



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 Eleventh meeting

Cali, Colombia, 21 October–1 November 2024

Item 5 of the provisional agenda*

Report of the Compliance Committee

Report of the Compliance Committee under the Cartagena Protocol on Biosafety on the work of its eighteenth and nineteenth meetings

1. During the intersessional period that followed the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, the Compliance Committee held two meetings: its eighteenth meeting, from 24 to 26 October 2023, and its nineteenth meeting, from 30 April to 2 May 2024. Both meetings were held at the offices of the Secretariat in Montreal, Canada.
2. The present document contains a consolidated report of the discussions and outcomes of the two meetings. The Committee's recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol are contained in the annex to the present report.
3. At its eighteenth meeting, the Committee re-elected Rigobert Ntep as Chair and Jimena Nieto Carrasco as Vice-Chair, for a second term, in accordance with rule 12 of the rules of procedure for the meetings of the Compliance Committee.
4. The Committee recalled that, owing to delays in convening meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the terms of the members of the Compliance Committee had been extended several times and, as a result, all terms were due to end on 31 December 2024. The Committee was informed that, in order to maintain the staggering of terms, the Conference of the Parties serving as the meeting of the Parties to the Protocol would be invited to extend the terms of five members until 31 December 2026.
5. At its eighteenth meeting, the Committee considered the outcomes of the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol regarding items relevant to compliance and 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, noting that this reflected the quality of the Committee's work.
6. At the same meeting, the Committee reviewed general issues of compliance and considered 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. The Committee decided on several

* CBD/CP/MOP/11/1.

follow-up actions concerning compliance by Parties, focusing in particular on the obligation to take the necessary measures to implement the Protocol and the obligation to submit national reports.

7. Also at its eighteenth meeting, 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.

8. The Committee underlined that, in addition to the obligation to designate a national focal point, Parties 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. The Committee requested that the Executive Secretary follow up with two Parties that had not designated a national focal point over an extended period of time. At its nineteenth meeting, the Committee noted the lack of progress by those two Parties (Marshall Islands and Saint Vincent and the Grenadines) and decided that it would follow up with the Parties as individual cases of non-compliance.

9. In the context of the review of individual cases of non-compliance, the Committee expressed concern regarding non-compliance by Parties that had submitted neither their third nor their fourth national report. At its eighteenth meeting, the Committee agreed that its Chair would write to the national focal points of the Parties concerned and that, if no response was received and no report was submitted, its Chair would 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. Further to those communications, two Parties submitted their fourth national reports.

10. At its nineteenth meeting, the Committee requested that its Chair contact the seven remaining Parties that had not submitted either their third or their fourth national report, (Belize, Libya, Nauru, Papua New Guinea, Qatar, Seychelles and Syrian Arab Republic) to inform them that the Committee had recommended that the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its eleventh meeting, caution those Parties, in accordance with section VI, paragraph 2 (b), of the Procedures and Mechanisms on Compliance under the Cartagena Protocol on Biosafety, as contained in the annex to decision BS-I/7 of the Conference of the Parties serving as the meeting of the Parties to the Protocol, unless they submitted their fourth national report prior to the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

11. At the same meeting, the Committee highlighted the importance of ensuring that the recommendation to caution these Parties would be considered in the light of background information on the steps taken by the Committee leading to the recommendation. The Committee requested the Secretariat to prepare an information document to support consideration of the recommendation by the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its eleventh meeting.¹

12. At its eighteenth meeting, the Committee reviewed individual cases of non-compliance by Parties with the obligation to take the necessary measures to implement the Protocol. In that context, the Committee considered an update on progress by Parties with compliance action plans under active consideration and decided to invite them to an informal online exchange with the Committee, at its nineteenth meeting, to discuss progress made and any challenges with respect to the implementation of their plans. Informal online exchanges with four Parties were held during the nineteenth meeting of the Committee. The Committee agreed that the exchanges had been useful and that the practice should be continued in the future.

13. The Committee discussed possible assistance in the development of the legal measures necessary to implement the Protocol that could be provided by the United Nations Environment Programme (UNEP) through its Law and Environment Assistance Platform. Representatives of UNEP joined the eighteenth meeting online and provided additional information. Details on the

¹ CBD/CP/MOP/11/INF/2.

opportunity to apply for support were subsequently shared with all Parties that had submitted a compliance action plan. At its nineteenth meeting, the Committee welcomed the fact that three of the Parties it had engaged with through the online exchanges were at an advanced stage of accessing funds from UNEP through its Law and Environment Assistance Platform. The Committee recognized that despite the funding opportunity for the development of legislation, some of those Parties would need further support to strengthen their implementation of the Protocol. The Committee noted that among the challenges mentioned by the Parties, related to enacting biosafety measures once those measures were developed, were the lack of political will and the prioritization of biosafety.

14. The Committee discussed how additional resources were needed. It acknowledged the opportunity for accessing funds through the Global Environment Facility (GEF), while recognizing limitations in that regard, resulting from, inter alia, the lack of information and capacities as well as the length of the process for accessing funding from GEF.

15. On the basis of information derived from additional national reports that had been received, the Committee, at its eighteenth meeting, identified further Parties that reported not having the necessary measures in place for implementing the Protocol. The Committee requested those Parties to prepare a compliance action plan.

16. Following the eighteenth meeting of the Committee, five additional Parties submitted compliance action plans, bringing the total number of compliance action plans under active consideration to 11. At its nineteenth meeting, the Committee welcomed the submission of the plans and agreed that the Secretariat would follow up with those Parties on the progress made with regard to the activities outlined in the plans.

17. At its nineteenth meeting, the Committee emphasized the importance of providing financial support to Parties with compliance action plans under active consideration.

18. Several Parties that had been requested to prepare a compliance action plan provided information on progress made with regard to the adoption of measures for implementing the Protocol. At its nineteenth meeting, the Committee welcomed the publication by one of those Parties of its measures on the Biosafety Clearing-House and decided that follow-up with the other Parties, which had not yet published their measures, would be carried out in the context of communications on inconsistency between information in national reports and information on the Biosafety Clearing-House.

19. The Committee decided to follow up with those Parties that had still not submitted a compliance action plan.

20. At the eighteenth and nineteenth meetings, under other matters, members of the Committee discussed new developments in biotechnology. The Committee recalled the discussion at its sixteenth meeting on that subject.² The Committee noted that the Ad Hoc Technical Expert Group on Synthetic Biology, in the report on its meeting held in December 2017, 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.³ The Committee also noted that, at its meeting held in June 2019, the Technical Expert Group had agreed that its conclusion was still valid.⁴

21. Committee members raised concerns about diverging interpretations of the definition under the Cartagena Protocol of the term “living modified organism” and varying legislative approaches among Parties concerning new developments in biotechnology, including genome editing. The Committee agreed that it was not for the Committee itself to resolve this issue but that it would be important to draw the attention of the Conference of the Parties serving as the meeting of the Parties

² CBD/CP/CC/16/7, para. 33.

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

⁴ CBD/SYNBIO/AHTEG/2019/1/3, annex I, para. 19.

to the Protocol to the matter. The Committee decided to recommend that the Conference of the Parties serving as the meeting of the Parties to the Protocol consider the issue further, at its eleventh meeting.

22. The full text of the reports of the Committee on the work of its eighteenth and nineteenth meetings,⁵ as well as the working documents for each meeting, are available on the [website of the Secretariat](#).

⁵ Documents [CBD/CP/CC/18/5](#) and [CBD/CP/CC/19/5](#), respectively.

Annex

Recommendations of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its eleventh meeting*

I. Compliance issues

1. Recognizing that clarity on the applicability of the definition under the Cartagena Protocol on Biosafety of the term “living modified organism” within the context of new developments in biotechnology would form the basis for the Compliance Committee to carry out its role in reviewing compliance by Parties with their obligations under the Protocol, the Committee recommends that the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its eleventh meeting, consider further the implications of diverging interpretations of the definition of “living modified organism” under the Cartagena Protocol and the varying legislative approaches among Parties concerning new developments in biotechnology, including genome editing.

2. The Compliance Committee also recommends that, at its eleventh meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopt draft decisions along the following lines:

General issues

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety

1. *Reminds* Parties of the importance of complying with their obligations under the Cartagena Protocol on Biosafety;¹

2. *Also reminds* Parties of their obligation to designate a national focal point and to keep information on their national focal points up to date;

3. *Requests* that Parties collaborate fully when requested to provide information related to their compliance with obligations under the Protocol;

4. *Notes with appreciation* the efforts made by Parties to comply with their obligations under the Protocol to make information available to the Biosafety Clearing-House, and urges Parties to ensure that this information is consistent with the information provided in their national reports;

5. *Encourages* Parties to use the free text fields in the format for the fifth national report to explain responses provided, and invites Parties that are facing challenges in complying with certain obligations to share information in those free text fields on the challenges encountered;

6. *Recalls* that Parties facing difficulties with complying with one or more obligations under the Protocol are urged to seek assistance from the Compliance Committee;

7. *Recognizes* the usefulness of the compliance action plans in advancing the development of measures to implement the Protocol and the role of the Compliance Committee in facilitating support to Parties in this regard;

8. *Welcomes* the support for the development of biosafety legislation provided by the United Nations Environment Programme through its Law and Environment Assistance Platform to Parties with a compliance action plan under active consideration;

* Following the practice adopted at previous meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, recommendations may be allocated to the agenda items to which they are most closely related.

¹ United Nations, *Treaty Series*, vol. 2226, No. 30619.

9. *Urges* Parties, and invites other Governments, to provide voluntary funds in support of the 11 Parties² 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;

10. *Urges* eligible Parties to prioritize biosafety projects during the programming of their national allocations under the System for Transparent Allocation of Resources;

11. *Reminds* Parties of Article 23 of the Protocol, including its provisions relating to public awareness and education, and its potential to facilitate compliance with the Protocol, recalling that materials and tools have been developed by the Secretariat and are available on the Biosafety Clearing-House.

Caution

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling Article 33 of the Cartagena Protocol on Biosafety,³

Recalling also section VI, paragraph 2 (b), of the Procedures and Mechanisms on Compliance under the Cartagena Protocol, as contained in the annex to decision BS-I/7 of the Conference of the Parties serving as the meeting of the Parties to the Protocol of 27 February 2004,

Noting with regret that Belize, Libya, Nauru, Papua New Guinea, Qatar, Seychelles and the Syrian Arab Republic⁴ have not submitted their third or their fourth national reports,

Noting that the Compliance Committee and the Executive Secretary have contacted Belize, Libya, Nauru, Papua New Guinea, Qatar, Seychelles and the Syrian Arab Republic⁴ on numerous occasions, in accordance with decision BS-V/1 of the Conference of the Parties serving as the meeting of the Parties to the Protocol of 15 October 2010, which included offering support to those Parties in preparing their reports,

1. *Cautions* Belize, Libya, Nauru, Papua New Guinea, Qatar, Seychelles and the Syrian Arab Republic;⁴

2. *Requests* Belize, Libya, Nauru, Papua New Guinea, Qatar, Seychelles and the Syrian Arab Republic,⁴ as a matter of urgency, to submit their fourth national reports;

3. *Encourages* Belize, Libya, Nauru, Papua New Guinea, Qatar, Seychelles and the Syrian Arab Republic⁴ to seek the assistance of the Compliance Committee, in accordance with decision BS-V/1, should they require support in preparing their reports.

II. Operation and activities of the Biosafety Clearing-House

3. The Compliance Committee further recommends that, at its eleventh meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopt a decision that includes the following elements:

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety

1. *Urges* Parties to make all required information systematically available on the Biosafety Clearing-House, including legal measures for implementing the Protocol, decisions on the importation or release of living modified organisms and cases of unintentional and illegal transboundary movements;

² Barbados, Burundi, Guinea, Kyrgyzstan, Lebanon, Morocco, Oman, Samoa, Suriname, Trinidad and Tobago and Tunisia.

³ United Nations, *Treaty Series*, vol. 2226, No. 30619.

⁴ List of Parties to be updated before the eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.

2. *Requests* Parties to review their national records published on the Biosafety Clearing-House for accuracy, including by verifying that: (a) the information made available on the Biosafety Clearing-House is up to date and complete; and (b) the actual documents containing the information are uploaded correctly or, in cases where a link to the document is provided, that the link is functional and up to date, noting that the Compliance Committee will be reviewing completeness of information on the Biosafety Clearing-House at its twentieth meeting.
