



Convention on Biological Diversity

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CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
SERVING AS THE MEETING OF THE PARTIES
TO THE CARTAGENA PROTOCOL ON
BIOSAFETY

Tenth meeting – Part II
Montreal, Canada, 7-19 December 2022
Agenda item 17

Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress

Draft decision submitted by the Chair of Working Group II

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and further serving as the meeting of the Parties to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress,¹

Recalling decision CP-9/15,

Noting the information provided by Parties in their fourth national reports relating to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress,

1. *Welcomes* the additional instruments of ratification, acceptance, approval or accession to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety that have been deposited;
2. *Notes with regret* the limited number of Parties to the Cartagena Protocol on Biosafety that have ratified the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress and *invites* all Parties to the Cartagena Protocol on Biosafety that have not yet done so to deposit their instrument of ratification, acceptance, approval or accession to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress as soon as possible;
3. *Welcomes* the progress made by many Parties in the implementation of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress and *urges* Parties to the Supplementary Protocol to take the further necessary steps for its full and effective implementation;
4. *Underlines* the importance of awareness-raising and capacity-building activities to support further ratifications and implementation of the Supplementary Protocol as recognized in decision CP-10/-- on the fourth assessment and review of the Cartagena Protocol;
5. *Welcomes* the goal on the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress in the implementation plan for the Cartagena Protocol and in the capacity-building action plan

¹ In accordance with Article 14, paragraph 1, of the Supplementary Protocol and subject to paragraph 2 of Article 32 of the Convention, the Conference of the Parties serving as the meeting of the Parties to the Protocol shall serve as the meeting of the Parties to the Supplementary Protocol. Consequently, the present decision has been taken by Parties to the Supplementary Protocol.

for the Cartagena Protocol, as well as the related capacity-building activities, and *recognizes* that some of these activities are directed primarily at Parties to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress;

6. *Reminds* Parties to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to designate a competent authority to perform the functions set out in Article 5 of the Supplementary Protocol and to publish information on these competent authorities using the common format available for this purpose in the Biosafety Clearing-House;

7. *Welcomes* the study on financial security mechanisms (Article 10 of the Nagoya – Kuala Lumpur Supplementary Protocol);²

8. *Reminds* Parties to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress of the polluter pays principle and *encourages* them to take this principle into account, where applicable, when further developing financial security mechanisms;

9. *Requests* Parties to the Supplementary Protocol and *invites* other Governments to submit information to the Executive Secretary on the measures they have in place to provide for financial security for damage from living modified organisms, in particular where they have reported having such measures in place in their fourth national reports;

10. *Requests* the Executive Secretary to compile the information submitted further to paragraph 7 and submit it for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its eleventh meeting;

11. *Welcomes* the inclusion of questions on the Supplementary Protocol in the format for the fifth national report, as agreed to in decision CP-10/--, and *requests* Parties to the Supplementary Protocol and *invites* other Governments to respond to these questions;

12. *Recalls* Article 13 of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress and *decides* that the first assessment and review of the effectiveness of the Supplementary Protocol shall be undertaken in the context of the fifth assessment and review of the effectiveness of the Cartagena Protocol.

² Made available in document [CBD/CP/MOP/10/INF/1](#). The executive summary of the study is available in the six official languages of the United Nations in the annex to document CBD/CP/MOP/10/9.