COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY
Seventeenth meeting
Online, 15-17 April 2020

REVIEW OF GENERAL ISSUES OF COMPLIANCE

Note by the Executive Secretary

I.  INTRODUCTION

1.  At its sixteenth meeting, held from 29 to 31 May 2019, the Compliance Committee reviewed compliance on the basis of information in the Biosafety Clearing-House (BCH) and, in this context, considered compliance with the obligation to designate national focal points and competent national authorities.¹ The Committee agreed on some actions with regard to Parties whose records in the BCH were incomplete in this regard.

2.  The present document provides a report on these follow-up activities and their outcomes related to the above-mentioned issue. Section II provides an overview of follow-up with the Parties concerned in the review. Conclusions and suggestions are presented in section III.

II.  UPDATE OF FOLLOW-UP ACTIVITIES

A.  National focal points

3.  Article 19 of the Cartagena Protocol requires each Party to designate one national focal point to be responsible on its behalf for liaison with the Secretariat and to notify the Secretariat of the name and address of its national focal point.

4.  Article 20 of the Cartagena Protocol established the BCH to facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and to assist Parties to implement the Protocol. Parties are required to make certain information available in the BCH. For this purpose, in its decision BS-I/3, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol called upon each Party to designate an appropriate national focal point for the Biosafety Clearing-House.

5.  Upon receipt of an official letter from a Party containing the names and addresses of its national focal points, the Secretariat makes this information available through the BCH.

6.  At its sixteenth meeting, the Committee noted with regret that three Parties² had not designated a national focal point for the Cartagena Protocol, one Party³ had not designated a national focal point for the

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¹ See CBD/CP/CC/16/7
² Luxembourg, Marshall Islands and Saint Vincent and the Grenadines.
³ Fiji.
BCH, and one Party had designated neither a national focal point for the Cartagena Protocol nor a national focal point for the BCH.

7. The Committee decided that its Chair would send a letter to the national focal point for the Convention on Biological Diversity of the three Parties that had not designated a national focal point for the Cartagena Protocol and to the one Party that had designated neither a national focal point for the Protocol nor a national focal point for the BCH. It decided that the Chair would also send a letter to the national focal point of the Cartagena Protocol of the Party that had not designated a national focal point for the BCH. The Committee decided that, in its letter, the Chair of the Committee would remind these Parties of their obligation to designate their focal point(s) and to notify the Secretariat of the name and address of its focal point(s), for publication in the BCH.

8. In October 2019, Luxembourg submitted information to the Secretariat on its designated national focal point for the Cartagena Protocol and national focal point for the Biosafety Clearing-House.

9. Accordingly, letters by the Chair were sent to the remaining four Parties on 23 January 2020. By the date of publication of the present note, no responses had been received.

B. Competent national authorities

10. Article 19 requires each Party to designate one or more competent national authorities, which shall be responsible for performing the administrative functions required by the Cartagena Protocol and which shall be authorized to act on its behalf with respect to those functions. A Party may designate a single entity to fulfill the functions of both focal point and competent national authority. The Party is required to notify the Secretariat of the names and addresses of its competent national authority or authorities, and, where more than one competent national authority is designated, it shall convey to the Secretariat, with its notification thereof, relevant information on the respective responsibilities of those authorities, specifying, at a minimum, which competent authority is responsible for which type of living modified organism.

11. At its sixteenth meeting, the Committee expressed concern that 21 Parties had not designated a competent national authority for performing the administrative functions required by the Protocol in accordance with Article 19.

12. The Committee decided that its Chair would send a letter to the national focal point for the Protocol of those 21 Parties and remind them of their obligation to designate at least one competent national authority.

13. Following the meeting of the Compliance Committee, 2 of the 21 Parties designated a competent national authority. Accordingly, in January 2020, letters by the Chair were sent to the remaining 19 Parties that had not designated their competent national authorities, reminding them of their obligation to do so. The letter reminded Parties of their obligation and urged them to provide this information as soon as possible by completing and submitting the applicable online common format available in the management centre of the BCH.

14. By the date of publication of the present note, only one Party (Somalia) had submitted the contact information for its competent national authorities. No other Party concerned has responded or submitted the required information in the BCH.

4 State of Palestine.

C. Contact point for Article 17

15. Article 17, paragraph 2, of the Cartagena Protocol requires each Party to make available in the Biosafety Clearing-House the relevant details setting out its point of contact for the purposes of receiving notifications under Article 17, concerning unintentional transboundary movements.

16. At its sixteenth meeting, the Committee expressed concern that 52 Parties 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.

17. The Committee requested the Executive Secretary, as appropriate, to continue following up with the 52 Parties 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.

18. Following the sixteenth meeting of the Compliance Committee, 6 of the 52 Parties concerned designated a point of contact for the purpose of receiving notifications under Article 17 of the Protocol. Accordingly, in January 2020, the Secretariat sent an e-mail communication to the Cartagena Protocol national focal point or Convention national focal point, as appropriate, of the remaining 46 Parties, with a copy to their BCH national focal point, informing them that the Committee had expressed concern that the Party 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, and of their obligation to do so, as a matter of urgency, or to provide the reasons for not being able to do so.

19. By the date of publication of the present note, of the 46 Parties had duly designated a point of contact for the purpose of receiving notifications under Article 17 of the Protocol. Another Party (Turkey) responded indicating that it would designate a point of contact in due course.

III. CONCLUSIONS AND SUGGESTIONS

20. The importance of the designation of national contacts should not be under-estimated as they play important roles in the operations of the Protocol. For example, only BCH national focal points can publish national information in the Biosafety Clearing-House. This national information – on laws and regulations or decisions on different living modified organisms, for example – is central to the system created by the Protocol. Parties without BCH national focal points cannot publish this information, which can undermine the transparency and informed decision-making that the Protocol seeks to facilitate. Similarly, designating a national contact for the purpose of receiving notifications under Article 17 is important for a Party so that it can quickly be informed when a release leads, or may lead, to an unintentional transboundary movement of a living modified organism into its country that is likely to have significant adverse effects on the conservation and sustainable use of biological diversity.

21. The status of designation of national contacts is, by its very nature, a frequently changing situation. In line with the Committee’s cyclical organization of work, agreed at its eighth meeting, the Committee periodically reviews compliance by Parties in this regard. Furthermore, the Secretariat routinely communicates with Parties regarding the designation of national contacts in order to assist them in maintaining updated and complete information in this regard in the BCH.

6 Algeria, Azerbaijan, Belize, Brazil, Cabo Verde, Central African Republic, Chad, China, Colombia, Dominica, European Union, France, Gambia, Georgia, Grenada, Iraq, Jamaica, Kuwait, Kyrgyzstan, Lebanon, Marshall Islands, 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.

7 Central African Republic, Chad, China, France, Gambia, Lebanon, Senegal, Serbia and Solomon Islands.
22. Any updates to the information presented in section II will be provided to the Committee during its seventeenth meeting, and the Secretariat will continue its regular communication with Parties in this regard.

23. In addition to direct follow-up with the Parties concerned, the Committee at its sixteenth meeting decided to recommend that the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its tenth meeting:

(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.

24. The above recommendation will be included in the report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its tenth meeting. The Committee may wish to consider any further follow-up actions it may wish to take on this matter.