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Item 3 of the provisional agenda*

Review of consistency of information between the fourth national reports and the Biosafety Clearing-House

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Note by the Secretariat

I. Introduction

1. The Cartagena Protocol requires Parties to make certain information available to the Biosafety Clearing-House (BCH). The type of information that must be made available is specified in various articles of the Protocol, including Article 20, paragraph 3.
2. In line with the organization of work agreed at its eighth meeting,¹ held in October 2011, the Compliance Committee is expected to review, at its nineteenth meeting, the consistency of information provided by Parties in their fourth national report with corresponding information that Parties are required to submit to the BCH. For this purpose, fourth national reports received were cross-checked with corresponding information made available in the BCH.
3. The present document provides, in section II, an overview of the extent of consistency between information in fourth national reports and information in the BCH. Some general observations and suggestions for the consideration of the Committee are provided in section III.

II. Extent of consistency between information in fourth national reports and information in the Biosafety Clearing-House

4. In [decision CP-10/5](#), Parties were called upon to publish information available at the national level in the Biosafety Clearing-House in accordance with the obligations of the Protocol and to review records they have previously published in the Biosafety Clearing-House to verify their accuracy on the new platform and to make any revisions or updates as necessary in a timely manner.
5. In this exercise, the Secretariat considered the following types of information that the Protocol requires each Party to make available through the BCH:

* CBD/CP/CC/19/1.

** The present document is being issued without formal editing.

¹ See [UNEP/CBD/BS/CC/8/3](#), figure 2.

- (a) Decisions taken regarding the importation or release of living modified organisms (Article 20(3)(d));
- (b) Notifications concerning unintentional transboundary movements (Article 17(1));
- (c) Illegal transboundary movements (Article 25(3));
- (d) Relevant laws, regulations and guidelines for implementation of the Protocol (Article 20(3)(a)).

6. Questions in the fourth national report that relate to the above types of information were identified and the responses of Parties and relevant comments provided in their report as “free text” were cross-checked with what was actually available in the BCH.

7. A summary of the findings of the review of consistency of information is presented below, while the details are provided in information document CBD/CP/CC/19/INF/1.

8. For the purpose of the present document, fourth national reports received on the BCH by 6 March 2024 from 145 Parties have been considered and cross-checked with related information made available by that Party to the BCH.

9. The information considered in the BCH for each Party was matched for the specific reporting period indicated by the Party in its fourth national report. For the review of laws, regulations and guidelines, however, all available relevant records in the BCH were considered, irrespective of the date of adoption or submission of the instrument.

A. Information on decisions with regard to importation or release of living modified organisms

10. Article 20, paragraph 3(d), requires each Party to make its final decisions regarding the importation or release of LMOs available to the Biosafety Clearing-House. For the purpose of this exercise, the Secretariat considered the following types of decisions that the Protocol requires Parties to make available through the BCH:

- (a) Decisions regarding the first intentional transboundary movement of LMOs for intentional introduction into the environment of the Party of import in application of the advance informed agreement procedure (Articles 7–10);

- (b) Decisions regarding domestic use, including placing on the market, of LMOs that may be subject transboundary movement for direct use as food or feed, or for processing (Article 11, para. 1).

1. Decisions regarding the first intentional transboundary movement of living modified organisms for intentional introduction into the environment of the Party of import (Articles 7-10)

11. In addition to requirements to provide information to the BCH derived from provisions under Article 20 of the Protocol on information-sharing and the Biosafety Clearing-House, Article 10 of the Protocol provides that the Party of import communicate, in writing, to the notifier *and to the Biosafety Clearing-House* the decision on whether the first intentional transboundary movement of a living modified organism for intentional introduction into the environment of the Party of import may proceed.²

12. A total of 21 Parties reported, in response to questions 33 and 34 of the fourth national reporting format, that they had taken a decision in response to the notification(s) regarding an intentional

² In [decision 9/12](#), Parties were reminded that intentional introduction into the environment can include introduction both for experimental or for commercial purposes and that a field trial, confined field trial or experimental introduction is to be regarded as intentional introduction into the environment when the conditions specified in Article 3, paragraph b, of the Protocol are not met.

transboundary movement of LMOs for intentional introduction into the environment in the reporting period and that such LMOs had been approved for import. Of these 21 Parties:

- 5 reported that they had approved 10 or more LMOs for import;
- 6 reported having approved from 5 to 9 LMOs;
- 10 reported having taken less than five such decisions.

13. These responses were cross-checked against information on the BCH regarding decisions adopted by these Parties during the reporting period regarding intentional transboundary movements of LMOs for intentional introduction into the environment, triggered by a request for a transboundary movement of LMOs into the country.³

14. Table 1 below summarizes the findings for the reporting period. The table addresses the number of LMOs *approved* for import for intentional introduction into the environment as specific information on the number of decisions taken was only available for approvals (question 34 of the report format.) Table 1 of document CBD/CP/CC/19/INF/1 presents a list of the decisions in further detail.

Table 1

Decisions regarding the intentional transboundary movement of LMOs for intentional introduction into the environment (Articles 7–10)

<i>Number of LMOs approved for import in response to notifications regarding intentional transboundary movements of LMOs for intentional introduction into the environment. (Questions 33 and 34 of the fourth national report)</i>	<i>Number of decisions published on the BCH regarding import of LMOs for intentional introduction into the environment that were triggered by a request.</i>	<i>Explanatory comments provided by Parties in free text box under question 38</i>
5 Parties ≥ 10 approvals	1 Party = 1 decision (Mexico) 4 Parties = 0 decisions (Colombia, Nigeria, Paraguay and South Africa)	<i>Mexico:</i> granted 86 environmental release permits during the reporting period: 29 for experimental purposes, 44 for pilot programmes and 13 for commercial purposes
6 Parties = 5 to 9 approvals	1 Party = 1 decision (Indonesia) 5 Parties = 0 decisions (Costa Rica, New Zealand, Philippines, Sudan and Vietnam)	<i>Indonesia:</i> approved nine proposals for permit import of genetically engineered products (two plant seeds, six vaccines, and one animal medicine). In the import application process, all nine products fulfilled the environmental safety requirements based on an assessment by the Biosafety Technical Team, but plant seeds are still waiting for approval from the Ministry of Agriculture as the NCA for release permit. Only animal medicine and vaccine products have been imported to date. <i>Costa Rica:</i> received six notifications concerning intentional transboundary movements of LMOs for intentional introduction into the environment. Two

³ These decisions may be submitted as decisions taken according to the domestic regulatory framework of the Party of import or according to the procedure provided for in Article 10 (as provided for in Article 9(2)(c)).

		<p>stacked cotton events were authorized for import/use with conditions. Three individual cotton events are at the stage of analysis by CTNBio, additional relevant information has been requested from notifiers. One cotton event is in the final approval phase and the notifier has been informed that the period for communicating the decision has been extended.</p> <p><i>New Zealand:</i> approved only medicines for release into the environment under the HSNO Act. All such risk assessments and approvals have been reported to, and are available on, the BCH website.</p> <p><i>Vietnam:</i> received, appraised and issued the biosafety certificates for five events of GM maize.</p>
<p>10 Parties = 1 to 4 approvals</p>	<p>1 Party = 1 decision (Eswatini) 9 Parties = 0 decisions (Cameroon, Ethiopia, Japan, Kenya, Malawi, Mali, Norway, Pakistan, United Republic of Tanzania)</p>	<p><i>Eswatini:</i> imported one LMO (Bt cotton) for introduction into the environment.</p> <p><i>Cameroon:</i> issued six decisions; two authorizations with conditions for the intentional introduction of GM cotton for field trials and four import permits.</p> <p><i>Ethiopia:</i> approved Bt-cotton for commercial purposes and issued a special permit for Bt-maize.</p> <p><i>Japan:</i> approved one LMO (canola) without any conditions because domestic use of the same LMO had already been approved. BCH was notified to the effect that one LMO was approved.</p> <p><i>Kenya:</i> considered three applications for environmental release. Two of these applications involving Bt maize (MON 810) and Bt cotton (MON 15985) were approved in the year 2016 for the purposes of conducting National Performance Trials (NPTs). The transboundary movement involved import of transgenic seeds from other countries for experimental testing in Kenya.</p> <p><i>Malawi:</i> imported LMOs for confined field trials, with conditions.</p> <p><i>Mali:</i> imported a single case of GM mosquitoes.</p> <p><i>Pakistan:</i> only approved a few LMOs for import for laboratory work and limited field trials.</p>

15. Of the 21 Parties that reported having approved LMOs for import in response to notifications regarding intentional transboundary movements for intentional introduction into the environment, 18 had not published any such decisions on the BCH. Two Parties had published fewer decisions than the number reported as approved. One Party had published one decision, consistent with the information in its fourth national report.

16. From the analysis above, some decisions would seem to be missing from the Parties’ records on the BCH altogether. In other cases, the inconsistency between the number of decisions on intentional introduction into the environment reported and the number of such decisions available in the BCH (the latter being lower than the former), for example, might be due to some Parties having included in question 33 and 34 of their report other decisions taken regarding LMOs for intentional introduction into the environment than those triggered by a request for a transboundary movement into the country (a notification regarding transboundary movement of LMOs as provided for in Article 7 to 10 of the Protocol).

17. In some cases, although the decision would seem to be triggered by a notification for approval to import the LMO, the appropriate box was not ticked in the common format for uploading the decision and therefore, the published decision does not appear in a search under the type of decision taken according to the domestic regulatory framework of the Party of import or according to the procedure provided for in Article 10 (as provided for in Article 9(2)(c)).

18. In at least one case, the decisions for ‘limited’ introduction into the environment were published on the BCH under the type of decision “any other decisions, notifications, declarations or communication” rather than as a “decision on LMOs for intentional introduction into the environment (according to Article 10 or domestic regulatory framework)”.

19. In response to question 36, three Parties reported that they had taken decisions prohibiting the import/use of an LMO; however, none of these Parties has published any such decisions on the BCH.

2. Decisions regarding domestic use, including placing on the market, of living modified organisms that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11, para. 1)

20. Article 11, paragraph 1, of the Protocol provides that “a Party that makes a final decision regarding domestic use, including placing on the market, of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing shall, within fifteen days of making that decision, inform the Parties through the Biosafety Clearing-House”. In responding to question 41 of the fourth national report on the decisions taken in this regard, 28 Parties reported that, in the current reporting period, they had taken 10 or more decisions regarding domestic use, including placing on the market, of LMOs-FFP; three Parties reported having taken between five to nine decisions; and 12 Parties reported having taken between one to four decisions.

21. The responses were cross-checked against relevant country decisions published on the BCH. Table 2 below summarizes the findings. See CBD/CP/CC/19/INF/1, table 2, for a list of the decisions in further detail.

Table 2

Summary of the consistency of information regarding decisions taken pursuant to Article 11, paragraph 1

<i>Decisions taken regarding domestic use, including placing on the market, of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Question 41 of the fourth national report)</i>	<i>Number of decisions published on the BCH regarding LMOs for direct use as food or feed, or for processing (Article 11, LMOs-FFP)</i>	<i>Explanatory comments provided by Parties in free text box under question 44</i>
19 Parties* = 10 or more decisions	9 Parties ≥ 10 decisions	<i>European Union:</i> with regard to the decisions taken for placing on the market of LMOs-FFP, it has to be noted that

	<p>(Colombia, European Union, Iran (Islamic Republic of), Malaysia, Mexico, New Zealand, Republic of Korea, South Africa and Türkiye)</p> <p>2 Parties < 10 decisions (Nigeria and Zambia)</p> <p>1 Parties = 0 decisions (China, Eswatini, Japan, Jordan, Paraguay, Philippines, Vietnam and Zimbabwe)</p>	<p>those decisions are taken for the whole European territory and not by the MS individually.</p> <p><i>Malaysia:</i> approved 38 LMOs-FFP.</p> <p><i>Mexico:</i> issued 46 authorizations.</p> <p><i>New Zealand:</i> the only approvals covered under Article 11 given in New Zealand have been for food. These have all been reported to the BCH in accordance with paragraph 5 of annex III (ie “LMOs or products thereof”) of the CP.</p> <p><i>China:</i> approved 52 agricultural GMO transformation cases (transformants of agricultural LMOs). Their use is limited to processing materials.</p> <p><i>Eswatini:</i> issued decisions for the importation of GM yellow and white maize for domestic use as FFPs from South Africa.</p> <p><i>Vietnam:</i> received 48 dossiers of registration for certification of GM plants qualifying for use as food and feed and has issued a certificate of GM plants used for food and feed for 31 events.</p> <p><i>Zimbabwe:</i> In times of food and feed shortages, Zimbabwe imports grains from countries which produce LMOs. The imported grains are milled under the supervision of the National Biotechnology Authority inspectors to avoid introduction into the environment.</p>
<p>3 Parties = 5 to 9 decisions</p>	<p>1 Party > 9 decisions (Cuba)</p> <p>2 Parties = 0 decisions (Bangladesh and Republic of Moldova)</p>	<p><i>Cuba:</i> evaluated and approved 14 processes, mainly imports of corn and soybeans containing genetically modified varieties intended for processing for human and animal consumption.</p> <p><i>Republic of Moldova:</i> issued authorizations for the import of the slice obtained from genetically modified soybeans from Romania and Ukraine for 10 economic agents.</p>
<p>11 Parties* = 1 to 4 decisions</p>	<p>2 Parties ≤ 4 decisions (Indonesia and Norway)</p> <p>9 Parties = 0 decisions (Azerbaijan, Ethiopia, Iraq, Mali, Panama, Saint Lucia, Tonga, United Arab Emirates and Uruguay)</p>	<p><i>Indonesia:</i> imported corn and soybeans from countries, such as the United States and Argentina. The imported soybeans and corn are not labelled as soybean and corn GEPs because the exporting country mixes soybeans and corn GEPs with non-GEPs, to avoid the selling price being expensive. Soybean and corn importers do not submit applications for environmental safety/food safety/feed safety assessments, because they consider that the soybeans and corn they import are not GEPs.</p> <p><i>Uruguay:</i> published resolutions for 4 GMVs for commercial use (without conditions) and 8 GMVs for use in research and/or seed multiplication for export (with conditions).</p>

* These numbers do not include individual member states of the European Union as decisions regarding domestic use, including placing on the market, of an LMO that may be subject to transboundary movement for direct use as food or feed, or for processing are taken at the European Union level and apply to the EU territory as a whole.

22. Nineteen out of 33 Parties that reported having taken decisions regarding domestic use, including placing on the market, of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing did not have any decisions published in the BCH regarding LMOs for direct use as food or feed, or for processing (Article 11, LMOs-FFP). Two Parties had fewer decisions on the BCH than what was reported in the fourth national report, 1 Party had more decisions on the BCH than the number of decisions reported in their national report, although decisions regarding the import of LMOs-FFP could account for the discrepancy. The information reported by the remaining 11 countries was consistent with the number of decisions adopted and submitted by the Party to the BCH.

23. It should be noted that, during the reporting period, the common format for uploading LMO-FFP decisions on the BCH did not make it mandatory to differentiate between decisions regarding domestic use, including placing on the market, of LMO-FFP that may be subject to transboundary movement for direct use as FFP and decisions regarding the import of LMOs-FFP. Accordingly, decisions published in the BCH regarding decisions on LMO-FFP could relate to domestic use or import, or both. As a result, the middle column of table 2 above may capture decisions on the import of LMOs-FFP as well as decisions regarding domestic use.

24. In this regard, to provide further context for understanding the results, table 2 of document CBD/CP/CC/19/INF/1 includes information on how many decisions the Party reported in its fourth national report to have taken regarding the import of LMOs-FFP. To facilitate analysis in future exercises, the BCH common format has been improved to require Parties to select the specific type of LMO-FFP decision (domestic use or import).

B. Unintentional transboundary movements

25. Article 17 of the Protocol states that “each Party shall take appropriate measures to notify affected or potentially affected States, the Biosafety Clearing-House and, where appropriate, relevant international organizations, when it knows of an occurrence under its jurisdiction resulting in a release that leads, or may lead, to an unintentional transboundary movement of an LMO that is likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States. The notification shall be provided as soon as the Party knows of the above situation”.

26. Question 86 of the fourth national report requires a Party to report on how many releases of LMOs occurred under its jurisdiction, in the reporting period, that led, or may have led, to an unintentional transboundary movement.

27. Seven Parties reported that one to four such releases had occurred. Of these:

- Three reported that they had always notified the affected or potentially affected States, the Biosafety Clearing-House and, where appropriate, relevant international organizations;
- One indicated that it had only duly notified potentially affected States and the BCH in some cases only;
- The other three reported that information on the unintentional releases was available, but that the potentially affected States and the BCH had not been notified.

28. There are no records of unintentional releases in the BCH from any of these Parties, including those who reported that they had notified the BCH. Information from free text fields may provide further explanation. One Party explained that cases referred to concerned the unintentional export/import of transgenic petunia that involved countries all over the world and the unintentional sale on the domestic market of genetically modified aquarium fish, and that these incidents were considered unlikely to have significant adverse effects on biological diversity. Another clarified that the notification to potentially affected States was done following EU procedures and had not been submitted to the BCH. Another Party indicated that the unintentional release was due to an illegal release of genetically modified maize in an area close to the border with a neighbouring country with which there are informal commercial exchanges.

29. Furthermore, there are no notifications of a release that leads, or may lead, to an unintentional transboundary movement of LMOs (Article 17.1) at all on the BCH at this time, although 15 Parties reported that their country has become aware of an unintentional transboundary movement of an LMO into its territory in the reporting period (question 89 of the fourth national report). Table 3 in document CBD/CP/CC/19/INF/1 provides further details with comments from the national report of the Parties concerned.

C. Illegal transboundary movements

30. Article 25, paragraph 3, of the Protocol provides that each Party shall make available to the BCH information concerning cases of illegal transboundary movements pertaining to it. In responding to question 159 of the fourth national report on the number of cases of illegal transboundary movements of which they had become aware during the reporting period, the following answers were provided:

- 7 Parties reported that they had become aware of 10 or more cases;
- 3 Parties reported that they had become aware of five to nine cases;
- 18 parties reported that they had become aware of one to four cases.

31. The responses were cross-checked against relevant communications published on the BCH providing information on illegal transboundary movements of LMO. Table 3 below summarizes the findings. See CBD/CP/CC/19/INF/1, table 4, provides further detail.

Table 3

Summary of the consistency of information regarding illegal transboundary movements of living modified organisms (Article 25.3)

<i>Cases of illegal transboundary movements of LMOs, during the reporting period, that the country has become aware of? (Question 159 of fourth national report)</i>	<i>Number of cases published on the BCH regarding the illegal transboundary movement of an LMO (Article 25.3)</i>	<i>Explanatory comments provided by Parties in free text box under question 161 of the fourth national report</i>
7 Parties = 10 or more cases	2 Parties < 10 cases (Germany and Japan) 5 Parties = 0 cases (Belgium, China, Kyrgyzstan, Pakistan and Türkiye)	<i>Japan:</i> In the current reporting period, the Japanese Government received information of illegal import of LMOs (papaya and cotton). These cases happened because the importer had not recognized that they were genetically modified. To prevent adverse effects on biological diversity, the Japanese government took measures such as recall or disposal of the LMOs and required importers to take preventive steps.
3 Parties = 5 to 9 cases	1 Party < 5 cases (Netherlands (Kingdom of the)) 2 Parties = 0 cases (Eswatini and Georgia)	<i>Eswatini:</i> There is a challenge with porous borders and informal crossings, which compromises the regulation of transboundary movement of LMOs. <i>Georgia:</i> In 2014–2018, five cases of illegal import of living modified organisms were recorded (exporting countries: Türkiye, South Africa and India. LMO cultures: corn and bean). The cargo which contained GMO was eliminated or sent back to the exporting country.
18 Parties = 1 to 4 cases	2 Parties ≤ 4 cases (New Zealand and Republic of Korea) 16 Parties = 0 cases (Azerbaijan, Costa Rica, Denmark, Estonia, France, Guyana, Italy, Lithuania, Mali, Norway, Serbia, Slovakia, Sudan, Sweden, United	<i>New Zealand:</i> Like many other countries, there were shipments of LMO petunia varieties that were thought to be non-LMO plants. Under New Zealand’s domestic legislation, the Hazardous Substances and New Organisms Act, all shipments of unapproved GMOs are illegal, whether intentional or unintentional. Once it was understood that multiple varieties of petunia were LMOs, the Ministry for Primary Industries undertook an investigation and found that LMO petunia varieties were sold in New Zealand, but none established, and were not currently being sold in New Zealand. Packaged seed of one LMO variety was identified and destroyed.

	<p>Kingdom of Great Britain and Northern Ireland and Uruguay)</p>	<p><i>Costa Rica: (unofficial translation)</i> In March 2019, the transboundary movement of glyphosate-resistant genetically modified maize was reported. Through sampling and molecular analysis, the areas where the maize was released were identified, and subsequently the eradication and destruction of the LMO plants planted was carried out. Informative and awareness-raising workshops are currently being held with farmers in the area. The origin of the genetically modified corn could not be determined.</p> <p><i>Denmark:</i> The cases referred to concern the unintentional export/import of transgenic Petunia that involved countries all over the World, and the unintentional sale on the domestic market of genetically modified aquarium fish. However, it was not considered likely that these incidents could have significant adverse effects on biological diversity.</p> <p><i>Estonia:</i> Please see the report of EC. The cases referred to concern the unintentional export/import of transgenic Petunia that involved countries all over the World, and the sale of genetically modified aquarium fish. However, it was not considered likely that these incidents could have significant adverse effects on biological diversity.</p> <p><i>Italy:</i> In 2017 an illegal transboundary movement of GM garden petunias (modified flower colour) took place in the European Union.</p> <p><i>Slovakia:</i> In 2017 the Slovak competent authorities had been notified of the findings of petunias with genetic modification in imports from Slovakia. The investigation revealed that the consignment did not come from Slovakia and the origin of these petunias was probably outside of the European Union. Whereas the genetically modified petunias did not have the potential to cause significant adverse effects, the competent authorities provided information only to the public and to the European Commission for further dissemination to Member States of the European Union.</p> <p><i>Sudan:</i> A recent transport of unauthorized cotton variety was detected and measures will be taken to handle the case.</p> <p><i>United Kingdom:</i> The UK has experienced a limited number of cases where GM fish have been exported to the UK which are not authorized for marketing or release in the European Union. These cases have been dealt with in conformity with European Union regulations. These cases have not posed any harm to human health or the environment.</p> <p><i>Uruguay:</i> During 2019, unauthorized transgenic events in canola and alfalfa were detected through laboratory analysis; the origin of the importation was identified, and the corresponding biosafety measures were implemented.</p>
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32. Out of the 28 Parties that reported having become aware of cases of illegal transboundary movements of LMOs, 23 have not published any records on these illegal transboundary movements on the BCH. Three of the remaining 5 Parties have published records on only some of the cases. Two Parties published records on all the cases reported.

33. While Germany and the Kingdom of the Netherlands have not submitted all cases of illegal transboundary movements on which they reported to have become aware of during the reporting period, they published on the BCH record(s) on the illegal transboundary movements of genetically modified petunia varieties in 2017, which they mentioned in their fourth national reports. Four other

Parties that are European Union member States⁴ reported having received information on illegal transboundary movements but did not publish any records on the BCH. These four Parties explained in their fourth national reports that the cases similarly involved unauthorized genetically modified garden petunia detected in the European Union territory in 2017.

34. Denmark, Estonia and the United Kingdom explained in their fourth national reports that they experienced cases of the sale on the domestic market of illegal genetically modified aquarium fish, but that the cases were not considered likely to pose harm to the environment. These cases were not published on the BCH.

35. The European Union did not report any illegal cases in its national report.

36. China, Costa Rica, Georgia, the Sudan and Uruguay reported having received information concerning cases of illegal transboundary movements but did not inform the BCH. They indicated in their fourth national reports that the concerned LMOs were or would be returned or destroyed. None of these Parties clarified in the national report why information on these illegal transboundary movements had not been submitted to the BCH.

37. The other Parties reporting cases of illegal transboundary movements did not provide further information in the comments box and did not provide an explanation why the information was not submitted to the BCH.

D. Information on relevant laws, regulations and guidelines

38. Article 2, paragraph 1, of the Cartagena Protocol requires each Party to take the necessary and appropriate legal, administrative and other measures to implement its obligations under the Protocol. The Compliance Committee has been reviewing Parties' compliance with this obligation for several years now and deciding on actions to urge Parties to advance with the adoption of appropriate measures, including by requesting Parties that report having no measures, or only having draft or temporary measures, to develop a compliance action plan setting out timelines and actions required to advance in taking the necessary and appropriate measures to implement the Protocol. In addition, the Committee has followed up on the publication by Parties in the BCH of measures to implement the obligations under the Protocol in the context of its review of consistency of information.

39. Question 14 of the fourth national report requires Parties to report on whether national measures are fully or partially in place for the implementation of the Protocol or if only temporary measures have been introduced, only draft measures exist or no measures at all have yet been taken. Article 20, paragraph 3 (a) of the Protocol also requires Parties to publish their measures on the BCH.

40. In order to verify whether the information provided by a Party through its fourth national report concerning national laws, regulations and guidelines corresponded with the information actually made available by that Party in the BCH, the Secretariat identified responses by Parties to question 14 of the fourth national reports. For further information on legal instruments adopted by the Party, the Secretariat also reviewed and extracted all references made to specific laws, regulations and guidelines provided in the free text of the fourth national report under question 20, where such information was provided by the Party. The information from the fourth national report was then compared with the records on laws, regulations and guidelines actually made available to the BCH. The Secretariat further reviewed all BCH records on laws, regulations and guidelines to verify whether the text of the instruments were included in the published records and if any links provided were functional. See CBD/CP/CC/19/INF/1, table 5, for full details of the findings.

41. The Secretariat has noted that, overall, progress has been made with the submission of relevant measures since a similar review was undertaken in preparation for the fifteenth meeting of the Compliance Committee in 2018.

⁴ Denmark, Estonia, Italy and Slovakia.

42. Nevertheless, several Parties have some records in the BCH on laws/regulations/guidelines that refer to instruments that are not accessible through the links provided or in the form of a text file. In some cases, links provided lead to other websites that require further searching to obtain the text of the laws/regulations/guidelines.

43. There are also a number of Parties that appear to be missing some documents in the BCH, as compared to the documents mentioned in the free text of their national reports.

44. There are also Parties that report to have adopted full or partial measures but that have published no records on measures in the BCH or have only published the draft national biosafety framework developed under the UNEP-GEF project in the early 2000s or a summary of the regulatory system.

III. General considerations, conclusions and suggestions

45. The BCH is a mechanism for facilitating the exchange of information and assisting Parties in taking informed decisions as part of their implementation of the Protocol. The purpose of the review of consistency between the national reports and the information made available by Parties to the BCH is to ensure that all required information that is available is being duly shared, thereby assisting Parties to comply with their obligations under the Protocol. In accordance with decision [BS-V/1](#), the review also allows the Committee to determine if Parties are faced with difficulties complying with their obligations under the Protocol, so that the Committee can provide any support to the Parties concerned.

46. An updated BCH platform was launched in November 2021, including improved common formats to further guide Parties and avoid the incorrect submission of records. The Secretariat also developed many training tools and videos on the new platform, organized workshops and webinars to inform users on the many new functionalities of the BCH and participated in BCH workshops organized recently by the United Nations Environment Programme (UNEP) in several regions. These opportunities provide hands on training for BCH national focal points. Feedback from Parties has indicated that they find the new BCH as more user-friendly. This is expected to facilitate the submission of information.

47. In addition, many Parties have provided detailed information in their national reports, in particular through the free text fields, which has greatly assisted in understanding the data reported.

48. The consistency analysis shows that many Parties publish information in the BCH consistent with what they report. From the number of records reviewed, it is clear that a lot of effort is made by Parties in this regard. However, there are also a number of instances in which Parties have not made available all records reported on in the given category, and certain cases in which no records at all have been made available.

49. In addition, there are instances where Parties have different understandings of the appropriate information to provide in the common formats when publishing records on the BCH, in particular in the case of decisions on the import or release of LMOs.

50. While the new BCH was launched in 2021, the development of tools for undertaking statistical analyses of specific categories of information in the new BCH platform is still ongoing. As a result, much of the work for this consistency exercise, has been carried out manually. Securing sufficient Information Technology resources to work on the BCH and develop the necessary tools to facilitate such reviews is an ongoing challenge given the limited staff and competing IT priorities within the Secretariat.

51. The Committee may wish to welcome the new BCH, while also noting the ongoing importance of allocating sufficient Information Technology resources to support the work of the Protocol.

52. The Secretariat undertakes regular ongoing communications with Parties regarding their records in the BCH with a view to ensuring that information is complete and accurate. Follow-up on

the inconsistencies identified in section II above will be undertaken in that context. The Committee may wish to request the Secretariat, in undertaking this follow-up, to pay particular attention to Parties that reported having full or partial measures in place but that have not published any records on measures in the BCH or that have only published a national biosafety framework developed under the UNEP-GEF project.

53. The Committee may also wish to consider recommending to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its ninth meeting that it:

(a) Note with appreciation the efforts made by Parties to comply with their obligations under the Protocol to make information available to the BCH and to provide details in their national reports in this regard;

(b) Urge Parties to make all required information available in the BCH, including legal measures to implement the Protocol, decisions on the importation or release of living modified organisms and cases of illegal transboundary movements;

(c) Request Parties to review their national records published in the Biosafety Clearing-House for accuracy, including by verifying (i) that the information made available to the Biosafety Clearing-House is up to date and complete, and (ii) that the actual documents that contain the information are uploaded correctly or, in case where a link to access the document is provided, ensuring that the link is functional and up to date.
