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**Compliance Committee under the
Cartagena Protocol on Biosafety
Eighteenth meeting**

Montreal, Canada, 24–26 October 2023

Item 3 of the provisional agenda*

**Outcomes of the tenth meeting of the Conference of the Parties
serving as the meeting of the Parties to the Cartagena Protocol on
Biosafety regarding items relevant to compliance****Outcomes of the tenth meeting of the Conference of the Parties serving
as the meeting of the Parties to the Cartagena Protocol on Biosafety
regarding items relevant to compliance**

Note by the Secretariat

I. Introduction

1. The tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity was held in two parts. The first part was a hybrid meeting with the in-person component held in Kunming, China, from 11 to 15 October 2021. The second part was held in Montreal, Canada, from 7 to 19 December 2022. The meeting was held concurrently with the fifteenth meeting of the Conference of the Parties to the Convention and the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization. The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol considered the report submitted by the Compliance Committee under the Cartagena Protocol on the work that the latter conducted at its sixteenth (29–31 May 2019) and seventeenth (15–17 April 2020) meetings,¹ including recommendations, and adopted a number of decisions.

2. Section II of the present document contains an overview of decisions relevant to compliance that the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted at its tenth meeting, as well as other decisions adopted by the same body and by the Conference of the Parties to the Convention that may be of interest to the work of the Compliance Committee. A possible workplan for the Committee for the current intersessional period is proposed in section III. Lastly, the current membership of the Committee is provided in section IV.

* CBD/CP/CC/18/1.

¹ [CBD/CP/MOP/10/2](#).

II. Decisions adopted by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol with relevance to compliance

3. The Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Protocol submitted a consolidated report on its work carried out at its sixteenth and seventeenth meetings, including recommendations that it had adopted at the latter meeting.

4. The Chair of the Compliance Committee, Rigobert Ntep, presented the report of the Committee during the first part of the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, which took note of the report and agreed to defer consideration of the Committee's recommendations until the second part of the meeting.²

5. The Chair of the Compliance Committee made a statement at the opening plenary session of the second part of the tenth meeting to highlight the main substantive matters contained in the report and to provide additional context.

6. Following past practice, and further to the suggestion of the Compliance Committee made in the annex to its report, each recommendation of the Committee was considered under the corresponding agenda item of the tenth meeting, as reflected in the compilation of draft decisions for that meeting,³ namely:

(a) Recommendations 1 to 5 and 17 were considered under agenda item 5 (report of the Compliance Committee);

(b) Recommendations 6 to 11 were considered under agenda item 8 (monitoring and reporting);

(c) Recommendations 12 to 16 and 18 to 21 were considered under agenda item 9 (assessment and review of the effectiveness of the Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011–2020);

(d) Recommendations 22 to 24 were considered under agenda item 10 (matters related to the financial mechanism and resources).

7. The Conference of the Parties serving as the meeting of the Parties to the Protocol considered the recommendations of the Compliance Committee favourably. Tables 1 to 4 below show the extent to which the recommendations proposed, as contained in the annex to the report of the Committee, were accepted and, as appropriate, included in the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol. Text shown in bold indicates substantive additions or changes to the wording of the recommendations made by the Committee. Additional paragraphs relevant to the work of the Committee that were adopted in the decisions are also indicated.

Table 1
Report of the Compliance Committee

<i>Recommendation by the Compliance Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/2</i>	<i>Remarks and clarifications</i>
1. 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	1. <i>Reminds</i> Parties of rule II, paragraph 4, of the procedures and mechanisms on compliance, and urges them to ensure that members are elected to the Compliance	All recommendations adopted, with a minor

² [CBD/CP/MOP/10/4](#), para. 30.

³ [CBD/CP/MOP/10/1/Add.5](#).

<i>Recommendation by the Compliance Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/2</i>	<i>Remarks and clarifications</i>
<p>that they will serve a full four-year term;</p> <p>2. Also 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;</p> <p>3. Further 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;</p> <p>4. Remind Parties of their obligation to make available in the Biosafety Clearing-House 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;</p> <p>5. Urge Parties and invite other Governments to provide voluntary funds in support of the four Parties⁴ that have developed compliance action plans, as well as any additional Parties that develop and implement compliance action plans at the request of the Committee;</p>	<p>Committee under the Cartagena Protocol on Biosafety on the understanding that they will serve a full four-year term;</p> <p>2. <i>Also reminds</i> 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;</p> <p>3. <i>Further reminds</i> 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;</p> <p>4. <i>Reminds</i> Parties of their obligation to make available in the Biosafety Clearing-House the relevant details setting out their point of contact for the purposes of receiving notifications under Article 17 of the Protocol, and urges them to do so as soon as possible;</p> <p>5. <i>Urges</i> Parties and invites other Governments to provide voluntary funds in support of the four Parties¹ that have developed compliance action plans, as well as any additional Parties that develop and implement compliance action plans at the request of the Committee;</p>	<p>editorial clarification to paragraph 1.</p>
<p>17. Request the Executive Secretary to:</p> <p>(a) Develop an online survey on the national limitations and challenges in fulfilling (i) the obligation to take the necessary legal, administrative and other</p>	<p>6. <i>Requests</i> the Executive Secretary:</p> <p>(a) To develop an online survey on the national limitations and challenges in fulfilling (i) the obligation to take the necessary legal, administrative and other measures to</p>	<p>In its report, the Compliance Committee had suggested allocating recommendation 17 to agenda item 9, on assessment and review, as it had discussed it in that context. The work to be</p>

⁴ Barbados, Kyrgyzstan, Morocco and Oman.

<i>Recommendation by the Compliance Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/2</i>	<i>Remarks and clarifications</i>
<p>measures to implement the Protocol, and (ii) the obligation to submit a national report in a timely manner;</p> <p>(b) Invite all Parties to complete the survey;</p> <p>(c) Compile the findings and submit these for consideration by the Committee, at its eighteenth meeting;</p>	<p>implement the Protocol, and (ii) the obligation to submit a national report in a timely manner;</p> <p>(b) To invite all Parties to complete the survey;</p> <p>(c) To compile the findings and submit these for consideration by the Committee, at its eighteenth meeting.</p>	<p>undertaken, however, relates to challenges with compliance and findings from the survey, and it is to be considered by the Committee at the present meeting. It was therefore included in the draft decision on compliance and considered under item 5, on the report of the Committee.</p>

Table 2
Monitoring and reporting

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/9</i>	<i>Remarks and clarifications</i>
<p>6. Welcome the 114 complete fourth national reports submitted;</p> <p>7. Express concern about the low number of fourth national reports submitted;</p> <p>8. Also express concern about delays in the project to be submitted to the Global Environment Facility to support eligible Parties in the preparation of their fourth national reports, noting that such funding was not available before the deadline for the submission of fourth national reports, which is one of the factors that may have affected the submission rate;</p>	<p>1. <i>Welcomes</i> the 135 complete fourth national reports submitted through the Biosafety Clearing-House;</p> <p>2. <i>Expresses</i> concern about the low number of fourth national reports submitted;</p> <p>3. <i>Also expresses</i> concern about delays in submitting the projects to the Global Environment Facility to support eligible Parties in the preparation of their fourth national reports, noting that such funding was not available before the deadline for the submission of fourth national reports, which is one of the factors that may have affected the submission rate;</p>	<p>Recommendations were adopted with an update to the number of fourth national reports submitted by the time of the tenth meeting, as well as a clarification that the national reports were submitted through the Biosafety Clearing-House.</p>
<p>9. Urge Parties that have not yet submitted their fourth national report to do so as soon as possible.</p>	<p>4. <i>Urges</i> Parties that have not yet submitted their fourth national report to do so as soon as possible;¹</p> <p>¹ Afghanistan, Albania, Angola, Azerbaijan, Belize, Bolivia, Cabo Verde, Democratic People's Republic of Korea, Djibouti, Dominica, Fiji, Honduras, Jordan, Kiribati, Kyrgyzstan, Libya, Marshall Islands, Mauritius, Mongolia, Nauru, Niue, Papua New Guinea, Qatar, Saint Vincent and the</p>	<p>The list of Parties that had not submitted a fourth national report contained in footnote 1 to paragraph 4 of decision CP-10/9 was updated with information available at the time of the tenth meeting.</p>

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/9</i>	<i>Remarks and clarifications</i>
<p>10. Note with concern that, of the Parties that have not yet submitted their fourth national report, some Parties have also not submitted their third national report;</p> <p>11. Urge Parties that have submitted an incomplete fourth national report to provide the missing information as soon as possible;</p>	<p>Grenadines, Samoa, Saudi Arabia, Seychelles, Syrian Arab Republic, Tajikistan, Trinidad and Tobago and Yemen.</p> <p>5. <i>Notes with concern</i> that, of the Parties that have not yet submitted their fourth national report, some Parties have also not submitted their third national report;²</p> <p>² Azerbaijan, Belize, Libya, Nauru, Papua New Guinea, Qatar, Saudi Arabia, Seychelles and Syrian Arab Republic.</p> <p>8. <i>Urges</i> Parties that have submitted an incomplete fourth national report to provide the missing information as soon as possible;</p> <p>16. <i>Urges</i> eligible Parties to submit their letters of commitment to the implementing agency in a timely manner to ensure that projects to support the preparation of fifth national reports can be submitted to the Global Environment Facility for approval well before the deadline for the submission of the reports;</p>	<p>Paragraph 16 supports recommendation No. 8 of the Committee and is aimed at encouraging the early submission of letters of commitment to the United Nations Environment Programme, so as to avoid delays in the disbursement of funds for national report preparations.</p>

Table 3

Assessment and review of the effectiveness of the Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011–2020

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/7</i>	<i>Remarks and clarifications</i>
<p>12. Welcome progress made by Parties in complying with their obligations under the Protocol, including the obligations concerning: (a) making certain information available to the Biosafety Clearing-House, and; (b) the designation of national focal points and competent national authorities;</p>	<p>39. <i>Welcomes</i> the progress made by Parties in complying with their obligations under the Protocol, including the obligations concerning (a) making certain information available to the Biosafety Clearing House, and (b) the designation of national focal points and competent national authorities;</p>	<p>The recommendations by the Committee relevant to agenda item 9 were adopted by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol with minor changes, most of which editorial.</p>

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/7</i>	<i>Remarks and clarifications</i>
<p>13. Note with concern that a large number of Parties are not in full compliance with key obligations under the Protocol, including: (a) the obligation to take the necessary legal, administrative and other measures to implement the Protocol, and (b) the obligation to submit a national report in a timely manner;</p> <p>13. Recognize the need for Parties to have in place monitoring and enforcement systems for the implementation of the Protocol;</p> <p>15. Urge Parties that have not yet completely done so to put in place legal, administrative and other measures to implement their obligations under the Protocol;</p> <p>16. Also urge Parties that have not yet completely done so to make all required information available to the Biosafety Clearing-House and keep their records up-to-date, focusing in particular on information related to: (a) national legislation, regulation and guidelines; (b) summaries of risk assessments; (c) final decisions regarding the importation or release of living modified organisms; (d) national focal points, national points of contact and competent national authorities; (e) information on bilateral, regional or multilateral agreements or arrangements it has entered, and; (f) information concerning illegal transboundary movements of living modified organisms;</p> <p>18. Recognize that the post-2020 global biodiversity framework can contribute to the implementation of and compliance with the Cartagena</p>	<p>40. <i>Notes with concern</i> that a large number of Parties are not in full compliance with key obligations under the Protocol, including (a) the obligation to take the necessary legal, administrative and other measures to implement the Protocol, and (b) the obligation to submit a national report in a timely manner;</p> <p>41. <i>Recognizes</i> the need for Parties to have in place monitoring and enforcement systems for the implementation of the Protocol;</p> <p>8. <i>Urges</i> Parties that have not yet fully done so to put in place legal, administrative and other measures to implement their obligations under the Protocol, in particular biosafety legislation, as a matter of priority, and recognizes that further support is needed in this area;</p> <p>36. <i>Urges</i> Parties that have not yet completely done so to make all required information available to the Biosafety Clearing-House and keep their records up to date, focusing in particular on information related to (a) national legislation, regulations and guidelines; (b) summaries of risk assessments; (c) final decisions regarding the importation or release of living modified organisms; (d) national focal points, national points of contact and competent national authorities; (e) information on bilateral, regional or multilateral agreements or arrangements into which they have entered; and (f) information concerning illegal transboundary movements of living modified organisms;</p> <p>2. <i>Also recognizes</i> that the Kunming-Montreal Global Biodiversity Framework must contribute to the implementation of</p>	

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/7</i>	<i>Remarks and clarifications</i>
<p>Protocol on Biosafety and acknowledge the relevance of the Protocol and its post-2020 implementation plan and capacity-building action plan to the achievement of the three objectives of the Convention on Biological Diversity;</p> <p>19. Welcome the Committee's supportive role, carried out pursuant to decision BS-V/1, as a contribution to the progress reported towards achieving operational objective 3.1 on compliance;</p> <p>20. Request the Secretariat, as appropriate and following guidance provided by the Committee, to continue following up with Parties that have not yet fully complied with their obligations under the Protocol, and request Parties to collaborate fully in this regard;</p> <p>21. Welcome the Committee's input to the fourth assessment and review of the Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol, and request the Committee to continue providing input to the fifth assessment and review and evaluation process of the follow-up to the Strategic Plan for the Cartagena Protocol, as appropriate;</p>	<p>and compliance with the Cartagena Protocol on Biosafety, and acknowledges the relevance of the Protocol, the Implementation Plan for the Cartagena Protocol on Biosafety and the Capacity-building Action Plan for the Cartagena Protocol on Biosafety to the achievement of the three objectives of the Convention on Biological Diversity;</p> <p>42. <i>Welcomes</i> the supportive role of the Compliance Committee, carried out pursuant to decision BS-V/1, as a contribution to the progress reported by Parties in implementing their obligations under the Protocol;</p> <p>43. <i>Requests</i> the Executive Secretary, as appropriate and following guidance provided by the Compliance Committee, to continue following up with Parties that have not yet fully complied with their obligations under the Protocol, and requests Parties to collaborate fully in this regard;</p> <p>3. <i>Welcomes the contribution of the Liaison Group on the Cartagena Protocol on Biosafety and the Compliance Committee</i> to the fourth assessment and review of the effectiveness of the Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011–2020, and requests them to provide input to the fifth assessment and review and evaluation process of the Implementation Plan for the Cartagena Protocol on Biosafety, as appropriate;</p>	<p>The Liaison Group for the Cartagena Protocol on Biosafety also participated in the assessment and review process and provided its input to the Subsidiary Body on Implementation for consideration at its third meeting. Recommendation 3/2 of the Subsidiary Body therefore contained a reference to the contributions by the Compliance Committee and the Liaison Group. The recommendation was included in the compilation of draft decisions contained in document CBD/CP/MOP/10/1/Add.5 and served as the basis for the assessment and review by the</p>

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/7</i>	<i>Remarks and clarifications</i>
	<p><i>Additional paragraphs adopted:</i></p> <p>A. National biosafety frameworks 7. <i>Notes with grave concern</i> that only about half of the Parties have fully introduced the necessary legal, administrative and other measures to implement their obligations under the Protocol and that limited progress has been made in this regard since the midterm evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011–2020;</p> <p>B. Coordination and support 14. <i>Notes</i> with concern that fewer Parties had access to additional financial resources beyond their national budgets, compared to the third assessment and review of the effectiveness of the Cartagena Protocol and midterm evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011–2020;</p> <p>15. <i>Urges</i> Parties and invites other Governments, donors and biosafety capacity-building initiatives to make resources available to support Parties in their efforts to strengthen capacities and enhance the implementation of the Cartagena Protocol in the following priority areas: development and implementation of legal, administrative and other measures to implement the Protocol; risk assessment and risk management; detection and identification of living modified organisms; public awareness, education and participation; socioeconomic considerations; liability and redress;</p>	<p>Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.</p> <p>The concerns and necessary actions adopted in the additional paragraphs were included in recommendation 3/2 of the Subsidiary Body on Implementation. They are included here as they reflect issues previously considered by the Committee.</p>

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/7</i>	<i>Remarks and clarifications</i>
	<p>national reporting; and technology transfer;</p> <p>C. Risk assessment and risk management 16. <i>Welcomes</i> the progress made by Parties in carrying out risk assessments pursuant to the Protocol and in publishing risk assessment summary reports along with decisions in the Biosafety Clearing-House;</p> <p>I. Information-sharing 34. <i>Welcomes</i> the fact that almost all Parties have designated their national focal point for the Cartagena Protocol and their focal point for the Biosafety Clearing-House;</p> <p>35. <i>Notes</i> the progress by Parties in designating their point of contact for the purposes of receiving notifications under Article 17 (Unintentional transboundary movements and emergency measures);</p> <p>J. Compliance and review 38. <i>Notes</i> considerable variations in progress by Parties to comply with key obligations under the Protocol;</p>	

Table 4

Matters related to the financial mechanism and resources

<i>Recommendation by the Committee (CBD/CP/MOP/10/2, annex)</i>	<i>Decision CP-10/6</i>	<i>Remarks and clarifications</i>
<p>22. Recommend that the Conference of the Parties, in adopting its guidance to the financial mechanism with respect to support for the implementation of the Protocol, invite the Global Environment Facility to make funds available in a timely manner to support eligible Parties in preparing and submitting their fifth national reports;</p> <p>23. Recommend that the Conference of the Parties, in</p>	<p>3. <i>Recommends</i> that the Conference of the Parties, in adopting its guidance to the Global Environment Facility with respect to support for the implementation of the Cartagena Protocol, invite the Global Environment Facility: (...)</p> <p>(c) To continue to make funds available in a timely manner to support eligible Parties in preparing and submitting their</p>	<p>Recommendation 22 was adopted with a minor editorial change.</p>

<p>adopting its guidance to the financial mechanism with respect to support for the implementation of the Cartagena Protocol, invite the Global Environment Facility to make funding available to support Parties in implementing compliance action plans regarding the achievement of compliance with the Protocol;</p> <p>24. Recommend that the Conference of the Parties, in adopting its guidance to the financial mechanism, with respect to support for the implementation of the Cartagena Protocol on Biosafety, invite the Global Environment Facility to make specific funding available to eligible Parties to: (i) put in place legal, administrative and other measures for the implementation of the Protocol; and (ii) support eligible Parties in implementing compliance action plans regarding the achievement of compliance with the Protocol.</p>	<p>fifth national reports under the Cartagena Protocol;</p> <p>(d) To continue to assist eligible Parties in undertaking activities in the following areas: <u>development and implementation of legal, administrative and other measures to implement the Protocol</u>; risk assessment and risk management; detection and identification of living modified organisms; public awareness, education and participation; socioeconomic considerations; liability and redress; national reporting; information-sharing and the Biosafety Clearing-House; knowledge and technology transfer; and <u>the implementation of compliance action plans regarding the achievement of compliance with the Protocol</u>;</p>	<p>Recommendations 23 and 24 were reflected, to a degree, in paragraph 3 (d), with some changes and additions. The Global Environment Facility (GEF) was invited to “continue to assist”, rather than to “make specific funding available” to eligible Parties, in undertaking activities for putting in place measures and for implementing compliance action plans.</p> <p>The areas included in the Committee’s recommendations have been underlined, for ease of reference. The additional areas specified in paragraph 3 (d) correspond to the priority areas identified in paragraph 15 of decision CP-10/7 (see table 3).</p>
	<p><i>Additional paragraphs adopted:</i></p> <p>[3. <i>Recommends</i> that the Conference of the Parties, in adopting its guidance to the Global Environment Facility with respect to support for the implementation of the Cartagena Protocol, invite the Global Environment Facility:]</p> <p>(a) To strengthen its funding programme dedicated to the Cartagena Protocol on Biosafety to support eligible Parties in implementing the Protocol, the Implementation Plan for the Cartagena Protocol on Biosafety, and the Capacity-building Action Plan for the Cartagena Protocol on Biosafety;</p> <p>(b) To improve and simplify the modalities for access to its funding for the Cartagena Protocol on Biosafety, to support eligible</p>	<p>The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol recommended in subparagraphs 3 (a) and (b) that funding for the implementation of the Protocol be strengthened and that access to it be improved and simplified.</p> <p>The provision of sufficient and timely funds to assist developing country Parties with meeting their obligations under the Protocol has been a concern addressed by the Compliance Committee on several occasions.</p> <p>The matter was considered again at the tenth meeting, in particular in the light of the need to support the implementation of the new Implementation Plan and Capacity-building Action Plan for the Cartagena Protocol.</p>

	<p>Parties in the implementation of the Protocol, the Implementation Plan and the Capacity-building Action Plan;</p> <p>4. <i>Invites</i> the Council of the Global Environment Facility to examine the possibility of creating a finance window specifically for the Cartagena Protocol on Biosafety;</p> <p>5. <i>Urges</i> Parties to the Convention that are also Parties to the Cartagena Protocol to include biosafety projects in their utilization of the funding allocated to them under the System for Transparent Allocation of Resources for the eighth replenishment period of the Global Environment Facility Trust Fund, taking into account the Implementation Plan for the Cartagena Protocol on Biosafety and the Capacity-building Action Plan for the Cartagena Protocol on Biosafety, their obligations under the Cartagena Protocol on Biosafety, and the guidance of the Conference of the Parties to the Global Environment Facility;</p> <p>6. <i>Encourages</i> Parties to include needs and provisions for the implementation of the Cartagena Protocol in their national biodiversity finance plans and in their national implementation of the strategy for resource mobilization for the post-2020 period;</p> <p>7. <i>Requests</i> the Executive Secretary:</p> <p>(a) To identify and communicate sources of funding for biosafety to support Parties;</p> <p>(b) To analyse the effectiveness of the financial mechanism for the implementation of the Cartagena Protocol in the sixth review of the effectiveness of the financial mechanism, while considering the relevance and process of creating</p>	<p>Following extensive negotiations, Parties agreed to invite GEF to examine the possibility of creating a finance window specifically for the Protocol (para. 4).</p> <p>Subparagraphs 3 (a) to (d) and paragraph 4 were included in the additional guidance to GEF regarding the implementation of the Cartagena Protocol contained in annex II B to decision 15/15 (paras. 9 and 10).</p> <p>Parties were urged to include biosafety in their System for Transparent Allocation of Resources allocations and to include Protocol implementation needs in their national biodiversity strategies and action plans (paras. 5 and 6).</p> <p>The requests to the Executive Secretary contained in subparagraphs 7 (a) and (b) will be considered at the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.</p>
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	<p>a standalone window for biosafety, for consideration by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its eleventh meeting.</p>	
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8. The Conference of the Parties serving as the meeting of the Parties to the Protocol and the Conference of the Parties to the Convention also adopted other decisions not directly linked to the recommendations made by the Compliance Committee but that may be relevant to the latter’s work, as described below.

Decision CP-10/3 of the Conference of the Parties serving as the meeting of the Parties to the Protocol, on the Implementation Plan for the Cartagena Protocol on Biosafety

9. By its decision [CP-10/3](#), the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the Implementation Plan for the Cartagena Protocol on Biosafety, as contained in the annex to the decision. The Plan is intended to guide Parties in their implementation of the Protocol and to measure progress in that regard for the period up to 2030. It provides a framework outlining goals representing broad desirable achievements by Parties. The goals are organized according to “areas for implementation” and “enabling environment”, the latter comprising cross-cutting goals related to support for implementation, such as capacity-building, resource mobilization, cooperation, and public awareness, education and participation. Each goal includes corresponding objectives, outcomes and indicators.

10. Goal A.4 of the Implementation Plan relates to compliance with requirements under the Protocol. The relevant row from the Plan is reproduced below.

<i>Goal</i>	<i>Objectives</i>	<i>Indicators</i>	<i>Outcome</i>
<p>A.4. Parties are in compliance with the requirements of the Protocol</p>	<p>A.4.1. Parties comply with their obligations under the Protocol; A.4.2. Parties resolve issues of non-compliance identified by the Compliance Committee.</p>	<p>(a) Percentage of Parties that comply with their obligations under the Protocol; (b) Percentage of Parties that have resolved non-compliance issues identified by the Compliance Committee.</p>	<p>Effective compliance mechanism facilitates implementation of the Protocol</p>

11. In the same decision, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol welcomed the adoption by the Conference of the Parties to the Convention in its decision [15/4](#) of the Kunming-Montreal Global Biodiversity Framework and recognized the complementarity of the Implementation Plan to the Framework. It also recognized that the Implementation Plan could contribute to the achievement of the Framework goals and targets relevant to biosafety, especially for Parties to the Convention that were also Parties to the Cartagena Protocol. Target 17 of the Framework, in particular, is aimed at establishing, strengthening capacity for and implementing in all countries biosafety measures as set out in Article 8(g) of the Convention and measures for the handling of biotechnology and distribution of its benefits as set out in its Article 19.

12. Parties to the Protocol continue to see a role for the Compliance Committee in the evaluation of the implementation of the Protocol. In paragraph 8 of decision CP-10/3, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol thus requested the Liaison Group and the Committee, as appropriate, working in a complementary and non-duplicative manner, to contribute to the midterm evaluation of the Implementation Plan for the Cartagena Protocol.

13. In accordance with paragraph 9 of the same decision, the conclusions of the Compliance Committee are to be submitted to the Subsidiary Body on Implementation for consideration at a meeting to be held before the twelfth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol. The findings and recommendations of the Subsidiary Body will be submitted to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its twelfth meeting, with a view to facilitating the midterm evaluation of the Implementation Plan.

Decision CP-10/4 of the Conference of the Parties serving as the meeting of the Parties to the Protocol, on the Capacity-building Action Plan for the Cartagena Protocol on Biosafety

14. At its tenth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the Capacity-building Action Plan for the Cartagena Protocol on Biosafety, as contained in the annex to decision CP-10/4. The purpose of the Action Plan is to facilitate the development and strengthening of the capacities of Parties to implement the Protocol by: (a) identifying key areas for capacity-building related to the different goals of the Implementation Plan for the Protocol; (b) facilitating the engagement of partners, including donors; (c) fostering a coherent and coordinated approach to capacity-building for the implementation of the Protocol; and (d) promoting regional and international cooperation and coordination. The Action Plan covers the same period as the Implementation Plan, that is, up to 2030.

15. A key area for capacity-building is addressing non-compliance issues identified by the Compliance Committee. The relevant full row of the Action Plan is reproduced below.

<i>Goal</i>	<i>Key area for capacity-building</i>	<i>Capacity-building activity</i>	<i>Indicator</i>	<i>Outcome</i>
A.4. Parties are in compliance with the requirements of the Protocol	(1) Address non-compliance issues identified by the Compliance Committee.	(i) Provide technical and adequate financial support for Parties concerned to carry out activities set out in compliance action plans, to address identified issues of non-compliance.	(a) Percentage of non-compliant Parties whose successfully executed compliance action plan resulted in full compliance.	Effective compliance mechanism facilitates implementation of the Protocol.

16. In the same decision, the Conference of the Parties serving as the meeting of the Parties to the Protocol welcomed the adoption by the Conference of the Parties to the Convention in its decision [15/8](#) of the long-term strategic framework for capacity-building and development and recognized the complementarity of the Capacity-building Action Plan to the long-term strategic framework.

Decision 15/15 of the Conference of the Parties to the Convention, on the financial mechanism

17. Through decision 15/15, the Conference of the Parties to the Convention adopted guidance for GEF.⁵ It indicated key areas where financial resources should be provided to developing country Parties, taking into account the special needs of least developed countries and small island developing States, as well as Parties with economies in transition, for country-driven activities and programmes. Key areas for implementation of the Cartagena Protocol were identified in relation to Article 19 of the Convention, on the handling of biotechnology and distribution of its benefits.

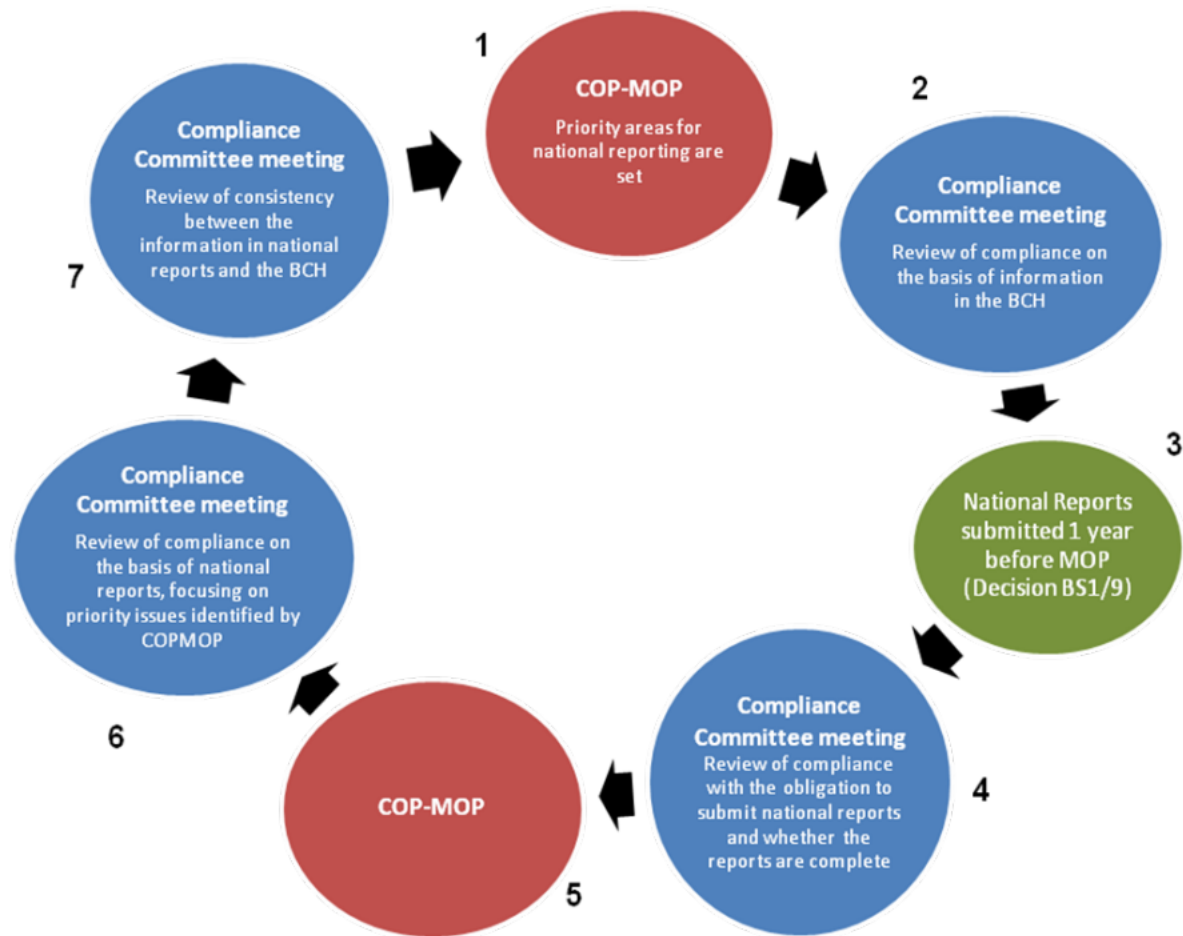
⁵ [Decision 15/15](#), annexes II A and B.

18. The Implementation Plan and the Capacity-building Action Plan for the Cartagena Protocol were specifically noted as elements to which effective implementation support was to be provided in the four-year outcome-oriented framework of programme priorities of the Convention for the eighth replenishment period (2022–2026) of the GEF Trust Fund.⁶ Support for the implementation of the Cartagena Protocol is included in the second objective of the GEF biodiversity focal area strategy.⁷

III. Proposed workplan for the Compliance Committee for the period prior to the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol

19. At its eighth meeting, the Compliance Committee agreed on the organization of work as set out in the figure below, noting that the organization of work was intended to complement any workplan or existing arrangement for the consideration of specific items by the Committee.⁸

20. The Compliance Committee is currently at step 6 of its cyclical organization of work and will be at step 7 by the time of its nineteenth meeting.



⁶ Ibid., annex I, para. 4 (h).

⁷ Global Environment Facility, Report on the eighth replenishment of the GEF Trust Fund, GEF/A.7/04, paras. 400–404.

⁸ UNEP/CBD/BS/CC/8/3, figure 2 and para. 19.

21. Accordingly, and in view of the outcomes of the tenth meeting, as reviewed above, the following items have been included in the provisional agenda of the present meeting:

- (a) Outcomes of the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol regarding items relevant to compliance (item 3);
- (b) Review of compliance in priority areas on the basis of information in the national reports⁹ and general issues of compliance (item 4);¹⁰
- (c) Individual cases of non-compliance (item 5).

22. The Compliance Committee may wish to include the items listed below in the agenda of its nineteenth meeting, tentatively scheduled for the second quarter of 2024:

- (a) Review of consistency of information between the fourth national reports and the Biosafety Clearing-House;¹¹
- (b) General issues of compliance;
- (c) Individual cases of non-compliance;
- (d) Preparation and adoption of the report and the recommendations of the Compliance Committee for submission to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its eleventh meeting.

IV. Membership

23. The terms of 10 of the members of the Compliance Committee were set to end on 31 December 2020. Owing to the coronavirus disease (COVID-19) pandemic, however, it was not possible to hold a meeting of the Conference of the Parties to the Cartagena Protocol in 2020, as originally planned, and no election of members of the Committee could be held. To enable the Committee to continue to function, the Bureau agreed to extend the terms of those members until 31 December 2021.¹² At the first part of the tenth meeting, it was decided to defer the election of new members of the Committee until the second part of the meeting and to extend the terms of the 10 members for a further year, that is, until 31 December 2022.¹³

24. The regular terms of the other five members of the Compliance Committee were also due to end on 31 December 2022, given that their terms had started on 1 January 2019. As a result, all 15 seats in the Committee were up for election at the second part of the tenth meeting.

25. During the second part of the meeting, with a view to maintaining the staggering of terms, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol agreed to extend until 31 December 2024 the terms of the five members whose terms had not been previously extended.

26. The election to replace the other 10 members was to be held during the final plenary session of the tenth meeting. However, the meeting was suspended, and the election was therefore not held.

27. With 10 seats vacant, the Compliance Committee is not be able to constitute a quorum. To enable the Committee to continue its important work over the intersessional period, the Bureau agreed at its meeting held in May 2023, in Kunming, subject to endorsement at a later date by the Conference of the Parties serving as the meeting of the Parties to the Protocol, to extend the terms of the members concerned until 31 December 2024.

⁹ Step 6 of the organization of work.

¹⁰ The results of the survey on challenges to compliance requested in paragraph 6 of decision CP-10/2 will also be considered under item 4.

¹¹ Step 7 of the organization of work.

¹² See notification [2020-075](#) of 16 September 2020.

¹³ CBD/CP/MOP/10/4, para. 30.

28. As a result, the Secretariat contacted all members to enquire about their availability to continue to serve on the Compliance Committee, which all but three members confirmed.

29. In accordance with rule 10, paragraph 2, of the rules of procedure for the meetings of the Compliance Committee under the Cartagena Protocol,¹⁴ the Bureau consulted the relevant regions and appointed two individuals from the Asia-Pacific region and one individual from the Eastern Europe region to replace the members from those regions who were unable to continue to serve on the Committee.

30. Accordingly, at the time of reporting, the members of the Compliance Committee were as follows:

- (a) Africa: Rigobert Ntep, Dorington O. Ogoyi and Mahaman Gado Zaki;
- (b) Asia-Pacific: Maria Agbagala, Achmad Gusman Siswandi and Liu Yan;
- (c) Eastern Europe: Martin Batič, Klodiana Marika and Dubravka Stepić;
- (d) Latin America and the Caribbean: Georgina Catacora Vargas, Malachy Dottin and Jimena Nieto Carrasco;
- (e) Western Europe and others: Andreas Heissenberger, Casper Linnestad and Michelangelo Lombardo.

¹⁴ Decision BS-II/1, annex.