



Convention on Biological Diversity

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Item 4 of the provisional agenda*

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

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Note by the Secretariat

I. Introduction

1. One of the functions of the Compliance Committee is to review general issues of compliance by Parties with their obligations under the Protocol, taking into account the information provided in the national reports and through the Biosafety Clearing-House.¹ In this context, the Committee has agreed on follow-up actions and has made recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol.
2. At its fifth meeting, the Committee agreed to have a standing agenda item on review of general issues of compliance at its subsequent meetings. As part of this agenda item, the Committee has considered compliance of Parties with a number of obligations, focusing on: (a) the obligation to report on measures taken to implement the Protocol, in accordance with Article 33 of the Protocol; (b) the obligation to make information available to the Biosafety Clearing-House; and (c) the obligation to introduce legal, administrative and other measures to implement the obligations under the Protocol, in accordance with Article 2 of the Protocol.
3. At its eighth meeting, the Compliance Committee agreed to a cyclical organization of work.² In accordance with its organization of work, the Committee is expected, at its eighteenth meeting, to review compliance on the basis of fourth national reports, focusing on priority issues as identified by the Conference of the Parties serving as the meeting of the Parties to the Protocol.
4. In decision [CP-10/7](#), on the assessment and review of the effectiveness of the Protocol and the final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety, the meeting of the Parties to the Protocol identified priority areas for strengthening capacities and enhancing implementation, of which several are relevant to the work of the Committee, in particular its consideration of general issues of compliance.³

¹ Section 3(d) of the procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety, decision [BS-1/7](#), annex.

² UNEP/CBD/BS/CC/8/3, figure 2.

³ See decision CP-10/7, paragraph 15.

5. Furthermore, in its decision [CP-10/2](#) on compliance, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol requested the Secretariat to conduct a survey on national limitations and challenges in fulfilling the obligation (i) to take the necessary legal, administrative and other measures to implement the Protocol, and (ii) to submit a national report in a timely manner. It requested the Secretariat to compile the findings and submit them for consideration by the Compliance Committee, at its eighteenth meeting.

6. The Secretariat prepared the survey in English, French and Spanish and shared it with the National Focal Points of all Parties to the Cartagena Protocol by email sent on 3 March 2023. A total of 102 Parties, including developing and developed countries, responded to the survey. The information provided in the survey is presented in relevant sections of this document. A summary of the responses to the survey is presented in annex I while the text of the survey is available in annex II.

7. The present note presents, in section II, an overview of the status of compliance with obligations in priority areas and of actions taken to support Parties in achieving compliance. Where available, information from the fourth national reports is provided. Section III provides suggestions for follow-up actions by the Committee and for recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol.

II. Compliance in priority areas

A. Submission of national reports

8. At its seventeenth meeting, the Committee reviewed compliance with the obligation to submit national reports, focusing on the submission of fourth national reports, which were due on 1 October 2019. The Committee requested the Secretariat to continue following up with Parties that had not yet submitted their fourth national report. The Committee furthermore requested the Executive Secretary to send a letter to Parties that had submitted neither a third nor a fourth national report, reminding those Parties of their obligation to submit their fourth national report as a matter of urgency, and it encouraged its members to liaise with those Parties in their region that had submitted neither a third nor a fourth national report with a view to offering assistance to them in preparing their fourth national report. The Committee also agreed to a number of recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its tenth meeting.

9. Further to the request from the Committee, the Secretariat undertook follow-up with Parties that had not submitted a fourth national report over the course of 2020, 2021 and 2022, as follows:

- In June 2020, the Secretariat sent email messages to the 53 Parties that had not yet submitted a fourth national report and a letter from the Executive Secretary to the 11 Parties that had not submitted a third and fourth national report. Parties that had submitted a fourth national report but had not completed the submission online on the Biosafety Clearing-House in accordance with Article 20 of the Protocol, were also contacted at this time, reminded of their obligation to upload their reports online and provided with technical instructions to assist them.
- In February 2021, the Secretariat sent out reminders to the Parties that had still to submit a fourth national report.
- Between January and March 2022, the Secretariat once again reached out to Parties, as a matter of urgency, providing step-by-step instructions and offering assistance with uploading the reports online through the Biosafety Clearing-House with a view to maximizing the number of fourth national reports considered in an update to the analysis of data from the fourth national reports⁴ which was being prepared at that time.

⁴ Update to the analysis of data from the fourth national reports: assessment and review of the effectiveness of the Cartagena Protocol on Biosafety and the final evaluation of the Strategic Plan for the Cartagena Protocol, document CBD/CP/MOP/10/INF/2.

10. As a result of these communications, 30 Parties submitted their fourth national report on the Biosafety Clearing-House, including one Party (State of Palestine) that had previously not submitted a third or fourth national report. In addition, one Party (Cabo Verde) submitted its third national report, however, it has not yet submitted its fourth national report.

11. Accordingly, at the time of preparation of the present note, 136 Parties had submitted their fourth national reports on the Biosafety Clearing-House, which represents a submission rate of 80 per cent. An additional seven Parties have submitted an offline version of their fourth national reports but have yet to publish the report on the Biosafety Clearing-House. Twenty-eight Parties have not yet submitted their fourth national report either on the Biosafety Clearing-House or offline, including nine which have also not submitted their third national report. Further information in relation to those Parties that have not yet submitted a fourth and a third national report is provided in document CBD/CP/CC/18/4 for consideration by the Committee under agenda item 5 on individual cases of non-compliance.

12. In the survey, a total of 75 per cent of the 102 respondents indicated that their country faced limitations and challenges in preparing and submitting their national report. This included responses from both developing and developed country Parties. Most frequently, respondents indicated that they lacked or had insufficient financial resources (44 per cent of respondents). Respondents also indicated that they had difficulty in gaining access to resources, lacked human resources and lacked a mechanism to gather data (36 per cent of respondents for each of those challenges) and that a low priority was accorded to the preparation of the national reports (17 per cent of respondents). When looking at the responses provided by those Parties that indicated not having submitted their fourth national reports in a timely manner, the type and frequency of challenges that those Parties face are similar, although considerably more respondents of that subgroup indicated that their countries lacked or had insufficient financial resources (62 per cent).

13. Survey respondents indicated that the costs for preparing the report were high, that there had been delays in the release of funding from the Global Environment Facility and that they lacked access to funding from other sources. Respondents also indicated to be lacking trained staff, equipment and other materials. Respondents described that there was a lack of awareness about the reporting requirements, about the benefits of submitting a national report and about the resources available to support Parties in preparing their report. Respondents furthermore indicated that there was a lack of coordination among different agencies and stakeholders and that information was dispersed between different agencies.

14. Interestingly, 79 per cent of the survey respondents (81 Parties) indicated having submitted their fourth national report before the deadline of 1 October 2019. In reality, however, 12 of these Parties submitted their fourth national report after the deadline, while three have not yet submitted their report at all.

15. For further details, see the summary of questions 10 to 13 of the survey results in annex I.

B. Submission of information to the Biosafety Clearing-House

16. In accordance with its cyclical organization of work, the Committee is scheduled to review consistency between information in the fourth national report and the Biosafety-Clearing House at its nineteenth meeting and, at its twentieth meeting, completeness and accuracy of information in the Biosafety Clearing-House. Accordingly, an in-depth comparative analysis of information provided in the fourth national report and in the Biosafety Clearing House will be provided at its next meeting.

17. At its seventeenth meeting, the Committee considered an update on the results of the follow-up since its sixteenth meeting on the obligation to submit information on national focal points, competent national authorities and contact points for receiving notifications under Article 17. The

Committee also made recommendations in this regard to the Conference of the Parties serving as the meeting of the Parties to the Protocol, for consideration at its tenth meeting.⁵

18. Following the seventeenth meeting of the Committee, the Secretariat contacted the four Parties that had not designated national focal points and had not responded to letters sent by the Chair of the Committee in January 2020, namely, the Marshall Islands and Saint Vincent and the Grenadines, that had not designated a national focal point for the Cartagena Protocol, Fiji that had not designated a national focal point for the Biosafety Clearing-House and the State of Palestine that had designated neither a national focal point for the Cartagena Protocol nor a national focal point for the Biosafety Clearing-House.

19. Fiji and the State of Palestine submitted information to the Secretariat on their designated national focal points and points of contact in August 2020 and December 2021, respectively. Saint Vincent and the Grenadines and the Marshall Islands have still not transmitted information to the Secretariat on the designation of a national focal point for the Cartagena Protocol.

20. As part of its ongoing efforts to maintain updated contact information for all national focal points and points of contact, the Secretariat continues routine follow-up with Parties. In the period from January 2021 to April 2023, records of national focal points and points of contact for the purpose of receiving notifications under Article 17 from more than a hundred countries were updated.

C. Measures to implement the obligations under the Protocol

21. The Protocol requires Parties to take the necessary and appropriate legal, administrative and other measures to implement their obligations under the Protocol (Article 2(1)). Subsection 1 below presents an overview of information provided by Parties in their fourth national report on the introduction of such measures. Information provided in this regard in the survey is presented in subsection 2. Further information on follow-up actions agreed to by the Committee following the past review of compliance with this issue is provided in document CBD/CP/CC/18/4 for consideration under item 5.

1. Information provided in the fourth national reports

22. In their fourth national reports, 44 per cent (60 Parties) of the responding Parties reported that a domestic regulatory framework is fully in place. In addition, 44 per cent (60 Parties) of responding Parties reported that their domestic regulatory framework is partially in place. Of the responding Parties, 2 per cent (3 Parties) reported that only temporary measures have been taken and 9 per cent (12 Parties) reported that only draft measures exist (a decrease of 3 per cent in comparison with the second reporting cycle). Lastly, 1 per cent of the Parties (1 Party) reported that no measures have been taken.⁶

23. In their written contributions, several Parties explained the difficulties they face with respect to adopting legal, administrative and other measures to implement the Protocol. Several Parties indicated that legal instruments are being developed or have been developed but are pending adoption. Some of these Parties indicated that the adoption of these instruments is expected to strengthen institutional structures and improve the availability of resources. Some Parties mentioned the importance of biosafety mainstreaming across a variety of sectoral and cross-sectoral policy and legal instruments. Some Parties reported having effectively addressed biosafety in sectoral or cross-sectoral policies or laws. A number of Parties indicated that the lack of resources and capacities has negatively affected the implementation of the Protocol.⁷

2. Information provided in the survey

24. In the survey, 39 per cent of the 102 respondents indicated that measures were fully in place, while 38 per cent provided that measures were partially in place. Of the respondents, 15 per cent

⁵ CBD/CP/MOP/10/2, annex, paragraphs 2-4.

⁶ Question 14 of the reporting format for the fourth national reports.

⁷ Question 20 of the reporting format for the fourth national reports.

mentioned that only draft measures existed, 5 per cent responded that no measures had yet been taken, and 3 per cent indicated that only temporary measures had been introduced.

25. For 16 countries, answers provided in the survey differed from what their country had reported in the fourth national report:

(a) Seven respondents indicated that measures were partially in place, while their country had reported in its fourth national report that measures were fully in place;

(b) Seven other respondents indicated that measures were fully in place, while in their fourth national report their country had reported that measures were partially in place;

(c) One respondent that indicated in the survey that measures were fully in place and one other respondent that indicated in the survey that measures were partially in place, had reported in their fourth national reports that their country only had draft measures.

26. The discrepancy between information provided in the survey and in the fourth national report in this regard is an issue the Committee may wish to follow-up on, with a view to reviewing compliance with Article 2, paragraph 1, of the Protocol (see suggestions in section III below).

27. A total of 83 per cent of the survey respondents indicated that their country faces challenges and limitations in adopting the necessary measures to implement the Protocol. This included respondents from developing countries, as well as some from developed countries. The most cited challenge was lack of financial resources (71 per cent of respondents). Half of the respondents (51 respondents) indicated that they lack human resources with the necessary skills and 49 per cent mentioned that awareness on biosafety is lacking. A total of 26 per cent of respondents indicated that the lack of political will to adopt measures was a challenge for their country.

28. When considering only the responses by those survey respondents that indicated that their country had not adopted any biosafety measures, or had only adopted draft or temporary measures (23 respondents in total), the percentages are as follows (noting that respondents could select more than one answer):

(a) 83 per cent of these respondents (19 respondents) indicated that their country lacked financial resources;

(b) 83 per cent (19 respondents) mentioned that awareness on biosafety was lacking;

(c) 65 per cent of the respondents (15 respondents) indicated that they lacked human resources with the necessary skills;

(d) 57 per cent of these respondents (13 respondents) referred to the lack of political will to adopt measures as a challenge or limitations to adopt the necessary measures to implement the Protocol.

29. Of the 102 survey respondents, 81 per cent indicated that they needed support to address their challenges in adopting measures to implement the Protocol. Most respondents indicated to need funding (72 per cent of respondents), capacity-building activities (69 per cent) and partnerships with countries in the region to learn from their experiences (58 per cent). Capacity-building materials and mobilizing political awareness were other types of support indicated as needs by, respectively, 53 per cent and 47 per cent of respondents.

30. The survey respondents that indicated to require capacity-building (80) specified that capacity-building should focus on the following areas: awareness-raising (84 per cent); scientific understanding of living modified organisms (LMOs) (84 per cent); development of legislation (69 per cent); policy formulation (59 per cent). Ten per cent of these respondents indicated to need capacity-building in other areas, including: LMO detection methods, risk assessment of new LMOs, socioeconomic considerations and emerging biosafety issues.

31. Survey respondents furthermore provided information on the type of support they needed from the Compliance Committee. The answers provided varied considerably but areas that were highlighted by multiple respondents include: capacity-building (including on LMO identification, risk assessment, scientific understanding and the development of legislation); funding for the implementation of the Protocol; awareness-raising; and exchange of experience with other countries in the region.

32. Survey respondents were asked to provide any further information on challenges and limitations in adopting the necessary measures to implement the Protocol. Respondents indicated that financial resources, staff and training opportunities were lacking and that there was insufficient or no political will to adopt measures. Respondents also mentioned several challenges in relation to the development of legislation, including delays in adopting draft legislation and the lack of coordination among institutions. Respondents also mentioned that there was limited awareness of and education in biosafety and this was a challenge both for decision makers and the general public.

33. The details of the survey are presented in annex I, under Questions 5 to 7.

D. Risk assessment and risk management

34. In the context of the advance informed agreement procedure, Article 10, paragraph 1, of the Protocol provides that decisions taken by the Party of import must be in accordance with Article 15. Article 15, paragraph 2, provides that the Party of import must ensure that risk assessments are carried out for decisions taken under Article 10. It also provides that the Party of import may require the exporter to carry out the risk assessment. The Protocol provides that the Party of export or exporter must notify the competent national authority of the Party of import prior to the first intentional transboundary movement of an LMO for intentional introduction into the environment (Article 8 (1)). The notification must contain, as a minimum, the information specified in annex I to the Protocol, which includes, among others, a previous and existing risk assessment report consistent with annex III to the Protocol.

35. Furthermore, 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 an LMO intended for direct use as food or feed, or for processing (LMOs-FFP) that may be subject to transboundary movement, must inform other Parties through the Biosafety Clearing-House. The information must contain, at a minimum, the information specified in annex II to the Protocol, which includes a risk assessment report.

36. The Protocol, in Article 20, paragraph 3 (c), provides that Parties must make available to the Biosafety Clearing-House summaries of risk assessments associated with relevant decisions.

37. In relation to risk management, Article 16, paragraph 1, of the Protocol provides that Parties must establish and maintain appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of the Protocol associated with the use, handling and transboundary movement of LMOs. Parties are also required to take appropriate measures to prevent unintentional transboundary movements of LMOs, including measures such as requiring a risk assessment to be carried out prior to the first release of an LMO (Article 16 (3)). Article 16, paragraph 4, provides that Parties must endeavour to ensure that any LMO has undergone an appropriate period of observation commensurate with its life cycle or generation time before it is put to its intended use.

38. Sixty-six Parties reported to have carried out risk assessments for decisions on LMOs.⁸ Of these, 92 per cent reported that risk assessments were *always* conducted for decisions taken on LMOs for intentional introduction into the environment or on domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing; 5 per cent reported that

⁸ Question 75 of the reporting format for the fourth national report.

risk assessments were conducted in some cases only for these decisions; while 3 per cent reported not to have conducted risk assessments for these decisions.⁹

39. In their fourth national reports, 87 per cent (118 Parties) of the Parties responding to this question (136 Parties), reported that their domestic regulatory framework requires risk assessment of LMOs to be conducted.¹⁰ Of these:

(a) 108 Parties reported that the requirement to conduct a risk assessment applies to imports of LMOs for intentional introduction into the environment;

(b) 102 Parties reported that it applies to imports of LMOs intended for direct use as food, feed, or for processing;

(c) 94 Parties reported that it applies to decisions regarding domestic use, including placing on the market, of LMOs that may be subject to transboundary movements for direct use as food, feed, or for processing;

(d) 97 Parties reported that it applies to imports for LMOs for contained use.¹¹

40. Sixty-five per cent of Parties (89 Parties) reported that their country had established appropriate mechanisms, measures and strategies to regulate and manage risks identified in the risk assessment of LMOs, while 35 per cent (47 Parties) reported not to have done so.¹²

E. Detection and identification

41. The Protocol addresses identification and detection mainly through Article 18, where it provides for documentation requirements for different categories of LMOs, which facilitate the identification of LMOs.¹³ Through a series of decisions, the Conference of the Parties serving as the meeting of the Parties has further developed these documentation requirements.¹⁴ The Committee reviewed compliance with identification requirements at its second meeting.¹⁵

42. In their fourth national reports, Parties provided information on their implementation of the Protocol's identification requirements. Of the responding Parties (136):

(a) 48 per cent (65 Parties) reported having taken measures to require that documentation accompanying LMOs-FFP clearly states that, in cases where the identity of the LMOs *is not known*, they may contain LMOs and are not intended for intentional introduction into the environment, as well as a contact point for further information;

(b) 18 per cent (25 Parties) reported to have done so to some extent;

(c) 34 per cent (46 Parties) reported not to have done so.¹⁶

43. Furthermore, of the responding Parties (136):

(a) 55 per cent (75 Parties) reported having taken measures to require that documentation accompanying LMOs-FFP clearly states that, in cases where the identity of the LMOs *is known*, they contain LMOs and are not intended for intentional introduction into the environment, as well as a contact point for further information;

⁹ Question 78 of the reporting format for the fourth national report.

¹⁰ Question 61 of the reporting format for the fourth national report.

¹¹ Question 62 of the reporting format for the fourth national report.

¹² Question 79 of the reporting format for the fourth national report.

¹³ Documentation requirements are provided for: LMOs intended for direct use as food, feed or for processing; LMOs destined for contained use; and LMOs intended for intentional introduction into the environment, as well as any other LMOs within the scope of the Protocol.

¹⁴ In particular decisions BS-I/6 and BS-III/10.

¹⁵ UNEP/CBD/BS/CC/2/2, para. 6.

¹⁶ Question 92 of the reporting format for the fourth national report.

- (b) 18 per cent (25 Parties) reported to have done so to some extent;
- (c) 26 per cent (36 Parties) reported not to have done so.¹⁷

44. Of the responding Parties (136), 57 per cent (78 Parties) reported having taken measures to require that documentation accompanying LMOs that are destined for contained use clearly identifies them as LMOs and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the LMOs are consigned. Of the responding Parties, 13 per cent (17 Parties) reported to have done so to some extent, while 30 per cent (41 Parties) reported not to have done so.¹⁸

45. When asked whether they have taken measures to require that documentation accompanying LMOs that are intended for intentional introduction into the environment of the Party of import clearly identifies them as LMOs; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter – 57 per cent of the responding Parties (78 of 136 Parties) reported having taken such measures; 14 per cent (19 Parties) reported having done so to some extent, while 29 per cent (39 Parties) reported not having done so.¹⁹

F. Public awareness, education and participation

46. The Protocol requires Parties to promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of LMOs in relation to the conservation and sustainable use of biological diversity (Article 23 (1)(a)). Paragraph 2 of Article 23 requires Parties to consult the public in the decision-making process regarding LMOs, in accordance with their respective laws and regulations, and to make the results of such decisions available to the public. In addition, Article 23 contains a number of exhortative provisions, including requiring Parties to endeavour to ensure that public awareness and education encompass access to information and to endeavour to inform the public about the means of public access to the Biosafety Clearing-House.

47. The Committee reviewed issues related to public awareness, education and participation in the past;²⁰ however, owing to the largely conditional or exhortative nature of the provisions in Article 23, the Committee has not focused on reviewing compliance by Parties with Article 23, but rather considered public awareness, education and participation as elements that can contribute to compliance with other provisions of the Protocol.

48. In their fourth national reports, of the reporting Parties, 59 per cent (80 Parties) reported that biosafety public awareness, education and/or participation is addressed in legislation or policy in their country. Twenty-nine per cent (39 Parties) reported that this was the case to some extent, while 12 per cent (16 Parties) reported that this was not the case.²¹

49. Of the reporting Parties, 53 per cent (72 Parties) reported that a mechanism had been established to ensure public access to information. Twenty-five per cent (34 Parties) reported that such a mechanism had been established to some extent, while 22 per cent (30 Parties) reported that no such mechanism had been established.²²

50. Of the reporting Parties, 54 per cent (73 Parties) reported having established a mechanism to consult the public in the decision-making process regarding LMOs, while 18 per cent (24 Parties)

¹⁷ Question 93 of the reporting format for the fourth national report.

¹⁸ Question 95 of the reporting format for the fourth national report.

¹⁹ Question 97 of the reporting format for the fourth national report.

²⁰ At the Committee's second, fourth, fifth, ninth and tenth meetings. The Committee focused on participation, education and participation.

²¹ Question 139 of the reporting format for the fourth national report.

²² Question 141 of the reporting format for the fourth national report.

reported to have done so to some extent, and 29 per cent (39 Parties) reported that no such mechanism had been established.²³

51. Of the reporting Parties, 65 per cent (88 Parties) reported having informed the public about the means to access the Biosafety Clearing-House, while 35 per cent (48 Parties) reported not having done so.²⁴

III. Suggestions for the consideration of the Compliance Committee

52. The information presented above shows that the vast majority of Parties implement at least to some extent their obligations in the priority areas identified by the Conference of the Parties serving as the meeting of the Parties.

53. The survey identified that Parties face a range of challenges in fulfilling the obligation to take the necessary legal, administrative and other measures to implement the Protocol, in particular lack of financial resources and qualified human resources and awareness on biosafety.

54. Parties indicate that they need funding and capacity-building activities, as well as partnerships with countries in the region, among others, to address these challenges. The areas in which Parties indicate needing capacity-building include awareness-raising on biosafety, scientific understanding of LMOs, and development of legislation and policies.

55. In relation to the timely submission of national reports, the survey showed that lack of financial support, as well as lack of timely access to financial support for the preparation of national reports are challenges, as well as the lack of data gathering mechanisms and human resources.

56. While it may not be possible for the Committee to provide direct support to Parties to address all these challenges, the Committee may be able to help with some aspects. The Committee could, for example, contribute to leveraging political support when escalating the type of measures it takes. The Committee could furthermore continue supporting efforts to obtain funding for Parties facing compliance challenges. The Committee may also be able to provide support in establishing partnerships among Parties, including through informal involvement of its members of the region(s) concerned.

57. The Committee may wish to consider how the adoption of the Implementation Plan for the Cartagena Protocol and the Capacity-Building Action Plan for the Cartagena Protocol, including the Goals on compliance, may provide a renewed impetus for implementation. The inclusion of a target on biosafety and biotechnology in the Kunming-Montreal Global Biodiversity Framework²⁵ is another factor that could contribute to stronger support for biosafety and addressing shortcomings in the implementation of adequate biosafety measures. The Committee may wish to discuss how these new tools can support its work in bringing Parties into compliance with the Protocol.

58. In view of the status of compliance by Parties with key obligations related to the priority areas identified by the Conference of the Parties serving as the meeting of the Parties, the Committee may wish to consider possible follow-up actions and recommendations, mindful of past actions taken and recommendations made in this regard.

59. Follow-up actions by the Committee have followed a stepwise approach and have included informal communications to Parties concerned by the Secretariat, letters from the Executive Secretary and letters from the Chair of the Compliance Committee, in addition to informal follow-up by members of the Compliance Committee with Parties concerned in their region.

60. In the light of the above, the Committee may wish to consider requesting the Executive Secretary to:

²³ Question 147 of the reporting format for the fourth national report.

²⁴ Question 148 of the reporting format for the fourth national report.

²⁵ Decision 15/4, annex, Target 17.

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

(b) Send letters to the national focal point of those Parties that have not submitted their fourth national report, requesting these Parties to submit their national report as a matter of urgency and urging them to inform the Committee of any challenges they may face in this regard;

(c) Send letters to the national focal point of those three Parties that indicated in the survey that they had submitted their fourth national report but whose report has not yet been received by the Secretariat, requesting these Parties to provide a clarification and, as appropriate, to submit their national report as a matter of urgency;

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

(e) Follow-up with the Parties identified in paragraph 19 that still have not designated a national focal point for the Cartagena Protocol and 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 exploring opportunities for capacity-building, including through regional partnerships, to support Parties to implement their obligations under the Protocol and to achieve the goals of the Implementation Plan for the Cartagena Protocol and the Capacity-Building Action Plan for the Cartagena Protocol.

61. The Committee may also consider making recommendations to the Conference of the Parties serving as the meeting of the Parties along the following lines:

(a) To remind Parties of the importance of fully complying with their obligations under the Protocol;

(b) To recall that Parties facing difficulties complying with one or more obligations under the Protocol are encouraged to seek assistance from the Committee;

(c) To request Parties to collaborate fully when requested to provide information in relation to their compliance with obligations under the Protocol;

(d) To 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.

Annex I

Summary of the answers provided to the survey on compliance challenges

Introduction

1. In its decision CP-10/2, on compliance, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol requested the Secretariat to conduct a survey on national limitations and challenges in fulfilling the obligation (i) to take the necessary legal, administrative and other measures to implement the Protocol, and (ii) to submit a national report in a timely manner. It requested the Secretariat to compile the findings and submit them for consideration by the Compliance Committee, at its eighteenth meeting.

2. The Secretariat prepared the survey in English, French and Spanish and shared it with the National Focal Points of all Parties to the Cartagena Protocol by email sent on 3 March 2023. A total of 102 Parties responded to the survey. The information provided in the survey is presented in this document.

3. Seventy-one respondents filled out the survey in their capacity as National Focal Point for the Cartagena Protocol on Biosafety, 31 respondents responded in another capacity (e.g. as National Focal Point for Biosafety Clearing-House, or in an unspecified capacity).

[**Question 4**] Out of the 102 respondents, the majority reported that their country had taken at least some measures towards implementing the Protocol. Forty respondents (39 per cent) reported that measures were fully in place, while 39 respondents (38 per cent) reported that measures were partially in place. Fifteen respondents (15 per cent) reported that only draft measures existed, five respondents (5 per cent) reported that no measures had yet been taken, and three respondents (3 per cent) reported that temporary measures had been introduced.²⁶

● Measures are fully in place	40
● Measures are partially in place	39
● Temporary measures have been ...	3
● Draft measures exist	15
● No measures have yet been taken	5

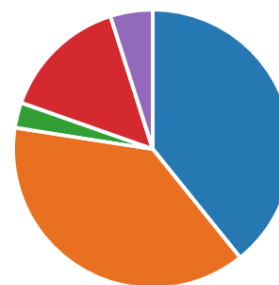


Figure I

Status of adoption of measures to implement the Protocol

1. Limitations and challenges in taking legal, administrative and other measures necessary to implement the Cartagena Protocol

[**Question 5**] Eighty-five respondents (83 per cent) indicated that their country was facing challenges and limitations in taking legal, administrative and other measures necessary to implement the

²⁶ For 16 countries, answers provided in the survey differed from what their country had reported in the fourth national report: seven respondents indicated that measures were partially in place, while their country had reported in its fourth national report that measures were fully in place. Seven other respondents indicated that measures were fully in place, while in their fourth national report their country had reported that measures were partially in place. One respondent that indicated that measures were fully in place and one respondent that indicated that measures were partially in place had reported in their fourth national report that only draft measures existed.

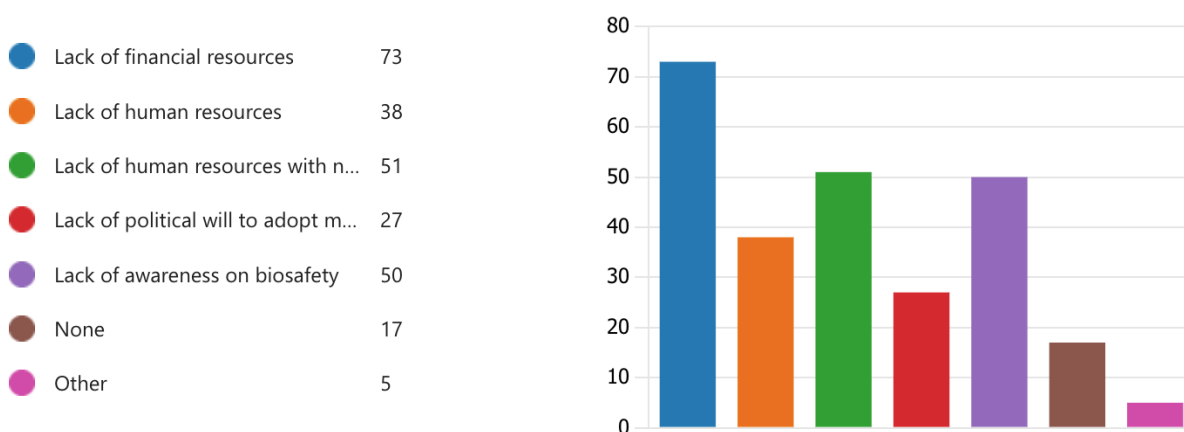
Cartagena Protocol, while the other respondents (17 per cent) indicated that they did not face challenges and limitations in that regard. The following challenges and limitations were identified:

- Lack financial resources (73 respondents (71 per cent))
- Lack human resources with necessary qualifications or skills (51 respondents (50 per cent)) and lack of human resources in general (38 respondents (37 per cent))
- Lack of awareness on biosafety (50 respondents (49 per cent))
- Lack of political will to adopt measures (27 respondents (26 per cent))

Five respondents (5 per cent) reported facing other limitations and challenges, such as the long administrative processing times, interagency coordination, difficulties in gaining access to donor funding, and lack of office facilities.

Figure II

Limitations faced in adopting the necessary measures to implement the Protocol



The challenges faced by those Parties that responded to only have draft or temporary measures, or no measures at all, the breakdown is different:

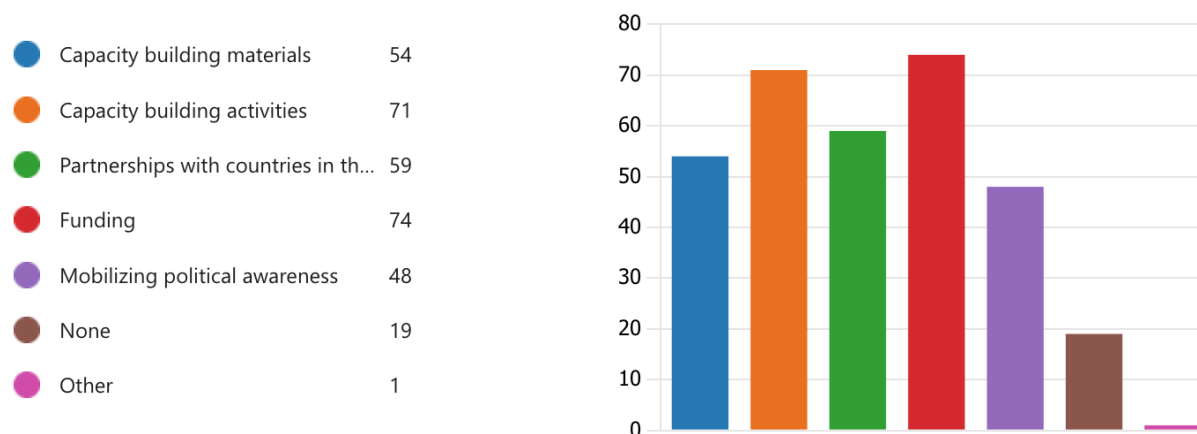
- Lack of financial resources (83 per cent; or 19 of 23 respondents)
- Lack of awareness on biosafety (83 per cent or 19 of 23 respondents)
- Lack of human resources with necessary qualifications or skills (65 per cent or 15 of 23 respondents) and lack of human resources (48 per cent or 11 of 23 respondents)
- Lack of political will to adopt measures (57 per cent or 13 of 23 respondents)

The most common challenges faced when no concrete measures were adopted were a lack of financial resources and a lack of awareness with regard to biosafety. The biggest difference between the challenges faced by this subgroup of respondents and the full group of respondents, is that far more respondents in the subgroup indicated that political will and awareness on biosafety were lacking.

[Question 6] Respondents were asked what types of support their country needed to overcome the limitations and challenges in relation to the adoption of measures necessary to implement the Protocol. While 19 per cent of respondents (19 respondents) indicated that they did not need support, 81 per cent indicated they needed the following support:

- Funding (74 respondents (72 per cent))
- Capacity-building activities (71 respondents (69 per cent))
- Partnerships with countries in the region to learn from their experience (59 respondents (58 per cent))
- Capacity-building materials (54 respondents (53 per cent))
- Mobilizing political awareness (48 respondents (47 per cent))

Figure III
Type of support needed to overcome challenges in adopting the measures to implement the Protocol

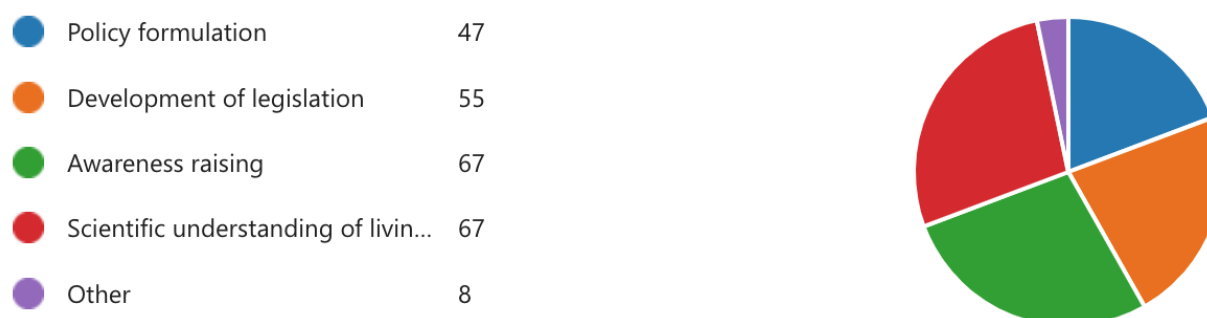


[Question 7] Those respondents that indicated that their country needed capacity-building (80) identified the following areas in which capacity-building was needed:

- Awareness-raising (67 respondents (84 per cent)²⁷)
- Scientific understanding of living modified organisms (67 respondents (84 per cent))
- Development of legislation (55 respondents (69 per cent))
- Policy formulation (47 respondents (59 per cent))

Eight respondents (10 per cent) indicated that they needed capacity-building in other areas, including in the following areas: LMO detection methods, risk assessment of new LMOs (including synbio organisms), development of country-specific criteria for socioeconomic consideration, and developing guidance documents on emerging biosafety issues.

Figure IV
Areas in which respondents indicated to require capacity-building (80 respondents)



[Question 8] Respondents also indicated to need further support from the Compliance Committee. Most responses can be grouped in the following categories:

- Capacity-building: 14 respondents indicated that they needed capacity-building, including on LMO identification, risk assessment, scientific understanding of the Protocol, and development of legislation
- Funding: Six respondents indicated that they would need financial support to help their country implement the Protocol, including financial support for attending meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol and for the development of

²⁷ The percentage reflects the challenges faced by the 80 respondents.

biosafety legislation. Respondents also stressed the need for facilitated access to resources from the Global Environment Facility

- Awareness-raising: three respondents stated that their country needed support for raising awareness about biosafety and the Protocol among policymakers and decision makers
- Exchange of experience: two respondents indicated that sharing experiences and best practices with other countries in the region should be facilitated

Respondents brought up other areas where they felt their country needed support from the Compliance Committee, including on LMO identification and policy support.

[**Question 9**] Parties provided further information on limitations in fulfilling their obligations. Most of the responses can be grouped together under the following categories:

- Resources: many respondents indicated to need additional financial resources, staff, and training to effectively implement the Cartagena Protocol on Biosafety
- Political will: several respondents stated that the lack of political was a significant barrier to the successful implementation of the Protocol
- Challenges related to legislation and institutions: some respondents indicated that there were delays in the adoption of legislation, others mentioned there was a need for better coordination between different institutions
- Limited awareness and education: several respondents indicated that limited awareness and education about biosafety and LMOs was a key challenge, both among policymakers and the public

2. Limitations and challenges in submitting the fourth national reports in a timely manner

[**Question 10**] Eighty-one respondents (79 per cent) indicated that their country had submitted its fourth national report in time. Twenty-one respondents (21 per cent) indicated that they had not done so.²⁸

Figure V

Replies by Parties on the submission of the fourth national report in a timely manner



[**Question 11**] While 26 respondents (25 per cent) indicated that their country did not face any challenges and limitations in submitting their fourth national report in time, 76 respondents (75 per cent) indicated that they did and identified the following challenges and limitations:

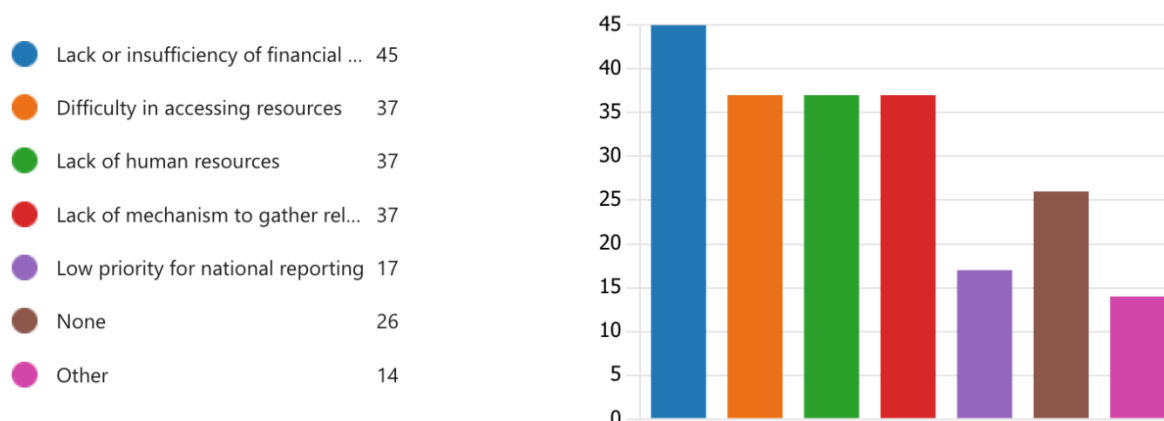
- Lack or insufficiency of financial resources (45 respondents (44 per cent))
- Difficulty in gaining access to resources (37 respondents (36 per cent))
- Lack of human resources (37 respondents (36 per cent))
- Lack of a mechanism to gather relevant data (37 respondents (36 per cent))
- Low priority for national reporting (17 respondents (17 per cent))

²⁸ Of the 81 respondents indicating to have submitted their fourth national report in time, 12 Parties submitted after the submission deadline, while three have not yet submitted their fourth national report.

Fourteen respondents (14 per cent) indicated that their country faced other challenges. These included: limited number of dedicated staff, lack of training, time constraints, delays and limitations in gaining access to funding, limited server capacity, difficulty in coordinating with other national agencies, and lack of cooperation of institutions in providing data.

Figure VI

Factors that contributed to the challenges faced in submitting the fourth national report in a timely manner



When reviewing the responses provided by those Parties that indicated that they had not submitted their fourth national report in a timely manner, the frequency of challenges is slightly higher (from 7 to 13 per cent) for most challenges, and higher (22 per cent) for insufficiency or lack of financial resources:

- Insufficiency or a lack of financial resources (13 of 21 respondents (62 per cent))
- Difficulty accessing resources (10 of 21 respondents (48 per cent))
- Lack of mechanism to gather data (9 of 21 respondents (43 per cent))
- Lack of human resources (9 of 21 respondents (43 per cent))
- Low priority for national reporting (3 of 21 respondents (14 per cent))

[Question 12] Sixty-four respondents provided further information on the support they needed to address the limitations and challenges they faced to submit their national report in a timely manner. In addition to issues mentioned elsewhere, such as funding (referred to by 38 respondents), respondents described that they needed capacity development, including in the use of the Biosafety Clearing-House, in accessing funding, as well as in language training and support. Respondents also underlined the need for support for strengthening interagency coordination and data-sharing.

[Question 13] Forty-four respondents provided further information on limitations or challenges they had been facing in fulfilling the obligation to submit the national report. The following issues were recurring:

- Lack of funding: respondents referred in this regard to the high cost of preparing and submitting the reports; the delay in the release of funds from the Global Environment Facility; and the lack of access to funding from other sources
- Lack of capacity: respondents mentioned in this respect that they lacked trained staff, equipment and other materials
- Lack of awareness: respondents indicated that awareness was lacking on the reporting requirements, on the benefits of submitting the national report, and on the resources available to help with the reporting process
- Lack of coordination between different agencies and stakeholders and the dispersion of information between different agencies

Annex II

Format of the survey on compliance challenges

1. The text of the survey on limitations and challenges in fulfilling (i) the obligation to take the necessary legal, administrative and other measures to implement the Protocol, and (ii) the obligation to submit a national report in a timely manner is provided below. Some questions in the survey only appeared when responding in a certain way to a previous question. The present offline format does not show how questions were linked.¹

Compliance survey

2. Further to decision CP-10/2, Parties are invited to complete this survey on limitations and challenges in fulfilling (i) the obligation to take the necessary legal, administrative and other measures to implement the Protocol, and (ii) the obligation to submit a national report in a timely manner. The results of the survey will be submitted to the Compliance Committee, at its next meeting.

* Required information

General information

1. Please provide the name of your country *
[...]
2. Please describe in what capacity you are responding to this survey *
 - National Focal Point for the Cartagena Protocol on Biosafety
 - Other
3. Please provide your name *
[...]

Adoption of measures to implement the Protocol

4. Has your country introduced the necessary national measures for the implementation of the Protocol? *
 - Measures are fully in place
 - Measures are partially in place
 - Temporary measures have been introduced
 - Draft measures exist
 - No measures have yet been taken
5. What limitations or challenges does your country face in taking legal, administrative and other measures necessary to implement the Cartagena Protocol (choose all that apply)? *
 - Lack of financial resources
 - Lack of human resources
 - Lack of human resources with necessary qualifications and skills
 - Lack of political will to adopt measures
 - Lack of awareness on biosafety
 - None
 - Other

¹ Parties that were requested by the Committee to develop a compliance action plan received a survey containing additional questions relating to the development of their compliance action plan. These questions and the summary of the answers are presented in annex I to document CBD/CP/CC/18/4.

6. What types of support does your country need to overcome the limitations or challenges identified above in taking measures to implement the Protocol (choose all that apply)? *

- Capacity-building materials
- Capacity-building activities
- Partnerships with countries in the region to learn from their experience
- Funding
- Mobilizing political awareness
- None
- Other

7. If you identified above that capacity-building is needed to support your country in taking measures necessary to implement the obligations under the Protocol, please indicate the areas where your country would benefit from capacity-building (choose all that apply)

- Policy formulation
- Development of legislation
- Awareness-raising
- Scientific understanding of living modified organisms
- Other

8. What further support from the Compliance Committee in achieving compliance would be useful?

[...]

9. Please provide any other information on limitations or challenges faced in fulfilling the obligation to take measures to implement the Protocol.

[...]

Submission of the national report in a timely manner

10. Did your country submit its fourth national report by the submission deadline (1 October 2019)? *

- Yes
- No

11. What limitations and challenges does your country face in preparing and submitting the national report in a timely manner (choose all that apply)? *

- Lack of or insufficiency of financial resources
- Difficulty in accessing resources
- Lack of human resources
- Lack of mechanism to gather relevant data
- Low priority for national reporting
- None
- Other

12. What specific support does your country need to address these limitations or challenges?

[...]

13. Please provide any other information on limitations or challenges faced in fulfilling the obligation to submit the national report in a timely manner.

[...]