



Convention on Biological Diversity

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REPORT OF THE COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY ON THE WORK OF ITS SIXTEENTH MEETING

MONTREAL, CANADA, 29-31 MAY 2019

INTRODUCTION

1. The sixteenth meeting of the Compliance Committee under the Cartagena Protocol was held on the premises of the Secretariat in Montreal, Canada, from 29 to 31 May 2019.
2. The following members of the Committee were present:

Africa

Mr. Mahaman Gado Zaki
Mr. Rigobert Ntep
Mr. Dorington O. Ogoyi

Asia and the Pacific

Mr. Letchumanan Ramatha
Mr. Achmad Gusman Siswandi

Central and Eastern Europe

Mr. Martin Batic
Ms. Shirin Karryyeva
Ms. Dubravka Stepic

Latin America and the Caribbean

Ms. Georgina M. Catacora-Vargas
Ms. Jimena Nieto Carrasco

Western Europe and Others

Mr. Andreas Heissenberger
Mr. Casper Linnestad

ITEM 1. OPENING OF THE MEETING

3. The Executive Secretary of the Convention on Biological Diversity, Ms. Cristiana Paşca Palmer, opened the meeting at 9.30 a.m. on 29 May 2019. She welcomed all members, in particular the new members of the Compliance Committee, and thanked the former Chair, Ms. Clare Hamilton, and former Vice-Chair, Ms. Sol Ortiz Garcia, for their contribution to the work of the Committee. The Executive Secretary explained that the meeting was taking place at an important crossroads, on the journey from Sharm El Sheikh to Kunming, and emphasized the need to trigger transformative change in the conservation and sustainable use of biodiversity so that, by 2050, the vision of living in harmony with nature could be achieved. She underlined the important role of the Committee in supporting Parties in implementing the Cartagena Protocol on Biosafety, thereby contributing to adequate levels of biosafety and to the conservation and sustainable use of biological diversity.

4. A representative of the Secretariat confirmed that, with more than 10 members present, there was a quorum for the meeting to proceed in accordance with rule 16 of the rules of procedure for meetings of the Committee.¹

¹ See decision [BS-II/1](#), annex.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Election of officers

5. The Committee elected Mr. Rigobert Ntep as Chair and Ms. Jimena Nieto Carrasco as Vice-Chair, in accordance with rule 12 of the rules of procedure.

6. In his opening remarks, the Chair thanked the Committee for the trust it had placed in him and expressed his appreciation for being able to count on the support of a Vice-Chair with longstanding experience on the Committee. He also thanked the Secretariat for the quality of the documents prepared for the meeting. The Chair then invited members to introduce themselves.

2.2. Adoption of the agenda

7. On the basis of the provisional agenda prepared by the Secretariat ([CBD/CP/CC/16/1](#)), the Committee adopted the following agenda:

1. Opening of the meeting.
2. Organizational matters:
 - 2.1. Election of officers;
 - 2.2. Adoption of the agenda;
 - 2.3. Organization of work.
3. Outcomes of the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety relevant to compliance.
4. Review of compliance on the basis of information in the Biosafety Clearing-House.
5. Review of general issues of compliance.
6. Review of individual cases of non-compliance under consideration by the Committee.
7. Process for the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety.
8. Update on the development of the post-2020 global biodiversity framework and related processes.
9. Other matters.
10. Adoption of the report.
11. Closure of the meeting.

2.3. Organization of work

8. The Committee agreed to the organization of work proposed by the Secretariat, as specified in annex I to the annotations to the provisional agenda ([CBD/CP/CC/16/1/Add.1](#)).

ITEM 3. OUTCOMES OF THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY RELEVANT TO COMPLIANCE

9. A representative of the Secretariat introduced the document relevant to the item ([CBD/CP/CC/16/2](#)).

10. The Committee welcomed the positive consideration of most of its recommendations by the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its ninth meeting, and reviewed some specific outcomes that were relevant to the work of the Committee.

11. When reviewing decision [CP-9/1](#) on compliance, the Committee recalled that, at its fifteenth meeting, it had recommended that the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its ninth meeting, caution Greece, the Marshall Islands, Montenegro and Turkmenistan for

not having submitted multiple national reports. The Committee noted that three of the four Parties had submitted their third national report prior to the consideration of the item at the ninth meeting of the Parties, and that, consequently, the recommendation considered by the Parties to the Protocol only concerned the cautioning of the one remaining Party, Montenegro. The Committee also noted that the Parties, in decision CP-9/1, had not cautioned or named Montenegro but had instead requested “one Party” to submit, as a matter of urgency, its third national report.

12. The Committee noted with regret that the Conference of the Parties serving as the meeting of the Parties to the Protocol had not taken up the recommendation by the Committee to caution Montenegro. The Committee held the view that the recommendation had nevertheless been very useful in contributing to the submission of the third national reports by Greece, the Marshall Islands and Turkmenistan. The Committee recalled the lengthy and careful deliberations and incremental nature of the process that had preceded the recommendation and stressed the importance of conveying those exhaustive efforts to the Parties to the Protocol when recommending a caution.

13. The Committee acknowledged that naming Parties in non-compliance can be a useful tool for promoting compliance.

14. In reviewing decision [CP-9/2](#) on operation and activities of the Biosafety Clearing-House (BCH), members reiterated the central role of the BCH and its fundamental importance for the work of the Committee in promoting compliance with the Protocol. The Committee noted with appreciation that the Secretariat would provide additional information about the migration of the BCH to its new platform under agenda item 9, on other matters.

15. The Committee agreed on a workplan for its seventeenth meeting, as contained in the annex.

16. The Committee took note of the list of its new members, presented in CBD/CP/CC/16/2, section V. It stressed the importance of members fulfilling their full four-year term in accordance with rule II, paragraph 4, of the procedures and mechanisms on compliance,² and noted that they did not foresee a formal mechanism for splitting terms. The Committee recognized that the continuity and presence of its members throughout their four-year term contributed to the effective functioning of the Committee.

17. The Committee decided to recommend that, at its tenth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol remind Parties of rule II, paragraph 4, of the procedures and mechanisms on compliance, and urge them to ensure that members are elected on the understanding that they will serve a full four-year term.

ITEM 4. REVIEW OF COMPLIANCE ON THE BASIS OF INFORMATION IN THE BIOSAFETY CLEARING-HOUSE

18. A representative of the Secretariat introduced the document relevant to the item ([CBD/CP/CC/16/3](#)), providing an update on the completeness of information on the BCH regarding national contacts and risk assessments that the Protocol requires Parties to make available in the BCH or to the Secretariat, for publication in the BCH. The Secretariat also provided an update of developments since the publication of the document.

19. The Committee welcomed the efforts made by Parties to maintain accurate and complete information in the Biosafety Clearing-House. The Committee also welcomed the support provided by the Secretariat to Parties in facilitating the publication of information in the BCH and acknowledged that the recruitment of the Programme Assistant for the BCH had contributed in that regard.

20. The Committee noted with regret that three Parties³ had not designated a national focal point for the Protocol, one Party⁴ had not designated a national focal point for the BCH, and one Party⁵ had designated neither a national focal point for the Protocol nor a national focal point for the BCH.

² Decision [BS-1/7](#), annex.

³ Luxembourg, Marshall Islands and Saint Vincent and the Grenadines.

21. The Committee expressed concern that 21 Parties⁶ had not designated a competent national authority for performing the administrative functions required by the Protocol in accordance with Article 19.

22. The Committee also expressed concern that 52 Parties⁷ had not made available in the BCH the relevant details setting out their point of contact for the purpose of receiving notifications under Article 17 of the Protocol. The Committee discussed possible causes that might prevent Parties from complying with that obligation, which could relate to political and legal concerns, the absence of a mechanism for responding to notifications under Article 17, and the lack of adequately trained staff.

23. The Committee noted that it had not been possible to undertake a comparison of decisions available in external databases and the BCH due to a lack of human resources. It welcomed the recent filling of the post of Associate Programme Management Officer in the Biosafety Unit and noted that that the task of comparing decision would be facilitated as a result. The Secretariat furthermore reported that resources for a post of Programme Officer for the BCH, included in the voluntary budget,⁸ were being sought.

24. The Committee requested the Executive Secretary, as appropriate, to continue following up with the Parties referred to in paragraph 22 above to request them to make available in the BCH the relevant details setting out their point of contact for the purpose of receiving notifications under Article 17 of the Protocol, or to provide the reasons for not being able to do so.

25. The Committee decided that its Chair would send a letter to the national focal point for the Convention or to the national focal point for the Protocol, as applicable, of those Parties referred to in paragraphs 20 and 21 and remind them of their obligation to notify the Secretariat of the name and contact details of their focal points and their competent national authorities, as required, for publication in the BCH.

26. The Committee decided to recommend that, at its tenth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol:

(a) Remind Parties of their obligation to designate a national focal point for the Cartagena Protocol, and one or more competent national authorities, and to notify the Secretariat accordingly, as per Article 19 of the Protocol;

(b) Remind Parties of their obligation to designate a national focal point for the Biosafety Clearing-House, in line with decision [BS-I/3](#) and decision [II/7](#) of the Conference of the Parties;

(c) Remind Parties of their obligation to make available in the BCH the relevant details setting out their point of contact for the purposes of receiving notifications under Article 17 of the Protocol and to urge them to do so as soon as possible.

ITEM 5. REVIEW OF GENERAL ISSUES OF COMPLIANCE

27. A representative of the Secretariat introduced the document relevant to the item ([CBD/CP/CC/16/4](#)). The Secretariat informed the Committee that, following the publication of the

⁴ Fiji.

⁵ State of Palestine.

⁶ Afghanistan, Algeria, Angola, Bahrain, Cabo Verde, Cameroon, Congo, Dominica, Gabon, Iraq, Jamaica, Kuwait, Marshall Islands, Nauru, Niue, Saint Vincent and the Grenadines, Saudi Arabia, Somalia, State of Palestine, Suriname and United Arab Emirates.

⁷ Algeria, Angola, Azerbaijan, Belize, Brazil, Cabo Verde, Central African Republic, Chad, China, Colombia, Djibouti, Dominica, European Union, France, Gabon, Gambia, Georgia, Grenada, Iraq, Jamaica, Kuwait, Kyrgyzstan, Lebanon, Luxembourg, Marshall Islands, Mexico, Montenegro, Morocco, Mozambique, Myanmar, Nauru, Nicaragua, Niue, Panama, Papua New Guinea, Peru, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Serbia, Solomon Islands, State of Palestine, Suriname, Tonga, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates and United Republic of Tanzania.

⁸ Adopted in decision [14/37](#), table 3.

document, an additional third national report⁹ had been received, bringing the total number of third national reports submitted to 155. The Secretariat also explained that, following the publication of the document, an additional Party,¹⁰ addressed the inconsistency between information it had provided in its third national report and in the BCH.

28. The Committee welcomed the high rate of submission of third national reports and noted the positive effects of the continuous efforts of the Committee to support Parties in preparing and submitting their national report, including through the actions taken in respect of Parties that had not submitted national reports over multiple reporting cycles.

29. While the Committee recognized that the Parties have an obligation to submit a national report irrespective of the availability of funding, it acknowledged that financial support greatly contributed to the completion and submission of national reports. The Committee considered that it could be useful to explore avenues for ensuring that the Global Environment Facility (GEF) funding to support Parties in completing their future national reports was made available further in advance of the submission deadline than was currently the case. In that regard, the Committee stressed the importance of the timely availability of funding for the fifth national reports and decided to further consider that matter at its seventeenth meeting in the context of the review of compliance by Parties with their obligation to submit the fourth national report.

30. The Committee considered the results of activities carried out to support Parties in addressing inconsistencies between information provided in the third national reports and in the BCH. The Committee noted that Parties, in general, appeared to be responding positively to communications from the Secretariat, and most appeared to be acting diligently to address or clarify any inconsistencies in their country records, which contributed to ensuring the completeness and accuracy of the BCH.

31. A member of the Committee from a European Union member State provided information on the submission to the BCH by the European Union and some of its member States of certain decisions relating to living modified organisms intended for food, feed or for processing and indicated that those decisions could have been made available by the European Union or the member States concerned. The member of the Committee indicated that he would update the Committee as necessary, at a future meeting, following further consultations within the European Union.

32. The Committee requested the Secretariat to continue following up with Parties concerned, as necessary.

33. A member of the Committee noted that there were diverging views among Parties as to whether certain organisms developed through new technologies, such as genome-editing, fell within the definition of a living modified organism, as provided in Article 3 of the Protocol. The Committee acknowledged that those diverging views might affect the information provided by Parties to the BCH concerning such organisms. The Committee recognized the wider implications of that issue for other obligations under the Protocol. Clarity on the applicability of the definition of a living modified organism to such organisms would be important to ensure that the Committee could carry out its role in reviewing compliance by Parties with their obligations under the Protocol. In that regard, the Committee recognized the relevance of the ongoing process on synthetic biology under the Convention, further to decision [14/19](#), and the ongoing process on risk assessment and risk management under the Protocol, further to decision [CP-9/13](#).

ITEM 6. REVIEW OF INDIVIDUAL CASES OF NON-COMPLIANCE UNDER CONSIDERATION BY THE COMMITTEE

34. A representative of the Secretariat introduced the document relevant to the item ([CBD/CP/CC/16/5](#)). The Secretariat explained that the individual case of non-compliance by Montenegro with its reporting obligation under Article 33 of the Protocol was still pending. The Secretariat also mentioned that, following the ninth meeting of the Conference of the Parties serving as the meeting of the

⁹ From Jordan.

¹⁰ Cuba.

Parties to the Protocol, it had communicated with the national focal point of Montenegro for the Protocol about its pending national reports and had provided information concerning the availability of funding for the completion of the third and fourth national reports.

35. In addition, the Secretariat recalled that the Committee had reviewed, at its fifteenth meeting, the compliance by Parties with their obligation under Article 2, paragraph 1, of the Protocol to take the necessary and appropriate legal, administrative and other measures to implement their obligations under the Protocol. As a result of that review, the Committee had identified 25 Parties that reported not having taken any measures to implement their obligations under the Protocol, or having taken only draft or temporary measures. The Secretariat also recalled that the Committee had requested its Chair to contact a number of Parties to request them to develop a compliance action plan setting out a timeline and actions required to achieve compliance with their obligations under Article 2, paragraph 1, of the Protocol. The Secretariat informed the Committee that, in addition to the information provided in document CBD/CP/CC/16/5, it had received further action plans from Kyrgyzstan and Barbados. Finally, the Secretariat noted that all compliance action plans that had been received were shared with the members of the Committee through the online collaborative portal prior to the meeting.

(a) Non-compliance concerning national reporting

36. The Committee decided that its Chair would send a letter to the national focal point of Montenegro for the Protocol, with a copy to the national focal point for the Convention, informing them of the outcome of the ninth meeting of the meeting of the Parties in relation to the decision to request Montenegro to submit its third national report as a matter of urgency. The Committee decided that the letter should also provide information on the availability of and access to GEF funding for the completion of the fourth national report.

37. The Committee decided that its members from the Central and Eastern European region would follow up closely with Montenegro to endeavour to facilitate the timely submission of its fourth national report. The Committee agreed to prioritize the review of compliance by Montenegro with its reporting obligation at its seventeenth meeting and to accelerate follow-up as necessary.

(b) Non-compliance concerning measures to implement the Protocol and related compliance action plans

38. The Committee member from Niger informed the Committee that his country had submitted a compliance action plan for consideration by the Committee and that, as a member of the Committee, he found himself faced with a conflict of interest. The Chair thanked the member from Niger for his intervention and reminded the Committee that, while the member could participate in the general discussion, he could not participate in the elaboration or adoption of a recommendation of the Committee in relation to that matter, in accordance with rule 11 of the rules of procedure for meetings of the Committee.

39. The member from Niger provided information on the activities outlined in the Party's compliance action plan. He clarified that a draft law on biosafety was currently being considered by the parliament for adoption and that he expected the process to be finalized shortly.

40. Recalling that 25 Parties had been requested by the Committee to develop a compliance action plan, the Committee welcomed the submission of compliance action plans by four Parties.¹¹ The Committee recognized that the submission of a compliance action plan in itself represented an important commitment to addressing non-compliance. The Committee agreed that sharing the compliance action plans through the collaborative portal ensured the appropriate level of confidentiality needed at the current stage.

41. The Committee welcomed the response provided by one Party¹² informing the Committee of its recent adoption of the necessary measures to implement the Protocol.

¹¹ Barbados, Kyrgyzstan, Niger, Oman.

¹² Eritrea.

42. The Committee expressed concern that the majority of Parties contacted had neither submitted a compliance action plan nor informed the Committee of their having taken the measures to implement the Protocol.¹³

43. The Committee decided that its Chair would send letters to the four Parties referred to in paragraph 40 above that submitted a compliance action plan, to thank them for their submission and to inform them that the Secretariat would follow up on the progress of the activities according to the timelines indicated in the compliance action plan. In that context, the Committee considered that, for some compliance action plans, it might also be useful to seek further clarification on the timelines indicated.

44. The Committee requested the Secretariat to report back on its follow-up with the Parties concerned.

45. The Committee decided that its Chair would send a letter to Eritrea, thanking it for having provided the information on the adoption of the necessary measures to implement the Protocol and reminding the Party, as appropriate, that that information should be included in their fourth national report and that their measures should be published in the BCH.

46. The Committee decided that its Chair would send follow-up letters to those Parties referred to in paragraph 42 above and urge them to submit a compliance action plan as soon as possible, or inform the Committee of any developments with regard to Parties taking the necessary measures to implement the Protocol. Those letters would remind the Parties concerned that the national process for the preparation of the fourth national report might inform the development of their compliance action plan.

47. The Committee decided to continue considering the ongoing compliance action plans at its future meetings under individual cases of non-compliance.

**ITEM 7. PROCESS FOR THE FOURTH ASSESSMENT AND REVIEW OF THE
PROTOCOL AND THE FINAL EVALUATION OF THE STRATEGIC
PLAN FOR THE CARTAGENA PROTOCOL ON BIOSAFETY**

48. A representative of the Secretariat introduced the document relevant to the item ([CBD/CP/CC/16/6](#)) reminding members that Parties had decided in decision [CP-9/6](#) that the fourth assessment and review of the Protocol would be combined with the final evaluation of the Strategic Plan for the Cartagena Protocol (2011-2020).

49. The Secretariat also reminded members that the Parties had requested the Liaison Group and the Compliance Committee, working in a complementary and non-duplicative manner, to contribute to the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan and to submit their conclusions for consideration by the Subsidiary Body on Implementation at its third meeting.

50. The Committee held the view that it would be beneficial for some of its members to participate in the Liaison Group for the Cartagena Protocol, to facilitate complementarity between the work of the Committee and the Liaison Group in providing input to the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan.

51. Considering that the input of the Committee to the fourth assessment and review of the Protocol and final evaluation of the Strategic Plan would be considered at the third meeting of Subsidiary Body on Implementation, in May 2020, the Committee decided to hold its next meeting in the first quarter of 2020. The Committee also noted the advantage of organizing the seventeenth meeting of the Compliance Committee and the fourteenth meeting of the Liaison Group in close proximity, and preferably back-to-back. Some members suggested holding the Compliance Committee meeting prior to the meeting of the Liaison Group.

¹³ Bahamas, Botswana, Burundi, Dominica, Fiji, Gambia, Grenada, Guinea, Guyana, Mauritania, Morocco, Niger, Palau, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Suriname, Trinidad and Tobago, Tunisia, United Arab Emirates and Yemen.

52. The Committee agreed that the scope of its input would focus on Operational Objective 3.1 of the Strategic Plan and the experience the Committee had gained in implementing its supportive role of assisting Parties in complying with their obligations.

53. Some members of the Committee expressed concern that the outcomes of the final evaluation of the Strategic Plan might not be available in time for consideration in the development of the post-2020 Implementation Plan for the Cartagena Protocol and related processes.

ITEM 8. UPDATE ON THE DEVELOPMENT OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK AND RELATED PROCESSES

54. A representative of the Secretariat recalled that the Compliance Committee had discussed, at its fifteenth meeting, the initial process for the development of the post-2020 global biodiversity framework and had recognized that explicitly including biosafety in the framework would be essential. The Secretariat had agreed to include an item on the development of the post-2020 biodiversity framework on the agenda of the present meeting. Accordingly, the Secretariat gave a presentation on the post-2020 processes relevant to biosafety.

55. Some members briefed the Committee on their recent participation in post-2020 regional consultation workshops and expressed concern that there had been minimal attendance of biosafety experts in those workshops. They also expressed concern that the meetings had not provided a sufficient opportunity to discuss how biosafety could be addressed within the post-2020 global biodiversity framework.

56. The Committee underlined the importance of the participation of biosafety experts in meetings for the development of the post-2020 global biodiversity framework and recalled decision [CP-9/7](#), in which the Executive Secretary was requested to facilitate the participation of an adequate number of biosafety experts, including those with expertise on the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress, in the development of the relevant elements of the post-2020 global biodiversity framework, including in the relevant consultation workshop(s). The Committee noted the linkages between the Convention and the Protocol, including through Articles 8(g) and 19, paragraph 4, of the Convention.

57. Against that background, the Committee expressed the view that sufficient funding should be allocated to ensure the participation of biosafety experts in the global biosafety consultation workshop and the first meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, which were to be held back-to-back in Nairobi in August 2019.

58. The Committee noted the importance of Parties including at least one biosafety expert among their nominees for the global workshop and the open-ended working group meeting.

59. Some members of the Committee noted that there were challenges for certain Parties to participate in activities organized in English only, in particular in online discussions.

ITEM 9. OTHER MATTERS

60. The Chair invited a representative of the Secretariat to give a presentation on the status of the migration of the BCH to its new platform and on the preparation of the reporting format for the fourth national report. In the presentation, the Secretariat outlined the progress made to date on the migration of the BCH. The Secretariat also explained some of the challenges with the migration, particularly the lack of dedicated information technology resources as well as the scale and complexity of the project. It was also explained that an advance version of the new BCH platform would be launched shortly to enable Parties to submit their fourth national report through the new platform.

61. The Committee welcomed the ongoing efforts and noted with appreciation that the format for the fourth national reports would be made available on the new platform in the coming days.

ITEM 10. ADOPTION OF THE REPORT

62. The Committee adopted the report, as orally amended.

ITEM 11. CLOSURE OF THE MEETING

63. In his closing remarks, the Chair thanked the members of the Committee for their active participation.

64. The Chair declared the meeting closed at 12.30 p.m. on 31 May 2019.

Annex

WORKPLAN FOR THE SEVENTEENTH MEETING OF THE COMPLIANCE COMMITTEE

1. Review of compliance with the obligation to submit national reports and of the completeness of the reports.
 2. Assessment and review of the Cartagena Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020.
 3. Review of general issues of compliance.
 4. Review of individual cases of non-compliance.
 5. Update on the development of the post-2020 global biodiversity framework and related processes.
 6. Preparation and adoption of the report and recommendations of the Committee for submission to the Conference of the Parties serving as the meeting of the Parties at its tenth meeting.
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