(2)(b) 10(2)(a), 9(2)(c) 10(2)(b)	
3.	Communicate in writing to the notifier, within 270 days of receipt of notification: - Approval of the import, with or without conditions; - Prohibition of the import; - A request for additional relevant information in accordance with domestic regulatory framework or Annex I; or - Extension of the 270 day period by a defined period of time; AND - Except where approval is unconditional, the reasons for the decision, including the reasons for the request for additional information or for an extension of time.	10(3)(a)-(d) 10(4)	
4.	Provide in writing to the Biosafety Clearing-House the decision communicated to the notifier.	10(3)	
5.	Respond in writing within 90 days to a request by an Exporting Party for a review of a decision under Article 10 where there has been a change in circumstances or additional relevant scientific or technical information has been made available, providing the reasons for the decision upon review.	12(2), (3)	

IV. PROCEDURAL REQUIREMENTS: LIVING MODIFIED ORGANISMS FOR DIRECT USE AS FOOD, FEED OR FOR PROCESSING

	Tasks	*Article*	✓
1.	Upon making a final decision regarding domestic use, including placing on the market, of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing, inform the Biosafety Clearing-House within 15 days of making that decision, including the information listed in Annex II.	11(1)	
2.	Except in the case of field trials, provide hard copies of the final decision to the National Focal Point of Parties that have notified the Secretariat in advance that they do not have access to the Biosafety Clearing-House.	11(1)	
3.	Provide additional information contained in paragraph (b) of annex II about the decision to any Party that requests it.	11(3)	
4.	In response to the posting of a decision by another Party, a Party that decides to import may take a decision on the import of LMOs-FFP: - either as approved under the domestic regulatory framework consistent with the Protocol; OR - in the absence of a regulatory framework, on the basis of a risk assessment in accordance with Annex III within no more than 270 days. In this case, a declaration must be made to the Biosafety Clearing-House.	11(4), (6)	

Annex IV

COORDINATION MECHANISM FOR THE IMPLEMENTATION OF THE ACTION PLAN ON BUILDING CAPACITIES FOR THE EFFECTIVE IMPLEMENTATION OF THE CARTAGENA PROTOCOL ON BIOSAFETY

A. Objective

1. The overall goal of Coordination Mechanism is to facilitate exchange of information with a view to promoting partnerships and maximizing complementarities and synergies between various capacity-building initiatives being undertaken in support of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety.

B. Guiding Principles

2. The implementation of the Coordination Mechanism is guided by the following basic principles:

(a) It serves to facilitate the sharing of information regarding capacity-building activities implemented in support of the Action Plan. It is not as mechanism for controlling, supervising or evaluating different initiatives;

(b) Participation in, and exchange of information through the Coordination

Mechanism is voluntary and open to all interested stakeholders involved in the implementation of the action plan;

(c) It is a simple, easily accessible and flexible system whose operation involves minimal additional resource requirements;

(d) It is implemented in a flexible, gradual, phased and incremental manner. Improvements made as experience is gained over time;

(e) It complements and adds value to existing relevant coordination and networking initiatives, avoiding duplication as much as possible.

C. Elements of the Coordination Mechanism

3. The Coordination Mechanism consists of the following five elements:

(a) Liaison group;

(b) Biosafety capacity-building databases;

(c) Information-sharing and networking mechanism;

(d) Coordination meetings and workshops;

(e) Reporting mechanisms.

1. Liaison group on capacity-building for biosafety

Nature and structure

4. The liaison group is a small ad hoc group, rather than a standing body, established by the Executive Secretary to address specific capacity-building issues/topics, as need arises. Participants serve in their individual capacity and not as representatives of their Governments or organizations. They are selected on the basis of their demonstrated expertise and experience with regard to the issue(s) to be addressed, a balanced geographical distribution between regions, and a fair representation of relevant stakeholders. Every effort is made to ensure any one meeting of the group includes some of the participants that attended the previous meetings in order to maintain some degree of consistency and institutional memory.

Role

5. The overall mandate of the liaison group is to provide expert advice to the Executive Secretary on ways and means to enhance the coordination and effective implementation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety. Among other tasks, it exchanges ideas and provides advice on overall strategic approaches as well as conceptual and possible practical operational measures for enhancing coordination of the capacity-building initiatives.

Operational modalities

6. The liaison group is established in accordance with the existing practice under the

Convention on Biological Diversity, including guidance under decision IV/16, annex I and SBSTTA recommendation V/14. To the extent possible the liaison group undertakes its work using electronic communication means, including e-mail and teleconferences moderated by the elected chairperson with the technical support of the Secretariat. Face-to-face meetings of the Group are usually organized, subject to availability of resources, back-to-back with other meetings where most members of the Group are to be present. The Secretariat endeavours to obtain funding to facilitate the participation of representatives of developing countries and countries with economies in transition in the meetings of the Group.

2. Biosafety capacity-building databases

Nature and structure

7. This element comprises databases on capacity-building activities, such as projects and capacity-building opportunities, as well as country capacity-needs, which are maintained and accessed through the Biosafety Clearing-House. The projects database includes initiatives that have a series of inter-linked activities implemented as integral components over a long period of time (at least over six months). Each record includes information on: the project location, funding details, objectives and activities, main outcomes, lessons learned and a brief background. On the other hand, the capacity-building opportunities database includes punctual/standalone activities (e.g. funding grants, training courses, scholarships or internships) that are not part of a larger project included in the projects database. Each record includes: the type of opportunity, its scope, timeframe, eligibility criteria, application process and contacts. Finally, the capacity-needs database includes submissions by countries of their prioritized needs, the desired means to address needs identified and an outline of measures being taken. Records in all the databases contain summary information about the project, opportunity or country needs and provide contacts or web links where further information can be obtained.

Role

8. The overall function of the databases is to provide a central point where up-to-date information, or sources of information, about biosafety capacity-building projects, opportunities and country needs are registered and accessed easily and in a timely manner. The databases play a "clearing-house" role where countries requiring assistance and those providing assistance interact, thus facilitating systematic tailoring of available assistance towards specific country-defined priority needs and promoting partnerships between seekers and providers of support. The databases also facilitate identification of opportunities for promoting synergies, collaboration and partnerships. The projects database in particular facilitates sharing of information about the coverage, achievements, experiences, best-practices and lessons learned under different projects. It also facilitates the identification gaps and minimization of unnecessary overlaps or duplication of efforts and resources**.**

Operational modalities

9. The capacity-building databases are managed and accessed through the Biosafety

Clearing-House. Common formats are used to assist all countries and organizations to submit information in a consistent manner and facilitate customized searching of the databases. Relevant information can be registered in the databases either online or by hardcopy. Under the first option, persons designated by Government or relevant organizations can register information directly into the database through the management centre using a password system. Those without Internet access can fill and return to the Secretariat hard copies of the common formats for incorporation in the databases. The databases are maintained by the Secretariat, which periodically reminds owners of the records in the database to update them as appropriate.

3. Information-sharing and networking mechanism

10. This element consists of two components namely: (a) biosafety information resource centre; and (b) biosafety capacity-building network.

(a) Biosafety information resource centre

Nature and structure

11. The biosafety information resource centre is a "virtual library" consisting of catalogues of information, scientific data and resource materials relevant to biosafety capacity-building produced by various organizations and Governments. These may include: training materials, course catalogues, operational toolkits or guidelines, workshop reports, paper and presentations, case-studies, technical publications, newsletters and journals, legal documents, project profiles, project proposal preparation materials and others in form of publications, CD-ROMs or other media. Records are based on common format with the following key fields: title of the record, type of information (e.g. manual, case-study, or workshop report), thematic areas (based on the Action Plan elements), author, date of publication, name of publisher or organization, key words as well as an abstract or a book review. Each record includes contact details and/or links to the relevant websites or databases where detailed information could be obtained are provided.

Role

12. The biosafety information resource centre provides a central gateway to relevant biosafety information, scientific data and resource materials available at different sources with the view to ensuring their broader dissemination, easy and timely access, and their maximum use. In addition, it helps those planning to produce new materials to avoid duplicating what is already available and focus on areas not yet addressed or "adding-value" to existing materials.

Operational modalities

13. The biosafety information resource centre is maintained in the Biosafety Clearing-House and linked to the document search facility of the Convention on Biological Diversity. Governments and organizations are invited to register their relevant information and resource materials using a common format or provide copies to the Secretariat for entry in the information resource centre. Records are searchable, through

an electronic catalogue, by type of information, thematic area, author, and date of publication or by the publisher or owner of the information. In addition, a full text search using keywords is possible. Where possible hard copies or CD-ROMs of uncopyrighted materials are made available to countries without Internet access, upon request. Users of materials from the resource centre are encouraged to indicate their specific information needs and provide feedback on their experiences in using the resource centre in order to facilitate ongoing improvement of the system.

(b) Biosafety capacity-building network

Nature and structure

14. The biosafety capacity-building network is a platform that links key different individuals from Government agencies, research institutions and other relevant organizations who are interested in or involved in designing, implementing or funding biosafety capacity-building and research activities, to interact and exchange views, knowledge and experiences, informally. It complements other existing relevant networks such as the Inter-Agency Network for Safety in Biotechnology (IANB) coordinated by the Organisation for Economic Co-operation and Development (OECD).

Role

15. The primary role of the biosafety capacity-building network is to facilitate active interaction and sharing of knowledge, views, experiences and lessons learned among individuals, organizations and donor agencies interested in promoting biosafety capacity-building and sharing scientific knowledge, in a timely, organized and effective manner. It seeks to foster contacts and strengthen existing linkages between different organizations in order to leverage expertise and promote synergies, partnerships and mutual support as well as dialogue and consensus around key issues, including adoption common concepts and approaches. It also enables scientific experts to share biosafety research results and to exchange professional viewpoints on specific issues. It also provides a forum for interested scientists to discuss and build consensus around specific technical and scientific issues related to biosafety.

Operational modalities

16. The biosafety capacity-building network is administered through the Biosafety Clearing-House, which serves as the "network hub". It operates primarily using Internet-based tools, including e-mail listservs, bulletin boards, electronic discussion forums and electronic conferences. Prospective members of the network can register with the Secretariat through the Biosafety Clearing-House and be issued with a password to enable them access and participate in the relevant e-discussions, in accordance with the established rules and procedures. Network members are encouraged to volunteer information and to take lead in organizing and moderating specific thematic discussions, in collaboration with the Secretariat. The discussions may result in specific outputs (e.g. proceedings) that could be published and made available to all countries, as appropriate or lead to consensus around particular issues (e.g. agreed terminologies or approaches).

4. Coordination meetings and workshops

Nature and structure

17. Coordination meetings provide a forum where individuals from relevant organizations, Government agencies and donors involved in designing, implementing or funding biosafety capacity-building activities meet face-to-face, in an informal setting, to exchange information, knowledge and lessons regarding their capacity-building efforts. They may be in the form of roundtables, workshops or informal consultations. The meetings are informal, flexible and not too structured in order to allow free exchange of information and ideas.

Role

18. The primary goal of the coordination meetings is to facilitate the sharing of knowledge, views and operational experience between different organizations regarding their biosafety capacity-building activities, with the view to fostering synergies, partnerships and harmonization of efforts. In particular, the meetings help relevant organizations to develop a common understanding of the major biosafety capacity-building issues, challenges and priority needs of countries. They also provide a means to review the coverage, gaps and overlap in ongoing activities and to identify possible solutions to address the gaps, minimize overlaps and avoid over-coverage of certain issues or geographic areas at the expense of others. Finally, the meetings facilitate exchange of innovative ideas to improve the delivery of capacity-building assistance to countries and to promote strategic and systematic efforts, tailored to specific country-defined needs and priorities in order to realize maximum impact.

Operational modalities

19. Coordination meetings are organized by the Secretariat, in collaboration with interested organizations, subject to availability of funding. Wherever possible, they are organized on the margins of other major events where most of the relevant organizations are present, in order to optimize participation. The agenda and duration of the meetings is determined by the co-organizer(s). The meetings do not necessarily follow a regular schedule but are adaptive and take advantage of strategic events. Prior to each meeting, participants are encouraged to submit to the organizers relevant information including updates on their on-going activities, to be shared with other participants.

5. Reporting mechanism

Nature and structure

20. The reporting mechanism is a central system comprising a database of reports and/or web links to reports related to capacity-building in biosafety which are produced by Governments and relevant organizations. These include progress reports on implementation of the Action Plan as requested by the Conference of the Parties serving as the meeting of the Parties to the Protocol as well as voluntary reports from relevant organizations, such as project progress reports or end-of-cycle evaluation reports, project appraisal reports or mission reports as well as case-studies on success stories covering experiences, accomplishments and lessons learned.

Role

21. The reporting mechanism provides a central point where relevant reports or case-studies of success stories of initiatives relevant to capacity-building in biosafety can be deposited, accessed and shared. The primary purpose is to make such information easily and widely accessible in order to enable Parties and relevant organizations to draw upon each other's experiences and accomplishments to enhance the implementation of the capacity-building Action Plan. Sharing of such reports is a key ingredient in promoting synergies, collaborative partnerships and mutual learning. In particular, the mechanism has the following functions: assist in developing an overall picture of the progress made in capacity-building; showcase success stories and factors and facilitate their replication, facilitate identification and promotion of positive best-practices and avoidance of pitfalls or "re-invention of the wheel".

Operational modalities

22. A database of biosafety capacity-building reports is maintained in the Biosafety Clearing-House where Parties, Governments and relevant organizations submit and access the available reports using a common format. Wherever possible, links are made to existing national, regional or organizational databases, websites and other contacts where such reports can be accessed in order to minimize the need for countries and organizations to provide the same information to more than one place. The reports are organized in a searchable format with a number of fields including: type of report, timeframe, organization, thematic areas and key words (for example to facilitate search for best-practices and lessons learned).

D. Administration of the Coordination Mechanism

23. The Coordination Mechanism is administered by the Executive Secretary, whose primary functions include the following:

(a) Maintaining the capacity-building databases (on projects, opportunities and country needs), including their regular updating based on submissions received from the participating Parties, Governments, relevant organizations and donors;

(b) Facilitating the dissemination of relevant information and lessons learned on biosafety capacity-building initiatives through the Biosafety Clearing-House and information documents to the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(c) Preparing and disseminating synthesis reports based on the submissions by Parties, Governments and relevant organizations on their progress in implementing various elements of the Action Plan, using a common format;

(d) Convening and servicing meetings of the liaison group on capacity-building on biosafety, as necessary;

(e) Organizing, subject to availability of funding, periodic coordination meetings and workshops for Government representatives, relevant organizations and donors, in

collaboration with the Global Environment Facility (GEF) and its Implementing Agencies and other relevant organizations;

(f) Promoting broad and common understanding of the capacity-building needs for the effective implementation of the Protocol.

Annex V

SET OF INDICATORS FOR MONITORING IMPLEMENTATION OF THE ACTION PLAN FOR BUILDING CAPACITIES FOR THE EFFECTIVE IMPLEMENTATION OF THE PROTOCOL

1. The set of indicators presented below is intended for use in tracking the overall progress in implementing the Action Plan, encompassing the overall cumulative contribution of different capacity-building projects and other activities. The indicators are not intended for use in measuring the results of specific individual capacity-building projects. Such indicators would need to be developed on a case-specific basis.

2. In the set of indicators outlined below, four main types can be identified, namely: "indicators of existence", "indicators of status", "indicators of change" and "indicators of progress towards an endpoint". The first type includes indicators that show whether something exists or not (i.e. yes/no), e.g. existence of laws and regulations. Status indicators include actual values/ levels of a given parameter, either quantitatively (e.g. number of people, percentage of people) or qualitatively (e.g., low/medium/high). The "indicators of change" show variation in the level of a given parameter, either increase/decrease or positive/negative. Indicators of change are measured in comparison to a starting point in time or in terms of progress towards and endpoint. In some cases, the measurement may be quantitative (e.g. change in number of staff), and in other cases it may be qualitative (e.g. change in level of satisfaction). They may also show overall trends or pattern of change.

Desired outcome (based on Action Plan elements)	***Criteria and indicators***
A. Improved institutional capacity	
(i) Effective legislative and policy frameworks in place	1. a) Existence of biosafety frameworks (e.g. policies, laws and regulations) b) Level of harmonization of national biosafety frameworks with other national policy frameworks and programmes c) Level of consistency of national biosafety frameworks with the Protocol d) Level of stakeholder satisfaction with the national biosafety frameworks

Desired outcome (based on Action Plan elements)	*Criteria and indicators*		
(ii) Appropriate administrative frameworks in place	2.	a)	Existence of clearly defined institutional mechanisms for administering biosafety, including designation of competent national authorities and responsibilities among agencies
		b)	Change in the quantity and quality of staffing in national institutions dealing with biosafety
		c)	Percentage of notifications handled and decisions taken within the timeframes specified in the Protocol
		d)	Existence of systems for managing biosafety records and for maintaining institutional memory
		e)	Existence of mechanisms for inter-institutional coordination (e.g. steering committees or intranets), and change in the level of activity of such mechanisms
(iii) Improved technical, scientific, and telecommunications infrastructures	3.	a)	Change in the quantity and reliability of office equipment and facilities in institutions dealing with biosafety
		b)	Number and variety of facilities (e.g. laboratories) available for biosafety research work
		c)	Change in the level of reliability of telecommunication infrastructure
(iv) Enhanced funding and resource management	4.	a)	Amount of funding for biosafety activities received or provided
		b)	Percentage of funding for biosafety coming from national budgetary allocation
		c)	Rate at which resources earmarked for biosafety are used for the intended activities and in a cost-effective manner
(v) Enhanced mechanisms for follow-up, monitoring and assessment	5.	a)	Existence of national mechanisms for monitoring and reporting of implementation of the Protocol
B. Improved human resources capacity development and training	6.	a)	Number of national experts trained in diverse specialized biosafety-related fields
		b)	Frequency at which local experts are used in undertaking or reviewing risk assessments and other activities relating to the implementation of the Protocol
		c)	Frequency at which expertise from the roster of experts is accessible whenever required by countries
C. Improved capacity for risk assessment and other scientific and technical expertise	7.	a)	Amount of biosafety research and proportion of risk assessments carried out locally
		b)	Frequency at which local expertise is used in undertaking or reviewing risk assessments
D. Improved capacity in risk management	8.	a)	Existence of risk management strategies for LMOs with identified risks
		b)	Rate at which risk management strategies and measures developed to prevent or mitigate identified risks are actually implemented

Desired outcome (based on Action Plan elements)		*Criteria and indicators*
E. Improved public awareness, participation and education in biosafety at all levels	9.	a) Change in level of public awareness of the Protocol b) Change in the number, scope and variety of measures taken to promote awareness of the biosafety and the Protocol c) Rate of involvement of relevant stakeholders in decision-making and in the development and implementation of national biodiversity frameworks d) Change in frequency of public access to relevant biosafety information, including through the Biosafety Clearing-House
F. Improved information exchange and data management including full participation in the Biosafety Clearing-House	10.	a) Change in level of exchange of relevant biosafety data and information b) Extent to which information required under the Protocol is provided to the Biosafety Clearing-House c) Existence of national systems for data management and information exchange d) Existence of appropriate national infrastructure and capability to access the Biosafety Clearing-House e) Degree to which the Biosafety Clearing-House responds to the information needs of different stakeholders f) Level of stakeholder satisfaction with the Biosafety Clearing-House (including its accessibility, user-friendliness and content) g) Change in number, frequency and regional distribution of Governments and organizations accessing and retrieving information from the Biosafety Clearing-House h) Change in number and regional distribution of Governments and organizations contributing information to the Biosafety Clearing-House
G. Increased scientific, technical and institutional collaboration at sub regional, regional and international levels	11.	a) Existence of various mechanisms for regional and international collaboration in biosafety b) Change in number of bilateral and multilateral collaborative initiatives in biosafety underway c) Change in level of participation in regional and international collaborative mechanisms and initiatives d) Existence of, and level of participation in, regional/ sub-regional advisory mechanisms and centers of excellence e) Existence of regional and sub-regional websites and databases f) Existence of mechanisms for regional and sub-regional coordination and harmonization of biosafety regulatory frameworks g) Existence of, and level of participation in, mechanisms for promoting south-south cooperation in biosafety issues h) Change in amount and availability of international technical guidance for implementation of the Protocol i) Existence of mechanisms for promoting common approaches

Desired outcome (based on Action Plan elements)	*Criteria and indicators*	
H. Improved access to and transfer of technology and know-how	12. a)	Existence of enabling frameworks for technology transfer
	b)	Change in number of relevant technologies transferred
I. Improved identification of LMO shipments as required by the Protocol	13. a)	Existence of national measures for identification of LMO shipments
	b)	Change in level of use of modern LMO identification techniques
	c)	Change in level of effectiveness of identification systems and measures in ensuring safe handling, transport and packaging of LMOs

BS-I/6.

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION OF LIVING MODIFIED ORGANISMS (ARTICLE 18)

A. Paragraph 2 (a) of Article 18

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Noting the recommendations of the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its third meeting regarding paragraph 2 (a) of Article 18,

Recognizing the difficulties involved in the efforts to arrive at common grounds by Intergovernmental Committee with regard to some of the issues encountered in relation to identification of living modified organisms for direct use as food or feed, or for processing,

Recalling the second sentence of paragraph 2 (a) of Article 18, which requires the Conference of the Parties serving as the meeting of the Parties to the Protocol to take a decision on the detailed requirements of those elements specified in the first sentence of the same paragraph, including specification of the identity of the living modified organisms in question and any unique identification, no later than two years after the date of entry into force of the Protocol,

Noting that any decision taken at this stage regarding the understanding and implementation of the requirements specified in the first sentence of paragraph 2 (a) of Article 18 would only be interim until the decision referred to in the second sentence of the same paragraph on the detailed requirements is taken,

Recalling that a Party to the Protocol may take a decision on the import of living modified organisms intended for direct use as food or feed, or for processing, under its domestic regulatory framework that is consistent with the objective of the Protocol,

1. *Requests* Parties to the Protocol and *urges* other Governments to take measures to require the use of a commercial invoice or other document required or utilized by existing documentation systems, as documentation that should accompany living modified organisms that are intended for direct use as food or feed, or for processing, for the purpose of identification by incorporating the information requirements of the first sentence of paragraph 2 (a) of Article 18, and the requirements established under paragraph 4 below, pending a decision on detailed requirements for this purpose by the Conference of the Parties serving as the meeting of the Parties to the Protocol, which could include the use of a stand-alone document;

2. *Requests* Parties to the Protocol and *urges* other Governments to take measures ensuring that documentation accompanying living modified organisms that are intended for direct use as food or feed, or for processing clearly identifies that the shipment may contain living modified organisms intended for direct use as food or feed, or for processing, and states that they are not intended for intentional introduction into the environment;

3. *Further requests* Parties to the Protocol and *urges* other Governments to take measures ensuring that the documentation accompanying living modified organisms that are intended for direct use as food or feed, or for processing, provides the details of a contact point for further information: the exporter, the importer, or any appropriate authority, when designated by a Government as the contact point;

4. *Further urges* Parties to the Protocol and other Governments to require that the documentation referred to in paragraph 1 above includes: (i) the common, scientific and, where available, commercial names, and (ii) the transformation event code of the living modified organisms or, where available, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code;

5. *Encourages* Parties to the Protocol and other Governments to require exporters of living modified organisms that are intended for direct use as food or feed, or for processing under their jurisdiction to declare, in documentation accompanying transboundary movements known to intentionally contain living modified organisms that are intended for direct use as food or feed, or for processing, that the shipment contains living modified organisms that are intended for direct use as food or feed, or for processing, the identity of the living modified organism, and any unique identification, where possible;

6. *Decides* to establish an open-ended technical expert group on identification requirements of living modified organisms that are intended for direct use as food or feed, or for processing to assist the Conference of the Parties serving as the meeting of the Parties to the Protocol in taking the decision referred to in paragraph 2 (a) of Article 18 of the Protocol, on the basis of the terms of reference specified in the annex to this decision;

7. *Requests* Parties to the Protocol, other Governments and relevant international organizations to provide to the Executive Secretary by 30 June 2004:

a) Information on their experience, if any, in the implementation of the requirements of the first sentence of paragraph 2 (a) of Article 18; and

b) Their views regarding the detailed requirements referred to in the second sentence of paragraph 2 (a) of Article 18, including specification of the identity of the living modified organisms that are intended for direct use as food or feed, or for processing (whether the extent of information should include taxonomic name, the gene modifications inserted and traits or genes changed); threshold levels in the case of co-mingling of living modified organisms with non-LMOs, and possible linkages of the issue with Article 17 of the Protocol; the "may contain" language; and any unique identification;

c) Their experiences with the use of existing unique identification systems under the Protocol, such as the Unique Identifier for Transgenic Plants of the Organisation for Economic Co-operation and Development;

8. *Requests* the Executive Secretary to prepare a synthesis of the information and

views referred to above, for the consideration of the open-ended technical expert group mentioned in paragraph 6 above, and to convene, subject to the necessary financial resources being made available, the meeting of the open-ended technical expert group, and to submit the report and draft decision of the group to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

9. *Urges* developed country Parties and other donor Governments to make financial contributions necessary to facilitate the participation of experts from developing countries and countries with economies in transition in the open-ended technical expert group referred to in paragraph 6 above.

Annex

TERMS OF REFERENCE FOR THE OPEN-ENDED TECHNICAL EXPERT GROUP ON IDENTIFICATION REQUIREMENTS OF LIVING MODIFIED ORGANISMS INTENDED FOR DIRECT USE AS FOOD OR FEED, OR FOR PROCESSING

Taking into account the need for the Conference of the Parties serving as the meeting of the Parties to the Protocol to take a decision on the detailed requirements of identification of living modified organisms that are intended for direct use as food or feed, or for processing in accompanying documentation, including specification of their identity and any unique identification, no later than two years after the date of entry into force of the Protocol, and

Considering: (i) the report and recommendations of the Meeting of Technical Experts on the Requirements of Paragraph 2 (a) of Article 18; (ii) the Chair's summary of Working Group I of the discussion regarding paragraph 2 (a) of Article 18 at the third meeting of the Intergovermental Committee for the Cartagena Protocol on Biosafety; (iii) the decision of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol; and (iv) the information and views provided by Parties to the Protocol, other Governments and relevant international organizations in accordance with paragraph 7 of decision BS-I/6 A above,

Understanding that composition of the open-ended technical expert group shall be designed for effective participation, inclusiveness, transparency, and technical expertise relevant to the issues specified in this terms of reference, and that it will be composed of experts, nominated by Parties to the Protocol and other Governments and relevant international organizations, with technical expertise relevant to the issues specified in the terms of reference,

The Open-Ended Technical Expert Group shall:

1. Examine the issues of specifying the identity of living modified organisms that are intended for direct use as food or feed, or for processing and unique identification mentioned in the second sentence of paragraph 2 (a) of Article 18 in relation to the "may contain" language of the first sentence of the same paragraph, and any other issues that

may be relevant to the elaboration of the detailed requirements of identification of living modified organisms that are intended for direct use as food or feed, or for processing, including:

(a) The documentation to accompany living modified organisms that are intended for direct use as food or feed, or for processing for the purpose of Article 18, paragraph 2 (a);

(b) The information provided in the accompanying documentation;

(c) The extent and modality of using unique identifiers; and, if possible;

(d) Thresholds for adventitious or unintentional presence of LMOs that may be needed to trigger identification requirements;

(e) Review available sampling and detection techniques, with a view to harmonization.

2. Prepare a draft decision regarding issues mentioned in paragraph 1 above, for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. Complete its work in time for the Conference of the Parties serving as the meeting of the Parties to the Protocol to take this decision at its second meeting.

B. Paragraphs 2 (b) and 2 (c) of Article 18

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Noting the recommendations of the Intergovernmental Committee for the Cartagena Protocol on Biosafety at its third meeting regarding paragraphs 2 (b) and 2 (c) of Article 18 of the Cartagena Protocol on Biosafety,

1. *Requests* Parties to the Protocol and *urges* other Governments to take measures to ensure the use of a commercial invoice or other documents required or utilized by existing documentation systems, with consideration given to the formats outlined in the example templates annexed hereto, as documentation that should accompany living modified organisms for contained use and living modified organisms for intentional introduction into the environment of the Party of import, incorporating the information required under paragraphs 2 (b) and 2 (c) of Article 18 of the Protocol, as appropriate, with a view to fulfil the identification requirements of these paragraphs;

2. *Requests* Parties to the Protocol and *invites* other Governments to submit to the Executive Secretary, not later than six months prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, information on experience gained with the use of documentation referred to in paragraph 1 above, with a view to the future consideration of a stand-alone document, to fulfill the identification requirements of paragraphs 2 (b) and 2 (c) of Article 18, and *requests* the Executive Secretary to compile the information received and to prepare a synthesis report presenting options for stand-alone documentation for consideration by the third meeting

of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Requests* Parties to the Protocol and *urges* other Governments to take measures ensuring that documentation accompanying living modified organisms contains the following information and declaration:

(a) Living modified organisms for contained use (Article 18, paragraph 2 (b)):

(i) Clear identification as "living modified organisms" including common and scientific names of the organisms and as "destined for contained use";

(ii) The name and address of the consignee, and exporter or importer, as appropriate, including contact details necessary to reach them as fast as possible in case of emergency;

(iii) Any requirements for the safe handling, storage, transport and use of the living modified organisms under applicable existing international instruments, such as the United Nations Recommendations on the Transport of Dangerous Goods, the International Plant Protection Convention and the Organisation Internationale des Epizooties, domestic regulatory frameworks or under any agreements entered into by the importer and exporter. In the event that there is no requirement, indicate that there is no specific requirement;

(iv) Where appropriate, further information should include the commercial names of the living modified organisms, if available, new or modified traits and characteristics such as event(s) of transformation, risk class, specification of use, as well as any unique identification, where available, as a key to accessing information in the Biosafety Clearing-House;

(b) Living modified organisms for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol (Article 18**,** paragraph 2 (c)):

(i) Clear identification as "living modified organisms" and a brief description of the organisms, including common and scientific name, relevant traits and genetic modification, including transgenic traits and characteristics such as event(s) of transformation or, where available and applicable, a reference to a system of unique identification;

(ii) Any requirements for the safe handling, storage, transport and use of the living modified organisms as provided under applicable existing international requirements, domestic regulatory frameworks, or under any agreement entered into by the importer and exporter. In the event that there is no requirement, indicate that there is no specific requirement;

(iii) The name and address of the exporter and importer;

(iv) The details of the contact point for further information, including an

individual or organization in possession of relevant information in case of emergency;

(v) A declaration that the movement of the living modified organisms is in conformity with the requirements of the Cartagena Protocol on Biosafety applicable to the exporter;

(vi) Where appropriate, further information should include the commercial name, risk class, and import approval for the first transboundary movement of living modified organisms;

4. *Invites* Parties, other Governments and relevant international organizations to make available to the Executive Secretary, not later than six months prior to the date of the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, information regarding their experience, if any, in the implementation of the requirements of paragraphs 2 (b) and 2 (c) of Article 18;

5. *Requests* the Executive Secretary to prepare a synthesis report of information received from Parties**,** other Governments or relevant international organizations in accordance with paragraph 4 above and submit the report to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

C. Unique identification system(s)

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Mindful of the consideration of the issue of unique identification in the context of paragraph 2 (a) of Article 18 by the open-ended technical expert group established pursuant to paragraph 6 of decision BS-I/***6*** A above,

Recognizing the need for harmonized unique identifier codes for facilitating access to relevant information that may be available in the Biosafety Clearing-House regarding living modified organisms subject to transboundary movement,

Welcoming the development and adoption of the Organisation of Economic Co-operation and Development (OECD) Guidance for the Designation of a Unique Identifier for Transgenic Plants,

Recognizing that other unique identification systems may be developed, and that a unique identification system is also required for genetically modified micro-organisms and animals,

1. *Invites* Parties and other government to take measures to apply, as appropriate, the OECD Unique Identifiers for Transgenic Plants to living modified plants under the Protocol, without prejudice to the possible development and applicability of other systems;

2. *Requests* the Executive Secretary to develop or maintain, in the Biosafety Clearing-House, a register of unique identification codes to ensure harmonisation of such codes by all users;

3. *Encourages* the Organisation for Economic Co-operation and Development and other organizations involved in the development of unique identification systems for living modified organisms to initiate or enhance their activities towards the development of a harmonized system of unique identifiers for genetically modified micro-organisms and animals.

D. Capacity-building

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recognizing the urgent need to address the critical capacity-building requirements of developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, regarding the implementation of the requirements of Article 18, in particular the documentation requirements under paragraph 2,

Requests the Executive Secretary to convene, prior to the meeting of the open-ended technical expert group mentioned in paragraph 6 of decision BS-I/6A above, subject to the necessary financial resources being made available, a workshop on capacity-building and exchange of experiences on the safe handling, transport, packaging and identification of living modified organisms, as related to the implementation of paragraph 2 of Article 18 of the Protocol.

Annex

EXAMPLES OF INTEGRATION OF INFORMATION REQUIREMENTS INTO EXISTING DOCUMENTATION

A. Blank example of template for Article 18.2 (b) of the Cartagena Protocol

COMPANY OR INSTITUTION LETTERHEAD

Invoice

Date _____

	EXPORTER	**IMPORTER/ CONSIGNEE**	**CONTACT POINT** ☐ **Exporter** ☐ **Importer/Consignee** ☐ **Other**
COMPANY OR INSTITUTION			
CONTACT PERSON			
STREET			
CITY, POSTAL CODE			
COUNTRY			
PHONE; FAX			
EMAIL			

Shipping details	**Shipper reference number**	**Shipper contact details**

Item	**Amount**	**Weight/Volume**	**Description**	**Value**
			Living modified organisms: Destined for contained use Name of the organisms Intended use e.g. research, others	

ANY REQUIREMENTS FOR SAFE HANDLING, STORAGE, TRANSPORT AND USE	• **As provided under applicable existing international requirements,** • **As provided under domestic regulatory framework, if any,** • **Any other requirements agreed to by the importer and exporter, or** • **In the event there is no requirement, indicate that there is no specific requirement**

B. Example 1 of template for Article 18.2 (b) of the Cartagena Protocol

COMPANY OR INSTITUTION LETTERHEAD

Invoice

Date _____

	EXPORTER	**CONSIGNEE**	**CONTACT POINT** ☑ **Exporter** ☐ **Consignee** ☐ **Other**
COMPANY OR INSTITUTION	**XXXX**	**YYYY**	
CONTACT PERSON			
STREET			
CITY, POSTAL CODE			
COUNTRY			
PHONE; FAX			
EMAIL			

Shipping details	**Shipper reference number**	**Shipper contact details**

Item	**Amount**	**Weight/Volume**	**Description**	**Value**
1	bag	50 g	**Living modified organisms:** Destined for contained use Papaya Research material seeds, PRSV (Papaya Ring Spot Virus) resistant	none

ANY REQUIREMENTS FOR SAFE HANDLING, STORAGE, TRANSPORT AND USE	**Should only be used in registered facilities**

C. Example 2 for Article 18.2 (b) of the Cartagena Protocol

Shippers Declaration of Dangerous Goods

Shipper: Name Company or Institution Address Phone number	Air Waybill No: 123456789 Page 1 of 1 Pages Shipper's Reference Number sso (optional)
Consignee : **Company or Institution** **Contact Person** **Street, City** **Postal Code, Country** **Phone, Fax** **Email**	Contact Point Shipper ☐ Consignee ☑ Other ☐ **Company or Institution** **Contact Person** **Street, City** **Postal Code, Country** **Phone, Fax**
Two Completed and signed copies of this Declaration must be handed to the operator	**WARNING**
TRANSPORT DETAILS Airport of Departure This shipment is within the limitations prescribed for: *delete non-applicable)* PASSENGER AND CARGO AIRCRAFT CARGO AIRCRAFT ONLY Airport of Destination:	Failure to comply in all respects with the applicable Dangerous Goods Regulations may be in breach of the applicable law, subject to legal penalties. This Declaration must not, in any circumstances, be completed and/or signed by a consolidator, a forwarder or an IATA cargo agent.
	Shipment Type: (*delete non-applicable*) NON-RADIOACTIVE RADIOACTIVE

NATURE AND QUANTITY OF DANGEROUS GOODS

Dangerous Goods Identification

Proper-Shipping Name	Class or Division	UN or ID No.	Packing Group	Subsidiary Risk	Quantity and Type of Packing	Packing Instruction	Authorization
Infectious Substances Affecting Humans HIV gene bank in E.coli K12	6.2	UN 2814			1 Fiberboard Box ("Safe-T-Pak") x 25.0 mL	602	
Living modified organisms							
Dry Ice	9	UN1845	III		1 x 12.4Kg 1 Overpack Used	904	

Additional Requirements for Safe Handling, Storage, Transport and Use

Prior Arrangements As Required By The IATA Dangerous Goods Regulations 1.3.3.1 Have Been Made. IATA/ICAO USED

This material is for contained use only in a certified Safety Level 2 Facility

24 hr. Emergency Contact Telephone No. Chemtrec 800/424-9300

I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.	Name/Title of Signatory Name/Title of Signatory Place and Date City, State, Country Date Signature (*see warning above)*

D. Blank Example Template for Article 18.2 (c) of the Cartagena Protocol

COMPANY OR INSTITUTION LETTERHEAD

Invoice

Date _____

	EXPORTER	**IMPORTER**	**CONTACT POINT** ☐ **Exporter** ☐ **Importer** ☐ **Other**
COMPANY OR INSTITUTION			
CONTACT PERSON			
STREET			
CITY, POSTAL CODE			
COUNTRY			
PHONE; FAX			
EMAIL			

Shipping details	**Shipper reference number**	**Shipper contact details**

Item	**Amount**	**Weight/Volume**	**Description**	**Value**
			• **Living modified organism** • **Brief Description of the organisms including category, name, relevant traits including transgenic traits and characteristics such as event(s) of transformation** • Where available and applicable: ❖ Reference to a system of identification such as: ○ Harmonized code such as unique identifier ○ Notification under AIA ○ Final decisions ○ Notifications to the BCH ❖ Other requirements in accordance with the regulatory status of the LMO in the Party of import	

ANY REQUIREMENTS FOR SAFE HANDLING, STORAGE, TRANSPORT AND USE	• **As provided under applicable existing international requirements,** • **As provided under domestic regulatory framework, if any,** • **Any other requirements agreed to by the importer and the exporter,** • **As provided under the advance informed agreement procedure if applicable, or** • **In the event there is no requirement, indicate that there is no specific requirement.**

I declare that this transboundary movement/shipment is in conformity with the requirements of the Cartagena Protocol applicable to the exporter.

Signature of exporter_____ Date_____

E. Example 1 Template for Article 18.2 (c) of the Cartagena Protocol

COMPANY OR INSTITUTION LETTERHEAD

Invoice

Date _____

	EXPORTER	**IMPORTER**	**CONTACT POINT** ☐ **Exporter** ☑ **Importer** ☐ **Other**
COMPANY OR INSTITUTION	**XXXX**	**YYYY**	
CONTACT PERSON			
STREET			
CITY, POSTAL CODE			
COUNTRY			
PHONE; FAX			
EMAIL			

Shipping details	**Shipper reference number**	**Shipper contact details**

Item	**Amount**	**Weight/Volume**	**Description**	**Value**
4	Bags	1 Kg	**Living modified organism:** **Rice, resistance against Xanthomonas campestris pv. Orizae, RI323, 327, 432 &726** Permit **RICE3434-02** for experimental release Research material	none

ANY REQUIREMENTS FOR SAFE HANDLING, STORAGE, TRANSPORT AND USE	• **See permit RICE3434-02**

I declare that this transboundary movement/shipment is in conformity with the requirements of the Cartagena Protocol applicable to the exporter.

Signature of exporter_____ Date_____

F. Example 2 Template for Article 18.2 (c) of the Cartagena Protocol

COMPANY OR INSTITUTION LETTERHEAD

Invoice

Date _____

	EXPORTER	**IMPORTER**	**CONTACT POINT** ☐ **Exporter** ☐ **Importer** ☑ **Other**
COMPANY OR INSTITUTION	**XXXX**	**YYYY**	**ZZZZ**
CONTACT PERSON			
STREET			
CITY, POSTAL CODE			
COUNTRY			
PHONE; FAX			
EMAIL			

Shipping details	**Shipper reference number**	**Shipper contact details**

Item	**Amount**	**Weight/Volume**	**Description**	**Value**
1	1000 Bags	50,000 pounds	**Living modified organism:** **Soybean WSD 432, high oleic acid, HOA** Permit #GM21345/2002 for planting OECD UI: BI-ABC891-8 * Commercial seeds material	22'000 €

ANY REQUIREMENTS FOR SAFE HANDLING, STORAGE, TRANSPORT AND USE	**NO SPECIFIC REQUIREMENT**

I declare that this transboundary movement/shipment is in conformity with the requirements of the Cartagena Protocol applicable to the exporter.

Signature of exporter_____ Date_____

* See *OECD Guidance for the Designation of Unique Identifier for Transgenic Plants, 2002 – Key to accessing databases that provide additional information on the LMO*.

BS-I/7.

ESTABLISHMENT OF PROCEDURES AND MECHANISMS ON COMPLIANCE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling Article 34 of the Cartagena Protocol on Biosafety,

Recognizing the importance of establishing procedures and mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance,

1. *Decides* to adopt procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety as set out in the annex to this decision and to establish the Compliance Committee referred to therein;

2. *Requests* the Executive Secretary, in consultation with the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol, to arrange for a meeting of the Compliance Committee, to be held before the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for the purpose of developing rules of procedure referred to in paragraph 7 of section II of the procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety**.**

Annex

PROCEDURES AND MECHANISMS ON COMPLIANCE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

The following procedures and mechanisms are developed in accordance with Article 34 of the Cartagena Protocol on Biosafety and are separate from, and without prejudice to, the dispute settlement procedures and mechanisms established by Article 27 of the Convention on Biological Diversity.

I. Objective, nature and underlying principles

1. The objective of the compliance procedures and mechanisms shall be to promote compliance with the provisions of the Protocol, to address cases of non-compliance by Parties, and to provide advice or assistance, where appropriate.

2. The compliance procedures and mechanisms shall be simple, facilitative, non-adversarial and cooperative in nature.

3. The operation of the compliance procedures and mechanisms shall be guided by the principles of transparency, fairness, expedition and predictability. It shall pay particular attention to the special needs of developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, and take into full consideration the difficulties they face in the implementation of the Protocol.

II. Institutional mechanisms

1. A Compliance Committee, hereinafter referred to as "the Committee", is hereby established pursuant to Article 34 of the Cartagena Protocol on Biosafety to carry out the functions specified herein.

2. The Committee shall consist of 15 members nominated by Parties and elected by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety on the basis of three members from each of the five regional groups of the United Nations.

3. Members of the Committee shall have recognized competence in the field of biosafety or other relevant fields, including legal or technical expertise, and serve objectively and in a personal capacity.

4. Members shall be elected by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety for a period of four years, this being a full term. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety shall elect five members, one from each region, for half a term, and ten members for a full term. Each time thereafter, the Conference of the Parties to the serving as the meeting of the Parties to the Cartagena Protocol on Biosafety shall elect for a full term, new members to replace those whose term has expired. Members shall not serve for more than two consecutive terms.

5. The Committee shall meet twice a year, unless it decides otherwise. The Secretariat shall service the meetings of the Committee.

6. The Committee shall submit its reports including recommendations with regard to the discharge of its functions to the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and appropriate action.

7. The Committee shall develop and submit its rules of procedure to the Conference of the Parties serving as the meeting of the Parties for its consideration and approval.

III. Functions of the Committee

1. The Committee shall, with a view to promoting compliance and addressing cases of non-compliance, and under the overall guidance of the Conference of the Parties serving as the meeting of the Parties to the Protocol, have the following functions:

(a) Identify the specific circumstances and possible causes of individual cases of non-compliance referred to it;

(b) Consider information submitted to it regarding matters relating to compliance and cases of non-compliance;

(c) Provide advice and/or assistance, as appropriate, to the concerned Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the Protocol;

(d) Review general issues of compliance by Parties with their obligations under the Protocol, taking into account the information provided in the national reports communicated in accordance with Article 33 of the Protocol and also through the Biosafety Clearing-House*;*

(e) Take measures, as appropriate, or make recommendations, to the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(f) Carry out any other functions as may be assigned to it by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

IV. Procedures

1. The Committee shall receive, through the Secretariat, any submissions relating to compliance from:

(a) Any Party with respect to itself;

(b) Any Party, which is affected or likely to be affected, with respect to another Party.

The Committee may reject to consider any submission made pursuant to paragraph 1(b) of this section that is *de minimis* or ill-founded, bearing in mind the objectives of the Protocol.

2. The Secretariat shall, within fifteen days of receipt of submissions under paragraph 1 (b) above, make the submissions available to the Party concerned, and once it has received a response and information from the concerned Party, it shall transmit the submission, the response and information to the Committee.

3. A Party that has received a submission regarding its compliance with the provisions of the Protocol should respond and, with recourse to the Committee for assistance if required, provide the necessary information preferably within three months and in any event not later than six months. This period of time shall commence on the date of the receipt of the submission as certified by the Secretariat. In the case where the Secretariat has not received any response or information from the concerned Party within the six months as referred to above, it shall transmit the submission to the Committee.

4. A Party, in respect of which a submission is made or which makes a submission, is entitled to participate in the deliberations of the Committee. This Party shall not participate in the elaboration and adoption of a recommendation of the Committee.

V. Information and consultation

1. The Committee shall consider relevant information from:

(a) The Party concerned;

(b) The Party that has made a submission with respect to another Party in accordance with paragraph 1(b) of section IV.

2. The Committee may seek or receive and consider relevant information from sources, such as:

(a) The Biosafety Clearing-House, the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Protocol, and subsidiary bodies of the Convention on Biological Diversity and the Protocol;

(b) Relevant international organizations.

3. The Committee may seek expert advice from the biosafety roster of experts.

4. The Committee, in undertaking all of its functions and activities, shall maintain the confidentiality of any information that is confidential under Article 21 of the Protocol.

VI. Measures to promote compliance and address cases of non-compliance

1. The Committee may take one or more of the following measures with a view to promoting compliance and addressing cases of non-compliance**,** taking into account the capacity of the Party concerned, especially developing country Parties, in particular the least developed and small island developing States amongst them, and Parties with economies in transition, to comply, and such factors as the cause, type, degree and frequency of non-compliance:

(a) Provide advice or assistance to the Party concerned, as appropriate;

(b) Make recommendations to the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol regarding the provision of financial and technical assistance, technology transfer, training and other capacity-building measures;

(c) Request or assist, as appropriate, the Party concerned to develop a compliance action plan regarding the achievement of compliance with the Protocol within a timeframe to be agreed upon between the Committee and the Party concerned; and

(d) Invite the Party concerned to submit progress reports to the Committee on the efforts it is making to comply with its obligations under the Protocol;

(e) Pursuant to paragraph 1(c) and (d) above, report to the Conference of the Parties serving as the meeting of the Parties on efforts made by Parties in non-compliance to return to compliance and maintain this as an agenda item of the Committee until adequately resolved.

2. The Conference of the Parties serving as the meeting of the Parties may, upon the recommendations of the Committee, taking into account the capacity of the Party concerned, especially developing country Parties, in particular the least developed and small island developing States amongst them, and Parties with economies in transition, to comply, and such factors as the cause, type, degree and frequency of non-compliance, also decide upon one or more of the following measures:

(a) Provide financial and technical assistance, technology transfer, training and other capacity-building measures;

(b) Issue a caution to the concerned Party;

(c) Request the Executive Secretary to publish cases of non-compliance in the Biosafety Clearing-House;

(d) In cases of repeated non-compliance, take such measures as may be decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its third meeting, and thereafter in accordance with Article 35 of the Protocol, within the framework of the review process provided for in Section VII below.

VII. Review of the procedures and mechanisms

The Conference of the Parties serving as the meeting of the Parties to the Protocol shall, at its third meeting and thereafter, in line with Article 35 of the Protocol, review the effectiveness of these procedures and mechanisms, address repeated cases of non-compliance and take appropriate action.

BS-I/8.

ESTABLISHMENT OF AN OPEN-ENDED AD HOC WORKING GROUP OF LEGAL AND TECHNICAL EXPERTS ON LIABILITY AND REDRESS IN THE CONTEXT OF THE PROTOCOL

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling Article 27 of the Protocol, which requires the Conference of the Parties serving as the meeting of Parties to adopt, at its first meeting, a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms, analysing and taking due account of the on-going processes in international law on these matters, and to endeavour to complete this process within four years,

Recognizing that the appropriate elaboration of international rules and procedures regarding liability and redress pursuant to Article 27 of the Protocol is crucial for the effective implementation of the Protocol,

Emphasizing that the process with respect to liability and redress under the Protocol is distinct from the process with respect to liability and redress under Article 14, paragraph 2, of the Convention, while acknowledging the need to identify and promote synergies and cross-fertilization between the two processes,

Recognizing that the process with respect to liability and redress under Article 27 of the Protocol is also distinct and different from the compliance procedures and mechanisms under Article 34 of the Protocol,

1. *Decides* to establish an Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress to carry out the process pursuant to Article 27 of the Protocol;

2. *Decides* that the terms of reference for the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress established by paragraph 1 above shall be those contained in the annex to this decision;

3. *Requests* the Executive Secretary to convene the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress established by paragraph 1 above as soon as possible, at least once before the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

4. *Requests* the Executive Secretary in consultation with the Bureau, to convene a Technical Group of Experts on Liability and Redress composed of experts nominated by Parties to the Protocol and based on a fair and equitable geographical representation to undertake preparatory work for the first meeting of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress;

5. *Invites* Parties, Governments and international organizations and relevant

stakeholders that have not done so to submit their views to the Executive Secretary on the questionnaire contained in the annex to recommendation 3/1 of the Intergovernmental Committee on the Cartagena Protocol on Biosafety (UNEP/CBD/ICCP3/10) no later than three months prior to the meeting of the Technical Group of Experts referred to in paragraph 4 above, and *requests* the Secretariat to compile the views submitted including those submitted for the purpose of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol contained in document UNEP/CBD/BS/COP-MOP/1/INF/6, and prepare a synthesis report of the submissions for consideration at that meeting.

Annex

TERMS OF REFERENCE FOR THE OPEN-ENDED AD HOC WORKING GROUP OF LEGAL AND TECHNICAL EXPERTS ON LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY

1. The Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress (hereinafter referred to as Ad Hoc Group on Liability and Redress) established pursuant to Article 27 of the Protocol shall be composed of representatives, including legal, technical and scientific experts, nominated by Parties to the Protocol. The Ad Hoc Group on Liability and Redress shall be open to the participation as observers of any State not a Party to the Protocol, international organizations, non-governmental organizations and industry.

2. The Ad Hoc Group on Liability and Redress shall elect its chairperson and other officers.

3. The Ad Hoc Group on Liability and Redress shall review the information relating to liability and redress for damage resulting from transboundary movements of living modified organisms, and shall*:*

(a) Examine the information provided by Parties, Governments, relevant international organizations and stakeholders pursuant to recommendations 2/1, paragraph 2, and 3/1, paragraph 1, of the Intergovernmental Committee for the Cartagena Protocol on Biosafety, the synthesis of that information by the Secretariat, as well as information provided to date by the Secretariat in the context of liability and redress under Article 14, paragraph 2, of the Convention on Biological Diversity;

(b) Examine the information and initial understandings submitted by Parties, Governments, relevant international organizations and stakeholders on the basis of the questionnaire on liability and redress for damage resulting from transboundary movements of living modified organisms annexed to recommendation 3/1 of the Intergovernmental Committee for the Cartagena Protocol on Biosafety, as well as further views submitted by them on the matter covered under Article 27 of the Protocol;

(c) Take into account the report of the Workshop on Liability and Redress in the

Context of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/1/INF/8) that was held in Rome from 2 to 4 December 2002 and was a forum for discussion;

(d) Request any information that may be required to assist the work on Article 27 of the Protocol; and

(e) Take due account of the ongoing processes in international law on the matters covered under Article 27 of the Protocol.

4. The Ad Hoc Group on Liability and Redress shall, on the basis of foregoing information**,** analyse the issues relevant to liability and redress with a view to building understanding and consensus on the nature and contents of international rules and procedures referred to in Article 27 of the Protocol. In doing so, it shall:

(a) Analyse general issues relating to:

(i) The potential and/or actual damage scenarios of concern that may be covered under the Protocol in order to identify the situations for which international rules and procedures referred to in Article 27 of the Protocol may be needed;

(ii) The application of international rules and procedures on liability and redress to the damage scenarios of concern that may be covered under Article 27 of the Protocol;

(b) Elaborate options for elements of rules and procedures referred to in Article 27 of the Protocol, which may include**,** *inter alia*:

(i) Definition and nature of damage, including scope of damage resulting from transboundary movement of living modified organisms;

(ii) Valuation of damage to biodiversity and to human health;

(iii) Threshold of damage;

(iv) Causation;

(v) Channelling of liability;

(vi) Roles of Parties of import and export;

(vii) Standard of liability;

(viii) Mechanisms of financial security;

(ix) Standing/right to bring claims.

5. The Ad Hoc Group on Liability and Redress shall report on its activities and progress to each subsequent meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. At the first meeting of the Conference of the Parties serving as the Parties to the Cartagena Protocol on Biosafety after the Group has been established for two years, the Conference of the Parties serving as the meeting of

the Parties to the Protocol shall review the progress and if necessary provide guidance to the group. The Ad Hoc Group on Liability and Redress shall present its final report, together with the proposed international rules and procedures in the field of liability and redress pursuant to Article 27 of the Protocol, to the Conference of the Parties serving as the meeting of the Parties to the Protocol.

6. The Ad Hoc Group on Liability and Redress shall complete its work in 2007 in order to enable the Conference of the Parties serving as the meeting of the Parties to the Protocol to fulfil the requirements under Article 27 of the Protocol. The Executive Secretary will convene a Technical Group of Experts on Liability and Redress composed of experts nominated by Parties to the Protocol and based on a fair and equitable geographical representation to undertake preparatory work for the first meeting of the Ad Hoc Group on Liability and Redress. Subject to review at each meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the following arrangements may be used as an indicative work plan for the Ad Hoc Group on Liability and Redress:

Indicative work plan of the Technical Group of Experts and the Ad Hoc Group on Liability and Redress †

Time	Meetings	Length
Technical Group of Experts 2004	Preparatory meeting	3 days
Ad Hoc Group 2005	First meeting	5 days
Ad Hoc Group 2005	Second meeting	5 days
Ad Hoc Group 2006	Third meeting	5 days
Ad Hoc Group 2007	Fourth meeting	5 days
Ad Hoc Group 2007	Fifth meeting	5 days

† Subject to budget considerations.

BS-I/9.

MONITORING AND REPORTING UNDER THE PROTOCOL (ARTICLE 33): FORMAT AND TIMING FOR REPORTING

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

1. *Takes note* of the note of the Executive Secretary on monitoring and reporting (UNEP/CBD/BS/COP-MOP/1/10);

2. *Recognizes* the need for clear and simple reporting requirements that:

(a) Consider technical, technological and financial capacity limitations in developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition, as well as countries that are centres of origin and centres of genetic diversity;

(b) Avoid duplication of other requirements pursuant to the Convention on Biological Diversity;

(c) Support statistical analysis and compilation;

(d) Encourage Parties to provide detailed information at national as well as at regional levels, where such information can be useful to other Parties;

3. *Requests* Parties to make use of the reporting format as annexed to this decision;

4. *Recommends* that Parties prepare their reports through a consultative process involving all relevant stakeholders, as appropriate;

5. *Requests* Parties to submit their reports:

(i) On a general frequency of every four years, but in the initial four-year period to submit an interim report two years after the entry into force of the Protocol;

(ii) Twelve months prior to the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol that will consider the report;

(iii) In an official language of the United Nations;

(iv) In both hard copy and electronic format;

6. *Decides* that the intervals and formats of the reports should be kept under review, building on the experience of Parties in preparing their reports.

Annex

DRAFT FORMAT FOR THE INTERIM NATIONAL REPORT ON IMPLEMENTATION OF THE CARTAGENA PROTOCOL ON BIOSAFETY

GUIDELINES FOR USE OF THE REPORTING FORMAT

The following format for preparation of the report on implementation of the Cartagena Protocol on Biosafety called for under Article 33 of the Protocol is a series of questions based on those elements of the Protocol that establish obligations for Contracting Parties. Responses to these questions will help Parties to review the extent to which they are successfully implementing the provisions of the Protocol and will assist the Conference of the Parties serving as the meeting of the Parties to the Protocol to assess the overall status of implementation of the Convention.

Parties are requested to submit an interim national report on implementation of the Cartagena Protocol on Biosafety in this format to the Executive Secretary no later than 11 September 2005. The reporting format is intended to be specific to the interim national report only. It is expected that the format for the first national report will be slightly more detailed, to allow for reporting on decisions that will have been taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol. Similarly, for subsequent national reports, the format is expected to evolve, as questions that are no longer relevant after the first national report may be deleted, questions that are relevant to ongoing progress in implementation will be retained, and additional questions will be formulated pursuant to future decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

The wording of questions follows the wording of the relevant articles of the Protocol as closely as possible. The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol.

The format tries to minimize the reporting burden on Parties, while eliciting the important information regarding implementation of the provisions of the Protocol. Many questions require only a tick in one or more boxes.[1] Other questions seek a qualitative description of experiences and progress, including obstacles and impediments to the implementation of particular provisions.[2] Although there is no set limit on length of text, in order to assist with the review and synthesis of the information in the reports, respondents are asked to ensure that answers are as relevant and as succinct as possible.

The information provided by Parties will not be used to rank performance or to otherwise compare implementation between individual Parties.

The Executive Secretary welcomes any comments on the adequacy of the questions,

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1 If you feel that, in order to properly reflect the circumstances, it is necessary to tick more than one box, please do so. In this case, you are encouraged to provide further information in the text answers that follow.

2 Please feel free to append to the report further information on any of the questions.

and difficulties in completing the questions, and any further recommendations on how these reporting guidelines could be improved. Space is provided for such comments at the end of the report.

It is recommended that Parties involve all relevant stakeholders in the preparation of the report, in order to ensure a participatory and transparent approach to its development and the accuracy of the information requested. A box is provided in which to identify those groups who have been involved.

Parties are requested to submit an original signed copy by post and an electronic copy on diskette or by electronic mail. An electronic version of this document will be sent to all national focal points and this will also be available from the Convention's website at: http://www.biodiv.org

Completed reports and any comments should be sent to:

The Executive Secretary
Secretariat of the Convention on Biological Diversity
World Trade Centre
393 St. Jacques Street West, suite 300
Montreal, Quebec
H2Y 1N9 Canada

Fax: (+1 514) 288 6588
e-mail: secretariat@biodiv.org

Origin of report

Party	
Contact officer for report	
Name and title of contact officer:	
Mailing address:	
Telephone:	
Fax:	
E-mail:	
Submission	
Signature of officer responsible for submitting report:	
Date of submission:	

Please provide summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report:

Obligations for provision of information to the Biosafety Clearing-House

1. Several articles of the Protocol require that information be provided to the Biosafety Clearing-House (see the list below). For your Government, if there are cases where relevant information exists but has not been provided to the BCH, describe any obstacles or impediments encountered regarding provision of that information (note: To answer this question, please check the BCH to determine the current status of your country's information submissions relative to the list of required information below. If you do not have access to the BCH, contact the Secretariat for a summary):

Information required to be provided to the Biosafety Clearing-House:

(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 20.3(a));

(b) National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11.5);

(c) Bilateral, multilateral and regional agreements and arrangements (Articles 14.2, 20.3(b), and 24.1);

(d) Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19.1 and 19.3), and emergency contacts (Article 17.2 and 17.3(e));

(e) In cases of multiple competent national authorities, responsibilities for each (Articles 19.2 and 19.3);

(f) Reports submitted by the Parties on the operation of the Protocol (Article 20.3(e));

(g) Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17.1);

(h) Illegal transboundary movements of LMOs (Article 25.3);

(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 10.3 and 20.3(d));

(j) Information on the application of domestic regulations to specific imports of LMOs (Article 14.4);

(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 11.1);

(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 11.4) or in accordance with Annex III (Article 11.6) (requirement of Article 20.3(d));

(m) Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11.6);

(n) Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12.1);

(o) LMOs granted exemption status by each Party (Article 13.1);

(p) Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13.1); and

(q) Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20.3(c)).

Article 2 – General provisions

2. Has your country introduced the necessary legal, administrative and other measures for implementation of the Protocol? (Article 2.1)	
a) full domestic regulatory framework in place (please give details below)	
b) some measures introduced (please give details below)	
c) no measures yet taken	
3. Please provide further details about your response to the above question, as well as description of your country's experiences and progress in implementing Article 2, including any obstacles or impediments encountered:	

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

See question 1 regarding provision of information to the Biosafety Clearing-House.

4. Is there a legal requirement for the accuracy of information provided by exporters‡ under the jurisdiction of your country? (Article 8.2)	
a) yes	
b) no	
c) not applicable – not a Party of export	
5. If you were a Party of export during this reporting period, did you request any Party of import to review a decision it had made under Article 10 on the grounds specified in Article 12.2?	
a) yes (please give details below)	
b) no	
c) not applicable – not a Party of export	
6. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 9.2(c)?	
a) yes	
b) no	
c) not applicable – no decisions taken during the reporting period	
7. If your country has been a Party of export of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	
8. If your country has taken decisions on import of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	

‡ The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol

Article 11 – Procedure for living modified organisms intended for direct use as food or feed, or for processing

See question 1 regarding provision of information to the Biosafety Clearing-House.

9. Is there a legal requirement for the accuracy of information provided by the applicant with respect to the domestic use of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing? (Article 11.2)	
a) yes	
b) no	
c) not applicable (please give details below)	
10. Has your country indicated its needs for financial and technical assistance and capacity building in respect of living modified organisms intended for direct use as food or feed, or for processing? (Article 11.9)	
a) yes (please give details below)	
b) no	
c) not relevant	
11. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 11.4?	
a) yes	
b) no	
c) not applicable – no decisions taken during the reporting period	
12. If your country has been a Party of export of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:	
13. If your country has been a Party of import of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:	

Article 13 – Simplified procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

14. If your country has used the simplified procedure during the reporting period, please describe your experiences in implementing Article 13, including any obstacles or impediments encountered:

Article 14 – Bilateral, regional and multilateral agreements and arrangements

See question 1 regarding provision of information to the Biosafety Clearing-House.

15. If your country has entered into bilateral, regional or multilateral agreements or arrangements, describe your experiences in implementing Article 14 during the reporting period, including any obstacles or impediments encountered:

Articles 15 and 16 – Risk assessment and risk management

16. If you were a Party of import during this reporting period, were risk assessments carried out for all decisions taken under Article 10? (Article 15.2)	
a) yes	
b) no (please clarify below)	
c) not a Party of import	
17. If yes, did you require the exporter to carry out the risk assessment?	
a) yes – in all cases	
b) yes – in some cases (please specify the number and give further details below)	
c) no	
d) not a Party of import	
18. If you took a decision under Article 10 during the reporting period, did you require the notifier to bear the cost of the risk assessment? (Article 15.3)	
a) yes – in all cases	
b) yes – in some cases (please specify the number and give further details below)	
c) no	
19. Has your country established and maintained appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of the Protocol? (Article 16.1)	
a) yes	
b) no	
20. Has your country adopted appropriate measures to prevent unintentional transboundary movements of living modified organisms? (Article 16.3)	
a) yes	
b) no	
21. Does your country endeavour to ensure that any living modified organism, whether imported or locally developed, undergoes an appropriate period of observation commensurate with its life-cycle or generation time before it is put to its intended use? (Article 16.4)	
a) yes – in all cases	
b) yes – in some cases (please give further details below)	
c) no (please give further details below)	
d) not applicable (please give further details below)	

22. Has your country cooperated with others for the purposes specified in Article 16.5?	
a) yes (please give further details below)	
b) no (please give further details below)	
23. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Articles 15 and 16, including any obstacles or impediments encountered:	

Article 17 – Unintentional transboundary movements and emergency measures

See question 1 regarding provision of information to the Biosafety Clearing-House.

24. During the reporting period, if there were any occurrences under your jurisdiction that led, or could have led, to an unintentional transboundary movement of a living modified organism that had, or could have had, significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States, did you immediately consult the affected or potentially affected States for the purposes specified in Article 17.4?	
a) yes – all relevant States immediately	
b) partially (please clarify below)	
c) no (please clarify below)	
25. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 17, including any obstacles or impediments encountered:	

Article 18 – Handling, transport, packaging and identification

26. Has your country taken measures to require that living modified organisms that are subject to transboundary movement within the scope of the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards? (Article 18.1)	
a) yes (please give details below)	
b) no	
c) not applicable (please clarify below)	
27. Has your country taken measures to require that documentation accompanying living modified organisms for direct use as food or feed, or for processing, clearly identifies that they 'may contain' living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for information? (Article 18.2(a))	
a) yes	
b) no	
28. Has your country taken measures to require that documentation accompanying living modified organisms 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 living modified organisms are consigned? (Article 18.2(b))	
a) yes	
b) no	
29. Has your country adopted measures to require that documentation accompanying living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, 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? (Article 18.2(c))	
a) yes	
b) no	
30. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 18, including any obstacles or impediments encountered:	

Article 19 – Competent national authorities and national focal points

See question 1 regarding provision of information to the Biosafety Clearing-House.

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

See question 1 regarding provision of information to the Biosafety Clearing-House.

31. In addition to the response to question 1, please describe any further details regarding your country's experiences and progress in implementing Article 20, including any obstacles or impediments encountered:

Article 21 – Confidential information

32. Does your country have procedures to protect confidential information received under the Protocol and that protect the confidentiality of such information in a manner no less favourable than its treatment of confidential information in connection with domestically produced living modified organisms? (Article 21.3)	
a) yes	
b) no	
33. If you were a Party of import during this reporting period, did you permit any notifier to identify information submitted under the procedures of the Protocol or required by the Party of import as part of the advance informed agreement procedure that was to be treated as confidential? (Article 21.1)	
a) yes	
If yes, please give number of cases	
b) no	
c) not applicable – not a Party of import	
34. If you answered yes to the previous question, please provide information on your experience including description of any impediments or difficulties encountered:	
35. If you were a Party of export during this reporting period, please describe any impediments or difficulties encountered by you, or by exporters under your jurisdiction if information is available, in the implementation of the requirements of Article 21:	

Article 22 – Capacity-building

36. If a developed country Party, during this reporting period has your country cooperated in the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition?	
a) yes (please give details below)	
b) no	
c) not applicable – not a developed country Party	
37. If yes, how has such cooperation taken place:	
38. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the proper and safe management of biotechnology to the extent that it is required for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	
39. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the use of risk assessment and risk management for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	

40. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training for enhancement of technological and institutional capacities in biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	

41. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 22, including any obstacles or impediments encountered:

Article 23 – Public awareness and participation

42. Does your country promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health? (Article 23.1(a))	
a) yes – significant extent	
b) yes – limited extent	
c) no	
43. If yes, do you cooperate with other States and international bodies?	
a) yes – significant extent	
b) yes – limited extent	
c) no	
44. Does your country endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with the Protocol that may be imported? (Article 23.1(b))	
a) yes – fully	
b) yes – limited extent	
c) no	
45. Does your country, in accordance with its respective laws and regulations, consult the public in the decision-making process regarding living modified organisms and make the results of such decisions available to the public? (Article 23.2)	
a) yes – fully	
b) yes – limited extent	
c) no	
46. Has your country informed its public about the means of public access to the Biosafety Clearing-House? (Article 23.3)	
a) yes – fully	
b) yes – limited extent	
c) no	
47. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 23, including any obstacles or impediments encountered:	

Article 24 – Non-Parties

See question 1 regarding provision of information to the Biosafety Clearing-House**.**

48. If there have been transboundary movements of living modified organisms between your country and a non-Party, please provide information on your experience, including description of any impediments or difficulties encountered:

Article 25 – Illegal transboundary movements

See question 1 regarding provision of information to the Biosafety Clearing-House.

49. Has your country adopted appropriate domestic measures to prevent and penalize, as appropriate, transboundary movements of living modified organisms carried out in contravention of its domestic measures? (Article 25.1)	
a) yes	
b) no	

50. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 25, including any obstacles or impediments encountered:

Article 26 – Socio-economic considerations

51. If during this reporting period your country has taken a decision on import, did it take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities? (Article 26.1)	
a) yes – significant extent	
b) yes – limited extent	
c) no	
d) not a Party of import	
52. Has your country cooperated with other Parties on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities? (Article 26.2)	
a) yes – significant extent	
b) yes – limited extent	
c) no	
53. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 26, including any obstacles or impediments encountered:	

Article 28 – Financial mechanism and resources

54. Please indicate if, during the reporting period, your government made financial resources available to other Parties or received financial resources from other Parties or financial institutions, for the purposes of implementation of the Protocol.	
a) yes – made financial resources available to other Parties	
b) yes – received financial resources from other Parties or financial institutions	
c) both	
d) neither	
55. Please provide further details about your response to the above question, as well as description of your country's experiences, including any obstacles or impediments encountered:	

Other information

56. Please use this box to provide any other information related to articles of the Protocol, questions in the reporting format, or other issues related to national implementation of the Protocol:

Comments on reporting format

The wording of these questions is based on the Articles of the Protocol. Please provide information on any difficulties that you have encountered in interpreting the wording of these questions:

BS-I/10.

PROGRAMME BUDGET FOR THE DISTINCT COSTS OF THE SECRETARIAT SERVICES FOR AND THE BIOSAFETY WORK PROGRAMME OF THE CARTAGENA PROTOCOL FOR THE BIENNIUM 2005-2006

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

1. *Welcomes* the annual contribution of US $1,000,000 from the host country, Canada and the province of Quebec, of which US $165,000 per annum has been allocated to offset contribution from the Parties to the Protocol for the biennium 2005-2006;

2. *Decides* to establish the following trust funds for the Biosafety Protocol for a period of three years, beginning 1 January 2005 and ending 31 December 2007:

(a) Trust Fund for the core programme budget for the Biosafety Protocol (BYP Trust Fund)*;

(b) Special Voluntary Trust Fund (BEP Trust Fund) for Additional Voluntary Contributions in Support of Approved Activities;§ and

(c) Special Voluntary Trust Fund (BZP Trust Fund) for Facilitating Participation of Developing Country Parties, in particular the Least Developed and the Small Island Developing States amongst them, and Parties with Economies in Transition.

On an exceptional basis and subject to available resources, funding for participation may be made available to countries from the groups identified in subparagraph (c) above, who provide a clear political commitment towards becoming Parties to the Protocol. Evidence of such political commitment shall take the form of a written assurance to the Executive Secretary that the country intends to become a Party to the Protocol;

3. *Approves* a core (BYP Trust Fund) programme budget for the Biosafety Protocol of US $2,166,500 for the year 2005 and of US $1,878,700 for the year 2006, for the purposes set out in table 1 below;

4. *Approves* a secretariat staffing table for the programme budget for the Cartagena Protocol on Biosafety, contained in table 2 below, and *requests* that all staff positions be filled expeditiously;

5. *Welcomes with appreciation* decision VII/34 of the seventh meeting of the Conference of the Parties to the Convention, whereby Parties to the Convention have

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* "BYP" and the other Trust Fund designations used in the present document are subject to change by the Trustee and are used here purely for the convenience of delegations attending the meeting.

§ The BEP Trust Fund shall include the activity previously supported by the General Trust Fund, which was established in paragraph 27 of decision VI/29. The General Trust Fund shall be closed on 1 January 2005 and the funds contained therein shall be transferred to the BEP trust fund.

decided to bear the shared costs of US $3,267,100 for the year 2005 and US$3,326,600 for the year 2006, that are not distinct to the Protocol;

6. *Decides* to provisionally adopt the scale of assessments for the apportionment of the distinct costs among the Parties to the Biosafety Protocol for 2005 and 2006, as contained in table 5 below, and *authorizes* the Executive Secretary, in keeping with the financial rules, to adjust the list of Parties on receipt of notification from the depositary that a State has deposited an instrument of ratification, acceptance, approval or accession;

7. *Decides also* to establish a working capital reserve of five (5) per cent for the core budget (BYP Trust Fund) expenditure, including programme support costs;

8. *Authorizes* the Executive Secretary to transfer resources among the programmes between each of the main appropriation lines set out in the table 1 below up to an aggregate of 15 per cent of the total programme budget, provided that a further limitation of up to a maximum of 25 per cent of each such appropriation line shall apply;

9. *Takes note* of the funding estimates for activities under the Biosafety Protocol to be financed from:

(a) The Special Voluntary Trust Fund (BEP) for Additional Voluntary Contributions in Support of Approved Activities, included in table 3 below; and

(b) The Special Voluntary Trust Fund (BZP) for Facilitating Participation of Developing Country Parties, in particular the Least Developed and the Small Island Developing States amongst them, and Parties with Economies in Transition, included in table 4 below;

and *urges* Parties to make contributions to these funds;

10. *Invites* all Parties to the Protocol to note that contributions to the core budget (BYP Trust Fund) are due on 1 January of the year in which these contributions have been budgeted for, and to pay them promptly, and *urges* Parties in a position to do so, to pay by 15 November of the year 2004 for the calendar year 2005 and by 15 November 2005 for the calendar year 2006 the contributions required to finance the expenditures approved under paragraph 3 above, as offset by the amount in paragraph 1 above, and in this regard requests that Parties be notified of the amount of their contributions by 15 October of the year preceding the year in which the contributions are due;

11. *Urges* all Parties and States not Parties to the Protocol, as well as governmental, intergovernmental and non-governmental organizations and other sources, to contribute to the trust funds of the Cartagena Protocol;

12. *Decides* that the Executive Secretary has the authority, with the concurrence of the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, to adjust the servicing of the programme of work, including postponement of meetings, if sufficient resources are not available to the Secretariat in a timely fashion;

13. *Requests* the Executive Secretary to prepare and submit a budget for the distinct

costs of the secretariat services for and the biosafety work programme of the Protocol for the biennium 2007-2008 to the third meeting the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, and to report on income and budget performance as well as any adjustments made to the Protocol budget for the biennium 2005-2006;

14. *Notes* the need to facilitate priority-setting by providing Parties with timely information on the financial consequences of different options, taking into account paragraph 17 below and views provided by Parties in this regard. To this end, *requests* the Executive Secretary to include in the proposed budget for the biennium 2007-2008 two alternatives based ***on:***

(a) Maintaining the core budget at the 2005-2006 level (e.g. with zero per cent nominal growth and with zero per cent real growth); and

(b) Increasing the core budget to five per cent nominal growth above the 2005-2006 level;

15. *Requests* the Executive Secretary to report to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety on income and budget performance, and to propose any adjustments that might be needed in the programme budget for the biennium 2005-2006;

16. *Decides* that the financial rules and regulations and the decisions related to the administration of the budget, adopted by the Conference of the Parties to the Convention on Biological Diversity, be adopted *mutatis mutandis* for the Cartagena Protocol on Biosafety;

17. *Requests* the Executive Secretary, in accordance with rule 14 of the rules of procedure, to provide Parties with an indication of the administrative and financial implications of recommendations to be referred by any committee, liaison group, advisory group, open-ended working group, ad hoc working group or technical expert group for consideration of and subsequent adoption by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, which may have administrative and budgetary implication that cannot be met from existing resources within the core budget (BYP Trust Fund);

18. *Invites* the Executive Secretary to extend the fellowship programme of the Convention to the Cartagena Protocol on Biosafety, as a means of enabling developing country Parties to send their nationals to the secretariat for the purposes of enhancing their understanding of the Protocol and other processes, and for increasing awareness of biosafety and related issues;

19. *Instructs* the Executive Secretary, in an effort to improve the efficiency of the Secretariat and to attract highly qualified staff to the Secretariat, to enter into direct administrative and contractual arrangements with Parties, Governments and organizations - in response to offers of human resources and other support to the Secretariat - as may be necessary for the effective discharge of the functions of the Secretariat, while ensuring the efficient use of available competencies, resources and services, and taking into account

United Nations rules and regulations. Special attention should be given to possibilities of creating synergies with relevant, existing work programmes or activities that are being implemented within the framework of other international organizations.

Table 1. Biennium budget of the Trust Fund for the Cartagena Protocol on Biosafety 2005-2006

	Expenditures	**2005** *(US$ thousands)*	**2006** *(US$ thousands)*
I.	***Description***		
	Staff costs	525.3	541.1
	Biosafety bureau meetings	33.5	33.5
	Travel on official business	60	60
	Consultants/Sub-contracts	25	25
	Biosafety Clearing-House advisory meetings	40	40
	Liaison Group meetings (2/year)	80	80
	Meetings of the Conference of the Parties to the Protocol	525	425
	Compliance Committee meetings	60	60
	Open-ended ad hoc meeting of legal and technical experts on liability and redress	0	370
	Ad Hoc Open-ended Working Group on Article 18	370	0
	Training/Fellowships	20	20
	Temporary assistance/overtime	8	8
	Sub-total (I)	**1746.8**	**1662.6**
II.	***Programme support charge (13%)***	**227.1**	**216.1**
	Sub-total (II)	227.1	216.1
III.	***Working Capital Reserve (5%)***	192.6	
	Sub-total (III)	192.6	0.0
	GRAND TOTAL (I + II +III)	***2,166.5***	***1,878.7***
	Less contribution from the host country	165.0	165.0
	NET TOTAL (amount to be shared by Parties)	***2,001.5***	***1,713.7***

Priorities identified in the core budget (US$2,511,821 including 13 % programme support costs and 5% working capital reserve)

- Meetings of the Bureau of the Conference of the Parties serving as the Meeting of the Parties
- Biosafety Clearing House Advisory Group meetings
- Second meeting of the Conference of the Parties serving as the Meeting of the Parties
- Third meeting of the Conference of the Parties serving as the Meeting of the Parties
- Capacity-Building Biosafety Liaison Group meetings
- Compliance Committee meetings
- First meeting of the Open-ended Ad Hoc Working Group on Liability and Redress
- Open-ended Ad Hoc Working Group on Article 18

Table 2. Secretariat staffing requirements for the Cartagena Protocol on Biosafety from the core budget

		2005	2006
A.	**Professional Category***		
	P-5	1	1
	P-4	1	1
	P-3	1	1
	TOTAL PROFESSIONAL CATEGORY	**3**	**3**
B.	***Total General Service Category***	***2***	***2***
	TOTAL (A+B)	***5***	***5***

* The Executive Secretary will review the classification and report thereon to COP/MOP-2

Table 3. Special Voluntary Trust Fund for additional voluntary contributions in support of approved activities of the Cartagena Protocol on Biosafety

I.	Description	2005 *(US$)*	2006 *(US$)*
	Meetings		
	Regional meetings for the Biosafety Protocol (4/year)	40,000	40,000
	Biosafety Clearing House Technical Expert Meetings	60,000	60,000
	Ad hoc Technical and Legal Expert Group meeting on Liability & Redress	60,000	
	Coordination meetings on capacity building (under the coordination mechanism)	60,000	60,000
	Regional Capacity-building meetings on Article 18 (4/year)	40,000	40,000
	Consultants/Sub-contracts		
	Biosafety Clearing House		
	- Translation of BCH website	20,000	
	- Independent Review of the BCH	150,000	
	- Review of the Roster of Experts	15,000	
	Equipment		
	Replacement/upgrading of BCH hardware/software		50,000
	Sub-total	**445,000**	**250,000**
II.	Programme support charges (13%)	57,850	32,500
III.	Working capital reserve (5%)	39,268	
	Total Cost (I + II + III)	***542,118***	***282,500***

Table 4. Special Voluntary Trust Fund for facilitating participation of Parties in the Biosafety Protocol process for the biennium 2005-2006

Description	**2005** *(US$ thousands)*	**2006** *(US$ thousands)*
Meetings		
Regional meetings for the Biosafety Protocol (4/year)	200.0	200.0
Meetings of the Parties	540.0	540.0
Open-ended Ad Hoc Working Group of Legal & Technical Experts on Liability and Redress	-	540.0
Open-ended Ad Hoc Working Group on Article 18	540.0	-
Regional Capacity-building meetings on Article 18 (4/year)	200.0	200.0
Subtotal I	**1,480.0**	**1,480.0**
Programme support charges (13%)	192.4	192.4
Total Cost (I + II)	**1,672.4**	**1,672.4**

Table 5. Contributions to the Trust Fund for the Cartagena Protocol on Biosafety for the biennium 2005-2006

Party	UN scale of assessments 2004 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions due 1 Jan. 2005 (US$)	UN scale of assessments 2004 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions due 1 Jan. 2006 (US$)	Total contributions 2005-2006 (US$)
Antigua and Barbuda	0.003	0.005	105	0.003	0.005	90	195
Austria	0.859	1.501	30,052	0.859	1.501	25,731	55,783
Bahamas	0.013	0.023	455	0.013	0.023	389	844
Bangladesh	0.010	0.010	200	0.010	0.010	171	372
Barbados	0.010	0.017	350	0.010	0.017	300	649
Belarus	0.018	0.031	630	0.018	0.031	539	1,169
Belgium [1]	1.069	1.869	37,399	1.069	1.869	32,021	69,421
Belize	0.001	0.002	35	0.001	0.002	30	65
Bhutan	0.001	0.002	35	0.001	0.002	30	65
Bolivia	0.009	0.016	315	0.009	0.016	270	584
Botswana	0.012	0.021	420	0.012	0.021	359	779
Brazil	1.523	2.662	53,283	1.523	2.662	45,621	98,903
Bulgaria	0.017	0.030	595	0.017	0.030	509	1,104
Burkina Faso	0.002	0.003	70	0.002	0.003	60	130
Cambodia	0.002	0.003	70	0.002	0.003	60	130
Cameroon	0.008	0.014	280	0.008	0.014	240	520
Colombia	0.155	0.271	5,423	0.155	0.271	4,643	10,066
Croatia	0.037	0.065	1,294	0.037	0.065	1,108	2,403
Cuba	0.043	0.075	1,504	0.043	0.075	1,288	2,792
Cyprus	0.039	0.068	1,364	0.039	0.068	1,168	2,533
Czech Republic	0.183	0.320	6,402	0.183	0.320	5,482	11,884
Denmark	0.718	1.255	25,119	0.718	1.255	21,507	46,627
Djibouti	0.001	0.002	35	0.001	0.002	30	65
Ecuador	0.019	0.033	665	0.019	0.033	569	1,234
Egypt	0.012	0.021	420	0.012	0.021	359	779
El Salvador	0.022	0.038	770	0.022	0.038	659	1,429
Estonia [1]	0.012	0.021	420	0.012	0.021	359	779
Ethiopia	0.004	0.007	140	0.004	0.007	120	260
European Community	2.500	2.500	50,038	2.500	2.500	42,843	92,880
Fiji	0.004	0.007	140	0.004	0.007	120	260
France	6.030	10.540	210,961	6.030	10.540	180,626	391,587

Party	UN scale of assessments 2004 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions due 1 Jan. 2005 (US$)	UN scale of assessments 2004 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions due 1 Jan. 2006 (US$)	Total contributions 2005-2006 (US$)
Germany	8.662	15.141	303,042	8.662	15.141	259,467	562,509
Ghana	0.004	0.007	140	0.004	0.007	120	260
Greece [1]	0.530	0.926	18,542	0.530	0.926	15,876	34,418
Grenada	0.001	0.002	35	0.001	0.002	30	65
Hungary	0.126	0.220	4,408	0.126	0.220	3,774	8,182
India	0.421	0.736	14,729	0.421	0.736	12,611	27,340
Iran	0.157	0.274	5,493	0.157	0.274	4,703	10,196
Ireland	0.350	0.612	12,245	0.350	0.612	10,484	22,729
Italy [1]	4.885	8.539	170,903	4.885	8.539	146,328	317,231
Japan	19.468	22.000	440,330	19.468	22.000	377,014	817,344
Jordan	0.011	0.019	385	0.011	0.019	330	714
Kenya	0.009	0.016	315	0.009	0.016	270	584
Korea, Democratic Republic	0.010	0.017	350	0.010	0.017	300	649
Latvia	0.015	0.026	525	0.015	0.026	449	974
Lesotho	0.001	0.002	35	0.001	0.002	30	65
Liberia	0.001	0.002	35	0.001	0.002	30	65
Lithuania	0.024	0.042	840	0.024	0.042	719	1,559
Luxembourg	0.077	0.135	2,694	0.077	0.135	2,307	5,000
Madagascar	0.003	0.005	105	0.003	0.005	90	195
Malaysia	0.203	0.355	7,102	0.203	0.355	6,081	13,183
Maldives	0.001	0.002	35	0.001	0.002	30	65
Mali	0.002	0.003	70	0.002	0.003	60	130
Marshall Islands	0.001	0.002	35	0.001	0.002	30	65
Mauritius	0.011	0.019	385	0.011	0.019	330	714
Mexico	1.883	3.291	65,877	1.883	3.291	56,405	122,282
Mongolia	0.001	0.002	35	0.001	0.002	30	65
Mozambique	0.001	0.002	35	0.001	0.002	30	65
Nauru	0.001	0.002	35	0.001	0.002	30	65
Netherlands	1.690	2.954	59,125	1.690	2.954	50,623	109,748
Nicaragua	0.001	0.002	35	0.001	0.002	30	65
Nigeria	0.042	0.073	1,469	0.042	0.073	1,258	2,727
Niue	0.001	0.002	35	0.001	0.002	30	65
Norway	0.679	1.187	23,755	0.679	1.187	20,339	44,094

Party	UN scale of assessments 2004 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions due 1 Jan. 2005 (US$)	UN scale of assessments 2004 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions due 1 Jan. 2006 (US$)	Total contributions 2005-2006 (US$)
Oman	0.070	0.122	2,449	0.070	0.122	2,097	4,546
Palau	0.001	0.002	35	0.001	0.002	30	65
Panama	0.019	0.033	665	0.019	0.033	569	1,234
Poland	0.461	0.806	16,128	0.461	0.806	13,809	29,937
Republic of Moldova	0.001	0.002	35	0.001	0.002	30	65
Romania	0.060	0.105	2,099	0.060	0.105	1,797	3,896
Saint Kitts and Nevis	0.001	0.002	35	0.001	0.002	30	65
Saint Vincent & Gren.	0.001	0.002	35	0.001	0.002	30	65
Samoa	0.001	0.002	35	0.001	0.002	30	65
Senegal	0.005	0.009	175	0.005	0.009	150	325
Slovakia	0.051	0.089	1,784	0.051	0.089	1,528	3,312
Slovenia	0.082	0.143	2,869	0.082	0.143	2,456	5,325
South Africa	0.292	0.510	10,216	0.292	0.510	8,747	18,962
Spain	2.520	4.405	88,163	2.520	4.405	75,486	163,648
Sweden	0.998	1.744	34,915	0.998	1.744	29,895	64,810
Switzerland	1.197	2.092	41,877	1.197	2.092	35,856	77,733
Tajikistan	0.001	0.002	35	0.001	0.002	30	65
Tonga	0.001	0.002	35	0.001	0.002	30	65
Trinidad and Tobago	0.022	0.038	770	0.022	0.038	659	1,429
Tunisia	0.032	0.056	1,120	0.032	0.056	959	2,078
Turkey	0.372	0.650	13,015	0.372	0.650	11,143	24,158
Uganda	0.006	0.010	200	0.006	0.010	171	381
Ukraine	0.039	0.068	1,364	0.039	0.068	1,168	2,533
United Kingdom of Great Britain and Northern Ireland	6.127	10.710	214,355	6.127	10.710	183,532	397,887
United Republic of Tanzania	0.006	0.010	210	0.006	0.010	180	390
Venezuela	0.171	0.299	5,982	0.171	0.299	5,122	11,105
Viet Nam	0.021	0.037	735	0.021	0.037	629	1,364
TOTAL	65.166	100.000	2,001,500	65.166	100.000	1,713,700	3,715,210

[1] These States confirmed that they will be Parties on 31 December 2004

BS-I/11.

CONSIDERATION OF OTHER ISSUES NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THE PROTOCOL (E.G. ARTICLE 29, PARAGRAPH 4)

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Noting the range of mechanisms recommended by the Intergovernmental Committee for the Cartagena Protocol on Biosafety to be utilized, as appropriate, for the purpose of considering, and clarifying scientific and technical issues associated with the implementation of the Protocol,

Recognizing the difficulty involved in building a common view on what scientific and technical issues may need to be addressed at this stage, in order to enhance the effective implementation of the Protocol by creating a common understanding and approach to these issues,

Recognizing further the need for and the advantages of developing and implementing various tools such as common formats, guidance documents, and frameworks for harmonized or common approaches, with regard to several scientific and technical concepts and requirements included in the Protocol,

1. *Decides* to use, as appropriate, all mechanisms available for considering scientific and technical issues arising from the Protocol, and formulating consensual views and common guidance necessary for the effective implementation of the Protocol. These mechanisms include:

a) The meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

b) The monitoring and reporting process in accordance with Article 33;

c) Subsidiary bodies established in accordance with Article 30 and/or Article 29 paragraph 4 (b);

d) Inter-sessional activities;

e) The services and cooperation of and information provided by international organizations and intergovernmental and non-governmental bodies with competence in biosafety issues;

f) Periodic assessment and review of the Protocol and its annexes and adoption of amendments, in accordance with Article 35;

g) Compliance procedures and mechanisms established in accordance with Article 34;

h) The biosafety roster of experts;

i) The Biosafety Clearing-House;

j) The decision-making procedures and mechanism, for paragraph 7 of Article 10;

k) Regional networks and centres of excellence with competence in biosafety issues; and/or

l) Visits, and other informal liaison and exchange of views;

2. *Decides* to consider, at its third meeting, the need for designating or establishing a permanent subsidiary body that provides the Conference of the Parties serving as the meeting of the Parties to the Protocol with timely advice on scientific and technical issues arising in relation to the implementation of the Protocol;

3. *Adopts* the guidance on transboundary movement of LMOs with non-Parties annexed to the present decision;

4. *Invites* Parties, other Governments, and relevant international organizations to submit their views to the Executive Secretary, not later than six months prior to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, on what other scientific and technical issues may need to be addressed as a matter of priority in order to formulate common approaches towards these issues and to promote the effective implementation of the Protocol, for inclusion in a synthesis report to be considered by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

5. *Requests* the Executive Secretary to collect and collate existing guidance materials regarding risk assessment and risk management of living modified organisms for consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and *invites* Parties, other Governments and relevant international organizations to provide relevant information to the Executive Secretary , not later than six months prior to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, for inclusion in this report.

Annex

GUIDANCE ON THE TRANSBOUNDARY MOVEMENT OF LIVING MODIFIED ORGANISMS BETWEEN PARTIES AND NON-PARTIES

Recalling Article 24 of the Protocol, which requires that transboundary movements of LMOs between Parties and non-Parties be consistent with the objective of the Protocol and that Parties encourage non-Parties to adhere to the Protocol,

Acknowledging that the achievement of the objective of the Protocol depends not only on the compliance of Parties to the Protocol, but also on good faith participation and wide cooperation of States non-Parties to the Protocol with Parties, in particular as regards information sharing through the Biosafety Clearing-House,

Recognizing the need to keep non-Parties informed of the process of implementation of the Protocol on the one hand, and to take into account their views as regards transboundary movement of LMOs between Parties and non-Parties, on the other,

Recalling the relevant provisions of the Convention on Biological Diversity, in particular Articles 8 (g), which requires each Party to the Convention to regulate, manage and control the risks associated with LMOs, and Article 19, paragraph 4 which calls upon each Party to the Convention to ensure the provision of available information, regarding the use, potential adverse impact and safety of these organisms, to another Party into which the organisms are intended to be introduced,

Recognizing the need for and advantages of providing general guidance to Parties to the Protocol on how to handle transboundary movements of LMOs with non-Parties in ensuring a coherent approach in the implementation of Article 24 of the Protocol and facilitating the participation of non-Parties in the Protocol process,

The Conference of the Parties serving as the meeting of the Parties to the Cartagean Protocol on Biosafety,

1. *Recommends* that each Party to the Protocol should:

a) Notify or ensure prior notification of exports of LMOs to non-Parties, as applicable, and make available to them information as required by the Protocol;

b) Encourage and assist, as appropriate, non-Parties to make informed decisions regarding imports of LMOs consistent with the objective of the Protocol;

c) When exporting LMOs to non-Parties, ensure that risk assessment is carried out, in accordance with the provisions of the Protocol;

d) Apply its domestic regulatory framework consistent with the Protocol, or the advanced informed agreement procedure of the Protocol, or a comparable procedure, as appropriate, in importing LMOs from a non-Party;

e) Protect confidential information received from non-Parties in relation to transboundary movements of LMOs;

f) Monitor and report, in accordance with Article 33 of the Protocol transboundary movements with non-Parties, including difficulties encountered or best-practices identified and implemented;

2. *Encourages* non-Parties to:

(a) Ratify, accept, approve or accede to the Protocol;

(b) Cooperate with Parties in their efforts to achieve the objective of the Protocol;

(c) Adhere to the provisions of the Protocol, in particular those regarding the advance informed agreement procedure; risk assessment; risk management; and handling, transport, packaging and identification of LMOs, on a voluntary basis*;*

(d) Make available to the Biosafety Clearing-House information required under the Protocol, especially that under Article 11, paragraph 1, Article 17, and Article 20, paragraph 3;

(e) Participate in capacity-building activities designed and implemented to

promote the effective implementation of the Protocol;

(f) Inform the Secretariat of its competent national authorities and national focal point;

3. *Requests* the Executive Secretary to:

(a) Facilitate the participation of non-Parties in the process of the Protocol, in accordance with the appropriate rules of procedure***;***

(b) Compile and disseminate information on cooperative undertakings between Parties to the Protocol and non-Parties in promoting the effective implementation of the Protocol.

BS-I/12.

MEDIUM-TERM PROGRAMME OF WORK FOR THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE BIOSAFETY PROTOCOL (FROM THE SECOND TO THE FIFTH MEETINGS)

The Conference of the Parties serving as the meeting of the Parties to the Cartagean Protocol on Biosafety,

1. *Decides*:

(a) To hold its second and third meetings on an annual basis in order to expedite the process of addressing those issues of the Protocol which it is required to consider and take appropriate decisions at an early stage of implementation. This arrangement may continue beyond the third meeting as necessary if so decided by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety;

(b) To adopt the medium-term programme of work for the period covering from the second to the fifth meetings as annexed to the present decision;

(c) To review, at its subsequent meetings, the medium-term programme of work in light of new developments and achievements in the implementation of the Protocol;

2. *Requests* the Executive Secretary to prepare the draft provisional agenda of subsequent meetings, pursuant to rules 8 and 9 of the rules of procedure, on the basis of issues identified in the medium-term programme of work for the respective meetings, and issues arising from any meeting preceding the current one.

Annex

MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL (FOR THE PERIOD FROM THE SECOND TO THE FIFTH MEETING)

1. The medium-term programme of work will consist of standing and rolling issues.

2. Standing issues will include:

(a) Matters relating to the financial mechanism and resources;

(b) Report from the Secretariat on the administration of the Protocol;

(c) Programme of work and budget for the Secretariat as regards its costs of distinct secretariat services for the Protocol;

(d) Report from, and consideration of recommendations from the Compliance Committee;

(e) Report on the operation of the Biosafety Clearing-House;

(f) Report on the status of capacity-building activities and the use of the roster of biosafety experts;

(g) Cooperation with other organizations, initiatives and conventions.

3. The other issues and derived activities necessary to implement the Protocol should be dealt with on the basis of a specific agenda that would be adopted for each meeting, on the understanding that these rotating issues will be developed and continually dealt with, in accordance with the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol, by the relevant subsidiary bodies, including any eventual working groups established by the Conference of the Parties serving as the meeting of the Parties.

4. *At its second meeting*, the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider**,** *inter alia*, the following items:

(a) Notification:

(i) To consider options for implementing Article 8 with respect to requirements, by a Party of export, to ensure notification and the accuracy of information contained in notification by the exporter;

(b) Risk assessment and risk management:

(i) To consider clarification of the issues involved;

(ii) To consider the development of guidance and a framework for a common approach in risk assessment and risk management;

(iii) Cooperation in identifying living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and taking appropriate measures regarding the treatment of such living modified organisms or specific traits, (Article 16, paragraph 5);

(c) Handling, transport, packaging and identification:

(i) To consider a decision on the detailed requirements for the identification of living modified organisms intended for direct use as food or feed, or for processing, including specification of their identity and any unique identification under paragraph 2(a) of Article 18;

(d) Liability and redress:

(i) To consider the first progress report of the process established for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms;

(e) Socio-economic considerations:

(i) Cooperation on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities (Article 26, paragraph 2);

(f) Public awareness and participation:

(i) To consider options for cooperation, as appropriate, with other States and international bodies, on the promotion and facilitation of public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking into account also risks to human health (Article 23, paragraph 1(a));

5. *The third meeting* of the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:

(a) Handling, transport, packaging and identification;

(i) To consider the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in consultation with other relevant international bodies (Article 18, paragraph 3);

(b) Liability and redress:

(i) To consider the progress report of the process established for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms;

(c) Subsidiary bodies:

(i) To consider the need for designating one or the other subsidiary body of the Convention to serve the Protocol and specifying the functions which that body should handle, in accordance with Article 30, paragraph 1, of the Protocol;

(ii) To consider whether there is a need to establish further subsidiary bodies to enhance the implementation of the Protocol;

(d) Monitoring and reporting:

(i) To consider interim national reports* by Parties on the implementation of the Protocol;

* This proposal takes into account decision BS-I/9 on Monitoring and Reporting which requests Parties to submit an interim report two years after entry into force of the Protocol and 12 months prior to the meeting of COP-MOP at which the report will be considered.

(e) Assessment and review:

(i) To initiate a process of evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes with a view to meet the requirement under Article 35 of the Protocol;

6. At its *fourth meeting*, the Conference of the Parties serving as the meeting of the Parties to the Protocol might wish to consider**,** *inter alia*, the following items:

(a) Monitoring and reporting:

(i) To consider the first regular national reports by Parties on the implementation of the Protocol;

(b) Review of the implementation of the Protocol:

(i) To consider and adopt, as required, amendments to the Protocol and its annexes, as well as additional annexes, that are deemed necessary for the implementation of the Protocol (Article 35 and Article 29, paragraph 4(e));

(ii) Review of the decision-making procedures and mechanisms adopted in accordance with paragraph 7 of Article 10;

(iii) Review of the compliance procedures and mechanisms;

7. At its *fifth meeting*, the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:

(a) Application of the advance informed agreement procedure:

(i) To consider a modality that might enable to identify living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, with a view to arrive at a decision in accordance with paragraph 4 of Article 7;

(b) Review of the medium-term programme of work (second to fifth meeting):

(i) To undertake an overall review of the medium-term programme and consider a long-term programme of work.

BS-I/13.

DATE AND VENUE OF THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE CONFERENCE OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Decides that the second meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety will be held in the second quarter of 2005, at a venue and on a date to be specified by the Executive Secretary, in consultation with the Bureau.

BS-I/14.

TRIBUTE TO THE GOVERNMENT AND PEOPLE OF MALAYSIA

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Having met in Kuala Lumpur from 23 to 27 February 2004, at the gracious invitation of the Government of Malaysia,

Deeply appreciating the especial courtesy and warm hospitality extended by the Government and the people of Malaysia to the ministers, members of delegations, observers and members of the Secretariat who attended the meeting,

Expresses its sincere gratitude to the Government of Malaysia and to its people for the cordial welcome that they accorded to the meeting and to those associated with its work, and for their contribution to the success of the meeting.

RECOMMENDATION OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL TO THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES ON THE GUIDANCE TO THE FINANCIAL MECHANISM*

The Conference of the Parties

Welcoming the biosafety capacity-building initiatives of the Global Environment Facility and its implementing agencies,

Recognizing the need to ensure that guidance to the financial mechanism will support in a balanced manner the objectives of the Convention and its Protocol,

Urging the Council of the Global Environment Facility to ensure participation by all Council members in its meetings,

Stressing the need for mutual information, coordinated action and regular monitoring in order to avoid duplication and to identify gaps and possible synergies because of the multitude of different actors undertaking various capacity-building initiatives, and for an active role the Executive Secretary should play in promoting this process**,**

Confirming that the arrangements between the Conference of the Parties and the Council of the Global Environment Facility provided for in the Memorandum of Understanding adopted by the Conference of the Parties at its third meeting will apply, *mutatis mutandis,* for purposes of the Cartagena Protocol,

1. *Decides* to provide the following guidance to the Global Environment Facility to be implemented in a timely manner;

2. *Decides also* the following eligibility criteria for funding by the Global Environment Facility:

(a) All developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, which are Parties to the Protocol, are eligible for funding by the Global Environment Facility in accordance with its mandate;

(b) All developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, which are Parties to the Convention and provide a clear political commitment towards becoming Parties to the Protocol, shall also be eligible for funding by the Global Environment Facility for the development of National Biosafety Frameworks and the establishment of

* This recommendation was subsequently adopted with amendments by the Conference of the Parties at its seventh ordinary meeting on 27 February 2004 and integrated to decision VII/20 on further guidance to the financial mechanism.

national Biosafety Clearing-Houses. Evidence of such political commitment shall take the form of a written assurance to the Executive Secretary that the country intends to become a Party to the Protocol on completion of the activities to be funded;

3. *Stresses* that the provision of financial resources by the Global Environment Facility shall be for country-driven activities and programmes consistent with their national priorities and objectives;

4. *Invites* developed country Parties, Governments, the Global Environment Facility, other donor agencies and relevant organizations to provide financial support and other assistance to developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, to develop and implement capacity-building activities, including organization of national, regional and inter-regional capacity building workshops and preparatory meetings;

5. *Invites* the Global Environment Facility to extend support for demonstration projects on implementation of the national biosafety frameworks to other eligible countries;

6. *Urges* the Global Environment Facility to ensure a rapid implementation of its initial strategy for assisting countries to prepare for the ratification and implementation of the Protocol, and to support capacity-building for the establishment of national components of the Biosafety Clearing-House in a flexible manner, and to provide additional support for the development and/or strengthening of existing national and regional centres for training; regulatory institutions; risk assessment and risk management; infrastructure for LMO detection, testing, identification and long-term monitoring; legal advice; decision-making; handling of socio-economic considerations; awareness-raising and technology transfer for biosafety;

7. *Notes* that the role of the Global Environment Facility, in accordance with its mandate, in the Action Plan for Building Capacities for the Effective Implementation of the Protocol, adopted by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its first meeting, includes:

(a) Providing funding and other assistance to build necessary legislative and administrative frameworks, and for training in risk assessment and risk management;

(b) Deciding on further areas for financial support for capacity-building in accordance with the identified priority needs of developing countries and countries with economies in transition, responses to the questionnaires, the outcomes of inter-sessional workshops, and its previous pilot project on biosafety***;***

(c) Implementing the GEF Strategy to assist countries to ratify and implement the Cartagena Protocol on Biosafety;

(d) Facilitating the provision of technical support; and

(e) Facilitating the use of existing and developing regional networks.