



Convention on Biological Diversity

Distr.: General
26 October 2023

English only

**Compliance Committee under the
Cartagena Protocol on Biosafety
Eighteenth meeting**
Montreal, Canada, 24–26 October 2023

Report of the Compliance Committee under the Cartagena Protocol on the work of its eighteenth meeting

I. Introduction

Attendance

1. The following members of the Committee were present:

African States

Mahaman Gado Zaki
Rigobert Ntep
Dorington O. Ogoyi

Latin America and Caribbean States

Georgina M. Catacora-Vargas
Malachy Pilgrim Dottin
Jimena Nieto Carrasco

Asia-Pacific States

Maria Lorelie U. Agbagala
Achmad Gusman Siswandi
Yan Liu

Western Europe and other States

Andreas Heissenberger
Casper Linnestad
Michelangelo Lombardo

Eastern European States

Martin Batič
Dubravka Stepić

Item 1

Opening of the meeting

2. The meeting was opened by the Chair of the Committee, Mr. Ntep, at 9.30 a.m. on 24 October 2023. He invited the Head of the Biosafety Unit of the Secretariat of the Convention on Biological Diversity, to make some opening remarks on behalf of the Acting Executive Secretary. The Head of the Biosafety Unit welcomed members to the meeting, noting how it was the first meeting of the Committee held in person since May 2019. She expressed gratitude to the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety for its support in ensuring that the work of the Committee could continue during the difficult past few years and she thanked returning members for their dedication during their extended term in office. She recalled the important role of the Committee and its contribution to achieving high reporting rates and a high level of compliance with the obligation to publish information in the Biosafety Clearing-House. She noted how resources were key to compliance and recognized the opportunities presented

by the Implementation Plan for the Protocol,¹ the Capacity-building Action Plan for the Protocol² and Target 17, on biosafety and biotechnology, of the Kunming-Montreal Global Biodiversity Framework. Lastly, she highlighted that 2023 marked the twentieth anniversary of the Protocol and how achievements to date should prove an inspiration to the Committee for the work ahead.

3. A representative of the Secretariat recalled that, during the second part of its tenth meeting, in December 2022, the Conference of the Parties serving as the meeting of the Parties to the Protocol had extended the terms of five members of the Committee. He also recalled that, following the suspension of the meeting, the Bureau had extended the terms of the other 10 members and, in accordance with rule 10, paragraph 2, of the rules of procedures for the meetings of the Committee,³ had replaced 3 of those members, as they were no longer able to serve on the Committee. He mentioned that all terms would end on 31 December 2024.

4. The representative of the Secretariat reported that, with 14 members present, there was a quorum for the meeting to proceed, in accordance with rule 16 of the rules of procedure.

Item 2

Organizational matters

(a) Election of officers

5. The Committee re-elected Mr. Ntep as Chair and Ms. Nieto Carrasco as Vice-Chair, for a second term, in accordance with rule 12 of the rules of procedure. Both the Chair and the Vice-Chair thanked the Committee for the confidence placed in them.

(b) Adoption of the agenda

6. On the basis of the provisional agenda prepared by the Secretariat,⁴ the Committee adopted the following agenda:

1. Opening of the meeting.
2. Organizational matters:
 - (a) Election of officers;
 - (b) Adoption of the agenda;
 - (c) Organization of work.
3. 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.
4. Review of compliance in priority areas on the basis of information in the national reports and general issues of compliance.
5. Individual cases of non-compliance.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.

(c) Organization of work

¹ [Decision CP-10/3, annex.](#)

² [Decision CP-10/4, annex.](#)

³ Decision [BS-II/1](#), annex.

⁴ [CBD/CP/CC/18/1.](#)

7. The Committee approved the organization of work proposed by the Secretariat, as outlined in annex I to the annotated provisional agenda.⁵
8. The Committee expressed its appreciation to the Secretariat for the high quality of the documents prepared for the meeting.

Item 3

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

9. A representative of the Secretariat introduced document CBD/CP/CC/18/2.
10. The Committee welcomed the positive consideration of and limited changes to its recommendations by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its tenth meeting and noted that it reflected the quality of the Committee's work.
11. The Committee reviewed decision CP-10/6 of the Conference of the Parties serving as the meeting of the Parties to the Protocol, on matters related to the financial mechanism and resources (Article 28), and decision 15/15 of the Conference of the Parties to the Convention, on the financial mechanism. The Committee recognized that its recommendations concerning support for eligible Parties to develop and implement legal, administrative and other measures to implement the Protocol, as well as to implement compliance action plans, had been incorporated. The Committee welcomed the invitation to the Council of the Global Environment Facility in those decisions to examine the possibility of creating a finance window specifically for the Cartagena Protocol.
12. The Committee also reviewed other decisions adopted at the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol that were not directly linked to the recommendations made by the Committee but that were relevant to its work. It noted Goal A.4, on compliance with requirements under the Protocol, in the Implementation Plan for the Protocol and in the Capacity-Building Action Plan for the Protocol and recognized that the goal could contribute to its work. It emphasized the importance of the compliance-related indicators in both plans and acknowledged the request to the Committee to contribute to the midterm evaluation process.
13. The Committee agreed on a workplan for its nineteenth meeting, as follows:
 - (a) Review of consistency of information between the fourth national reports and the Biosafety Clearing House;
 - (b) General issues of compliance;
 - (c) Individual cases of non-compliance;
 - (d) Preparation and adoption of the report and recommendations of the Compliance Committee for submission at the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.
14. The Committee took note of the information on membership.⁶ It echoed the sentiments expressed by the Secretariat and the Chair in thanking the Bureau for its support over the past three years and agreement to extend the terms of members to allow the Committee to continue its work.

Item 4

Review of compliance in priority areas on the basis of information in the national reports and general issues of compliance

15. A representative of the Secretariat introduced document CBD/CP/CC/18/3, presenting an overview of the status of compliance with obligations in priority areas and of actions taken to support Parties in achieving compliance. He noted that the Secretariat had recently received the fourth national reports of three additional Parties but that the reports had not yet been submitted through the

⁵ [CBD/CP/CC/18/1/Add.1](#).

⁶ [CBD/CP/CC/18/2](#), para. 30.

Biosafety Clearing-House. He indicated that 25 Parties had not yet submitted their fourth national reports.

16. The Committee took note of the results of a survey conducted by the Secretariat further to decision CP-10/2 of the Conference of the Parties serving as the meeting of the Parties to the Protocol on national limitations and challenges in fulfilling the obligation: (a) to take the necessary legal, administrative and other measures to implement the Protocol; and (b) to submit a national report in a timely manner. The Committee noted the discrepancy between some answers provided in the survey and information provided in the fourth national reports.

17. The Committee discussed the importance of its communication efforts for raising awareness and political will and acknowledged that its follow-up on information provided by Parties contributed to the quality of data and accountability.

18. Noting Target 17 of the Framework, the Committee stressed the importance of involving biosafety experts in the development of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework and recognized that the Liaison Group on the Cartagena Protocol on Biosafety could contribute to the further development of the indicators for Target 17, including to ensure consistency with reporting under the Protocol.

19. The Committee recognized the informal role that its individual members could play in support of the work of the Committee. Members shared examples of biosafety initiatives and noted that some of those could be useful for addressing compliance issues. The Committee also recognized that partnerships could support Parties in this regard.

20. The Committee considered an update on the results of follow-up by the Secretariat with four Parties identified at its previous meeting that had not designated national focal points and had not responded to letters sent by the Chair of the Committee in January 2020 requesting them to do so. The Committee noted with concern that two of the Parties had still not transmitted information to the Secretariat on the designation of a national focal point for the Protocol.

21. The Committee underlined that, in addition to the obligation to designate a national focal point, Parties also had an obligation to keep the Secretariat informed of any changes to the contact information of their national focal points, in accordance with Article 19 of the Protocol.

22. The Committee requested that the Executive Secretary:

(a) Contact the national focal points of the 16 Parties for which information on the status of adoption of the measures necessary to implement the obligations under the Protocol provided in the survey differed from information provided in this regard in the fourth national report,⁷ inviting those Parties to provide further information and clarification on the status of the adoption of such measures;

(b) Write to the national focal point of the Party⁸ that had indicated in the survey that it had submitted its fourth national report but the report of which had not yet been received by the Secretariat, requesting the Party to provide a clarification and, as appropriate, to submit its national report as a matter of urgency;

(c) Write to the national focal point of the other 15 Parties⁹ that had not submitted their fourth national reports, requesting those Parties to submit their national reports as a matter of urgency and urging them to inform the Committee of any challenges that they might face in that regard;

(d) Continue to follow up with the Parties concerned on the completeness and accuracy of information in the Biosafety Clearing-House, including summaries of risk assessments;

⁷ Antigua and Barbuda, Bhutan, Burkina Faso, Cameroon, Georgia, Greece, Guinea-Bissau, Guyana, Kenya, Malaysia, Mexico, Pakistan, Saint Kitts and Nevis, Togo, Tunisia and Zambia.

⁸ Democratic People's Republic of Korea.

⁹ Afghanistan, Angola, Bolivia (Plurinational State of), Cabo Verde, Dominica, Fiji, Honduras, Jordan, Kyrgyzstan, Mauritius, Mongolia, Niue, Saint Vincent and the Grenadines, Trinidad and Tobago and Yemen.

(e) Follow-up with the Parties¹⁰ that had still not designated a national focal point for the Protocol to request them to do so as soon as possible and to notify the Secretariat accordingly, in accordance with Article 19 of the Protocol;

(f) Continue to explore opportunities for capacity-building, including through regional partnerships, to support Parties in the implementation of their obligations under the Protocol and in the achievement of the goals of the Implementation Plan for the Protocol and the Capacity-building Action Plan for the Protocol.

23. The Committee invited its members to engage with Parties in their respective regions in relation to compliance issues identified by the Committee, such as the designation of national focal points, the submission of national reports and the submission of information through the Biosafety Clearing-House.

24. The Committee decided to recommend that, at its eleventh meeting, the Conference of the Parties serving as the meeting of the Parties:

(a) Remind Parties of the importance of complying with their obligations under the Protocol;

(b) Remind Parties of their obligation to designate a national focal point and to keep information on their national focal points up to date;

(c) Recall that Parties facing difficulties with complying with one or more obligations under the Protocol were urged to seek assistance from the Committee;

(d) Request that Parties collaborate fully when requested to provide information in relation to their compliance with obligations under the Protocol;

(e) Remind Parties of Article 23 of the Protocol, including its public awareness- and education-related provisions, and its potential to facilitate compliance with the Protocol, recalling that materials and tools had been developed by the Secretariat and were available in the Biosafety Clearing-House.

Item 5

Individual cases of non-compliance

25. A representative of the Secretariat introduced document [CBD/CP/CC/18/4](#), providing an overview of intersessional activities concerning individual cases of non-compliance and the current status of those cases, in particular with regard to the obligations to submit national reports, in accordance with Article 33 of the Protocol, and to take the necessary and appropriate legal, administrative and other measures to implement the obligations under the Protocol, in accordance with Article 2, paragraph 1, of the Protocol. He added that, since the issuance of document [CBD/CP/CC/18/4](#), an additional three Parties had indicated in their third national reports to have only draft or temporary measures in place.¹¹ An updated annex II to document CBD/CP/CC/18/4 was distributed in session to reflect the update.

1. Individual cases of non-compliance concerning the obligation to report (Article 33)

26. The Committee recognized the efforts of the Secretariat in sending various reminders to Parties that had not submitted their national reports. It expressed concern, however, that nine Parties had still submitted neither their third nor their fourth national reports.¹²

27. The Committee agreed that its Chair would write to the national focal points of the Parties concerned to remind them of their obligation to submit their national reports and invite them to share any information on the challenges that they might face in complying with that obligation. The Committee also agreed that, if no response was received and no report was submitted, its Chair would

¹⁰ Marshall Islands and Saint Vincent and the Grenadines.

¹¹ Angola, Djibouti and Marshall Islands.

¹² Azerbaijan, Belize, Libya, Nauru, Papua New Guinea, Qatar, Saudi Arabia, Seychelles and Syrian Arab Republic.

write to the ministries of foreign affairs of those Parties, with copy to the national focal points for the Protocol and the national focal points for the Convention, urging the Parties concerned to submit their national reports. The Committee further agreed to review the results of those communications at its nineteenth meeting.

28. The Committee stressed the importance of explaining the value of national reporting in the communications with the Parties concerned.

29. Members were encouraged to continue to reach out to the Parties concerned in their respective regions to support them in their national reporting efforts.

30. For future reporting cycles, the Committee discussed the importance of ensuring that the Secretariat could follow up with individual Parties expeditiously when they failed to submit their national reports by the deadline. In this context, the Committee agreed that the Secretariat should henceforth start to contact individual Parties that had not submitted their national reports three months after the submission deadline to request that they submit such reports. This approach would enable the Secretariat to initiate bilateral follow-up on behalf of the Committee without the need for further instructions from the Committee in that regard.

2. Individual cases of non-compliance concerning the obligation to take measures to implement the Protocol (Article 2 (1))

(a) Parties that had submitted a compliance action plan

31. The Committee recalled that, at its fifteenth meeting, held in May 2018, it had identified 25 Parties that had indicated in their third national reports that they had not taken any measures or had only taken draft or temporary measures for the implementation of the Protocol, and that it had requested from those Parties that they develop a compliance action plan setting out a timeline and the actions required to achieve compliance with their obligation under Article 2, paragraph 1, of the Protocol, in accordance with section VI, paragraph 1 (c), of the procedures and mechanisms on compliance under the Protocol.¹³

32. The Committee reviewed progress by Parties that had submitted a compliance action plan to the Committee.

33. The Committee considered the limited information received from Barbados, Kyrgyzstan and Oman on progress made and agreed that its Chair would write to those Parties to urge them to provide information on progress made on the activities set out in their compliance action plans.

34. The Committee also agreed that its Chair would write to Morocco to thank it for preparing its compliance action plan and to request that its national focal point provide details of the time frame for the activities laid out in the plan. The Chair would also invite Morocco to specify what type of resources it might need to carry out the activities included in its plan. Furthermore, the Committee requested the Secretariat to follow up with Morocco on actions taken to implement those activities.

35. The Committee welcomed the new compliance action plans submitted by Burundi and Guinea, which brought the total number of plans under active consideration to six.¹⁴

36. The Committee reviewed the compliance action plans submitted by Burundi and Guinea and agreed that its Chair would write to the national focal points of those Parties to thank them for their submissions. It also requested that the Secretariat follow up with the two Parties, including on the progress on the activities outlined in the plans.

37. A member of the Committee shared experiences regarding exchanges with individual Parties in the context of another compliance mechanism and highlighted some of the modalities of those exchanges. The Committee acknowledged that such exchanges could be useful to better engage with

¹³ Decision BS-I/7, annex.

¹⁴ For Barbados, Burundi, Guinea, Kyrgyzstan, Morocco and Oman.

and support Parties that had developed a compliance action plan and could lead to more effective action at the national level.

38. The Committee decided that it would invite to its nineteenth meeting each of the six Parties with compliance action plans under active consideration for an online exchange to discuss progress made and any challenges with the implementation of their plans. It requested the Secretariat to make the necessary arrangements in that regard.

39. The Committee discussed possible assistance with the development of the legal measures necessary to implement the Protocol that could be provided through the Law and Environment Assistance Platform under the Programme for the Development and Periodic Review of Environmental Law of the United Nations Environment Programme (UNEP).¹⁵ Representatives of UNEP joined the meeting to provide additional information and respond to questions from the Committee. The Committee agreed that information on the opportunity to request technical assistance through the Platform should be included in the letters from the Chair to the aforementioned six Parties.

(b) Parties that had not submitted a compliance action plan but that had informed the Committee of progress made in the adoption of measures to implement the Protocol

40. The Committee discussed the status of three Parties that had not submitted a compliance action plan but that had informed the Committee that progress had been made in the adoption of measures to implement the Protocol.¹⁶ The Committee agreed that its Chair would:

(a) Write to Eritrea to urge it to publish the text of its proclamation No. 179/2017 in the Biosafety Clearing-House;

(b) Write to Mauritania to urge it to publish its recent biosafety measures in the Biosafety Clearing-House;

(c) Write to Saint Lucia to ask for further information on the timeline for enactment of its biosafety bill.

(c) Parties that had not submitted a compliance action plan or provided further information to the Committee on measures to implement the Protocol

41. The Committee also discussed the matter of 15 Parties that had not submitted a compliance action plan or provided further information to the Committee on measures taken to implement the Protocol.¹⁷ It noted with concern that several reminders sent to those Parties by the Secretariat had not resulted in the submission of plans. It recognized that there could be various reasons for this, such as the coronavirus disease (COVID-19) pandemic, changes in national focal points, a lack of political priority and a lack of financial and human resources.

42. Four of the 15 Parties concerned had indicated in their fourth national reports that they had taken national measures for the implementation of the Protocol.¹⁸ The Committee determined that, although those Parties had reported that national measures were partially in place and would therefore no longer seem to fulfil the criteria for developing a compliance action plan, the measures were not available in the Biosafety Clearing-House. The Committee therefore agreed that its Chair would communicate with the four Parties concerned to request them to publish the relevant measures in the Biosafety Clearing-House.

¹⁵ Also known as the Montevideo Programme. See www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1.

¹⁶ Eritrea, Mauritania and Saint Lucia.

¹⁷ Bahamas, Botswana, Dominica, Fiji, Gambia, Grenada, Guyana, Palau, Saint Vincent and the Grenadines, Samoa, Suriname, Trinidad and Tobago, Tunisia, United Arab Emirates and Yemen.

¹⁸ Grenada, Guyana, Palau and United Arab Emirates.

43. Consequently, the Committee determined that 11 Parties had outstanding compliance action plans and had either still not taken the full or partial measures necessary for the implementation of the Protocol or had not provided any information indicating that such measures had been taken.¹⁹ It agreed that its Chair would write to those Parties to urge them to develop a compliance action plan setting out a timeline and the actions required to achieve compliance with Article 2, paragraph 1, of the Protocol.

44. The Committee welcomed the submission to the Secretariat of draft compliance action plans by two of the aforementioned Parties²⁰ and noted that the Secretariat had provided feedback on the draft plans but that the final plans had yet to be submitted. The Committee suggested that its Chair acknowledge the preparation of the draft compliance action plans in his letter to those Parties.

45. Recalling its earlier discussion about the informal role that its members could play in supporting Parties facing compliance issues, the Committee encouraged its members to support the Parties concerned in their respective regions in their efforts to develop compliance action plans.

(d) Identification of further Parties that had not adopted any measures or that had adopted only draft or temporary measures to implement the Protocol

46. The Committee noted that it now had information on 12 additional Parties²¹ that had not adopted measures to implement the Protocol or had only adopted temporary or draft measures.²² The Committee recognized, however, that two of those Parties²³ had submitted information in the Biosafety Clearing-House suggesting that measures had been adopted. The Committee requested the Secretariat to contact the two Parties concerned to seek clarification. It agreed that its Chair would write to the other 10 Parties to request that they prepare a compliance action plan in accordance with section VI, paragraph 1 (c), of the procedures and mechanisms on compliance under the Protocol. The letter would include the compliance action plan template provided in the annex to document [CBD/CP/CC/16/5](#).

Item 6

Other matters

47. Committee members discussed new developments in biotechnology. The Committee recalled its discussion at its sixteenth meeting on the matter.²⁴ It also noted that, in the report on its meeting held in December 2017, the Ad Hoc Technical Expert Group on Synthetic Biology had concluded that most living organisms already developed or currently under research and development through techniques of synthetic biology, including organisms containing engineered gene drives, fell under the definition of living modified organisms provided in the Cartagena Protocol.²⁵ The Committee also noted that, at its meeting held in June 2019, the Technical Expert Group had agreed that its conclusion was still valid.²⁶

48. Members shared information on regulatory approaches under consideration or already adopted by some Parties regarding organisms developed through new genomic techniques. The Committee noted that, in some cases, Parties were taking diverging regulatory approaches regarding such organisms. It recognized that clarity on the applicability of the definition of a living modified organism, as provided in Article 3 of the Protocol, to such organisms would form the basis for the

¹⁹ Bahamas, Botswana, Dominica, Fiji, Gambia, Saint Vincent and the Grenadines, Samoa, Suriname, Trinidad and Tobago, Tunisia and Yemen.

²⁰ Botswana and Samoa.

²¹ Angola, Antigua and Barbuda, Armenia, Cabo Verde, Côte d'Ivoire, Djibouti, Kuwait, Lebanon, Liberia, Marshall Islands, Myanmar and Somalia.

²² The 12 additional Parties were identified on the basis of information provided in fourth national reports, or, where a fourth national report had not yet been submitted, third national reports received since the fifteenth meeting of the Committee.

²³ Armenia and Côte d'Ivoire.

²⁴ CBD/CP/CC/16/7, para. 33.

²⁵ CBD/SYNBIO/AHTEG/2017/1/3, para. 28.

²⁶ CBD/SYNBIO/AHTEG/2019/1/3, para. 19.

Committee to carry out its role in reviewing compliance by Parties with their obligations under the Protocol.

49. It was suggested that the issue could have implications for the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety and might be relevant to discussions on digital sequence information on genetic resources.

50. The Committee agreed to hold its nineteenth meeting in the week of 29 April 2024, bearing in mind the schedule of other meetings under the Convention tabled around that time.

Item 7

Adoption of the report

51. The Chair introduced the draft report of the meeting, which was adopted, as orally amended.

Item 8

Closure of the meeting

52. Following the customary exchange of courtesies, the meeting was closed at 12.20 p.m. on 26 October 2023.
