



Convention on Biological Diversity

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CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

Tenth meeting

Kunming, China, 11-15 October 2021

and 25 April to 8 May 2022

Item 5 of the provisional agenda*

REPORT OF THE COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY ON THE WORK OF ITS SIXTEENTH AND SEVENTEENTH MEETINGS

1. The Compliance Committee held two meetings during the intersessional period that followed the ninth meeting of the Conference of the Parties serving as the meeting Parties to the Cartagena Protocol. Its sixteenth meeting was held at the offices of the Secretariat in Montreal, Canada, from 29 to 31 May 2019. Its seventeenth meeting was held from 15 to 17 April 2020. The meeting was conducted online due to challenges posed by the COVID-19 pandemic. In this context, the Committee recalled rule 15 of the rules of procedure for the meetings of the Committee. It considered that the alternate arrangements for its online meeting provided for live sessions that would allow the members to engage directly with one another and contribute to the discussions in a similar way as in a face-to-face setting. Against this background and considering the exceptional circumstances, it agreed that the alternative arrangements were suitable and would allow the Committee to adopt its report, including recommendations to the Conference of the Parties serving as the meeting of the Parties.

2. The present document contains a consolidated report of the discussions and outcomes of the two meetings.

3. At its sixteenth meeting, the Committee considered the outcomes of the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol. It welcomed the positive consideration of most of its recommendations by the meeting of the Parties and reviewed some specific outcomes that were relevant to the work of the Committee:

(a) With regard to decision [CP-9/1](#) on compliance, the Committee recalled its recommendation to the Conference of the Parties serving as the meeting of the Parties to caution certain Parties for non-compliance with the obligation to submit national reports. The Committee recalled its lengthy and careful deliberations and the incremental nature of the process that had preceded its recommendation and stressed the importance of conveying its extensive efforts to the meeting of the Parties to the Protocol to provide the necessary context when recommending a caution. It noted with regret that the Conference of the Parties serving as the meeting of the Parties to the Protocol had not taken up the recommendation by the Committee to caution Montenegro. The Committee held the view that the recommendation had nevertheless been very useful in contributing to the submission of the third national reports by Greece, the Marshall Islands and Turkmenistan;

* CBD/CP/MOP/10/1/Rev.1.

(b) Concerning decision [CP-9/2](#) on operation and activities of the Biosafety Clearing-House (BCH), the Committee reiterated the central role of the BCH and its fundamental importance for the work of the Committee in promoting compliance with the Protocol.

4. The Committee reviewed compliance on the basis of information on the Biosafety Clearing-House. It considered information on the compliance by Parties with their obligation to designate national focal points, competent national authorities and points of contact for the purpose of receiving notifications under Article 17 of the Protocol. The Committee agreed on follow-up actions with Parties that were not in compliance with one or more of these obligations.

5. In the context of its review of general issues of compliance, the Committee welcomed the high rate of submission of third national reports and noted the positive effects of the continuous efforts of the Committee to support Parties in preparing and submitting their national report.

6. The Committee considered the results of activities carried out to support Parties in addressing inconsistencies between information provided in the third national reports and in the BCH. The Committee noted that Parties, in general, appeared to be responding positively to communications from the Secretariat and most appeared to be acting diligently to address or clarify any inconsistencies in their country records, which contributed to ensuring the completeness and accuracy of the BCH. It requested the Secretariat to continue following up with Parties concerned, as necessary.

7. In its review of individual cases of non-compliance, the Committee considered the ongoing non-compliance by Montenegro with its reporting obligation and decided on follow-up actions to support the Party to complete and submit its report without further delay.

8. Furthermore, the Committee considered the outcome of follow-up actions by the Secretariat and the Chair of the Committee to support compliance by certain Parties that reported not to have taken any measures, or only to have taken draft or temporary measures to implement their obligations under the Protocol in accordance with Article 2, paragraph 1. The Committee recalled that these Parties had been identified by the Committee at its fifteenth meeting and had been requested to develop a compliance action plan. In this regard, the Committee considered the compliance action plans received by four Parties. It agreed on follow-up actions concerning these four Parties as well as with regard to the other Parties that had not submitted a compliance action plan, as requested.

9. Finally, the Committee also considered the process for the fourth assessment and review of the Protocol and final evaluation of the [Strategic Plan for the Cartagena Protocol on Biosafety](#) and agreed that the scope of the Committee's input would focus on operational objective 3.1 of the Strategic Plan and the experience that the Committee had gained in implementing its supportive role of assisting Parties in complying with their obligations.

10. At its seventeenth meeting, the Committee reviewed compliance with the obligation to submit national reports. It noted that 101 complete fourth national reports had been submitted to the BCH and that seven Parties had submitted their report offline. The Committee expressed its disappointment over the low number of fourth national reports that had been submitted. The Committee noted with concern that of the Parties that had not submitted their fourth national report, eleven Parties had also not submitted their third national report. The Committee decided on follow-up actions.

11. The Committee considered a number of possible factors that might have contributed to the low number of fourth national reports submitted, including delayed access to financial support, lack of dedicated human resources at the national level, as well as a lack of priority for and awareness of biosafety issues. The Committee noted that the early availability of financial support from the Global Environment Facility would be even more important if the synchronized reporting cycle planned for 2023 would lead to an earlier submission deadline for the fifth national report. It was noted that earmarked funding for reporting under the Protocol would be important.

12. The Committee considered its input to the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan. It requested the Executive Secretary to transmit its conclusions to the Subsidiary Body on Implementation for consideration at its third meeting. It noted considerable variations regarding progress on indicators related to Parties' compliance with key obligations under the Protocol. It welcomed progress made and recognized that its work had contributed to the advances towards achieving operational objective 3.1. Nevertheless, the Committee noted with concern that a large number of Parties were not in full compliance with key obligations under the Protocol. The Committee recognized that there were a number of challenges that Parties faced in complying with their obligations and that there was a need to further analyse these challenges.

13. The Committee was of the view that a reference to the implementation plan for the Cartagena Protocol and the capacity-building action plan should be included in the post-2020 global biodiversity framework, recognizing that the Protocol is relevant to the achievement of the three objectives of the Convention on Biological Diversity.

14. The Committee also considered general issues of compliance. The Committee considered an update on intersessional follow-up on compliance with the obligation to designate national focal points, competent national authorities and contact points for receiving notifications under Article 17.

15. In reviewing individual cases of non-compliance, the Committee welcomed the submission by Montenegro of its fourth national report. With regard to individual cases of non-compliance with the obligation to take the necessary legal, administrative and other measures to implement the Protocol in accordance with Article 2, paragraph 1, of the Protocol, the Committee considered an update on progress in relation to the development of compliance action plans. The Committee agreed to a number of follow-up actions, and also agreed to prioritize consideration of this matter at its next meeting.

16. The full text of the reports of the Committee on the work of its sixteenth ([CBD/CP/CC/16/7](#)) and seventeenth ([CBD/CP/CC/17/6](#)) meetings as well as the working documents for each meeting are available on the Secretariat's [website](#).

Annex

RECOMMENDATIONS OF THE COMPLIANCE COMMITTEE TO THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY AT ITS TENTH MEETING¹

The Compliance Committee recommends that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety decide, at its tenth meeting, to:

A. Compliance

1. Remind Parties of rule II, paragraph 4, of the procedures and mechanisms on compliance, and urge them to ensure that members are elected on the understanding that they will serve a full four-year term;
2. Also remind Parties of their obligation to designate a national focal point for the Cartagena Protocol, and one or more competent national authorities, and to notify the Secretariat accordingly, as per Article 19 of the Protocol;
3. Further remind Parties of their obligation to designate a national focal point for the Biosafety Clearing-House, in line with decision BS-I/3 and decision II/7 of the Conference of the Parties;
4. Remind Parties of their obligation to make available in the Biosafety Clearing-House the relevant details setting out their point of contact for the purposes of receiving notifications under Article 17 of the Protocol and to urge them to do so as soon as possible;
5. Urge Parties and invite other Governments to provide voluntary funds in support of the four Parties² that have developed compliance action plans, as well as any additional Parties that develop and implement compliance action plans at the request of the Committee;

B. Monitoring and reporting

6. Welcome the 114 complete fourth national reports submitted;³
7. Express concern about the low number of fourth national reports submitted;
8. Also express concern about delays in the project to be submitted to the Global Environment Facility to support eligible Parties in the preparation of their fourth national reports, noting that such funding was not available before the deadline for the submission of fourth national reports, which is one of the factors that may have affected the submission rate;
9. Urge Parties that have not yet submitted their fourth national report to do so as soon as possible;⁴
10. Note with concern that, of the Parties that have not yet submitted their fourth national report, some Parties have also not submitted their third national report;⁵

¹ Following the practice adopted at the earlier meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, recommendations may be allocated to the relevant agenda items where their consideration might be more appropriate.

² Barbados, Kyrgyzstan, Morocco and Oman.

³ Number to be updated to reflect number of reports received by the time of part II of the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.

⁴ Afghanistan, Albania, Angola, Azerbaijan, Bahrain, Belize, Bolivia, Cabo Verde, Comoros, Democratic People's Republic of Korea, Djibouti, Dominica, Fiji, Gambia, Guinea, Honduras, Jordan, Kiribati, Kyrgyzstan, Lebanon, Libya, Maldives, Marshall Islands, Mauritania, Mauritius, Mongolia, Nauru, Niue, Palau, Papua New Guinea, Qatar, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Serbia, Seychelles, Somalia, Sri Lanka, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Yemen and Zimbabwe. [List to be updated at part II of the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol]

⁵ Azerbaijan, Belize, Libya, Nauru, Papua New Guinea, Qatar, Saudi Arabia, Seychelles and Syrian Arab Republic.

11. Urge Parties that have submitted an incomplete fourth national report to provide the missing information as soon as possible;

C. Assessment and review of the effectiveness of the Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol

12. Welcome progress made by Parties in complying with their obligations under the Protocol, including the obligations concerning: (a) making certain information available to the Biosafety Clearing-House, and; (b) the designation of national focal points and competent national authorities;

13. Note with concern that a large number of Parties are not in full compliance with key obligations under the Protocol, including: (a) the obligation to take the necessary legal, administrative and other measures to implement the Protocol, and (b) the obligation to submit a national report in a timely manner;

14. Recognize the need for Parties to have in place monitoring and enforcement systems for the implementation of the Protocol;

15. Urge Parties that have not yet completely done so to put in place legal, administrative and other measures to implement their obligations under the Protocol;

16. Also urge Parties that have not yet completely done so to make all required information available to the Biosafety Clearing-House and keep their records up-to-date, focusing in particular on information related to: (a) national legislation, regulation and guidelines; (b) summaries of risk assessments; (c) final decisions regarding the importation or release of living modified organisms; (d) national focal points, national points of contact and competent national authorities; (e) information on bilateral, regional or multilateral agreements or arrangements it has entered, and; (f) information concerning illegal transboundary movements of living modified organisms;

17. Request the Executive Secretary to:

(a) Develop an online survey on the national 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;

(b) Invite all Parties to complete the survey;

(c) Compile the findings and submit these for consideration by the Committee, at its eighteenth meeting;

18. Recognize that the post-2020 global biodiversity framework can contribute to the implementation of and compliance with the Cartagena Protocol on Biosafety and acknowledge the relevance of the Protocol and its post-2020 implementation plan and capacity-building action plan to the achievement of the three objectives of the Convention on Biological Diversity;

19. Welcome the Committee's supportive role, carried out pursuant to decision BS-V/1, as a contribution to the progress reported towards achieving operational objective 3.1 on compliance;

20. Request the Secretariat, as appropriate and following guidance provided by the Committee, to continue following up with Parties that have not yet fully complied with their obligations under the Protocol, and request Parties to collaborate fully in this regard;

21. Welcome the Committee's input to the fourth assessment and review of the Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol, and request the Committee to continue providing input to the fifth assessment and review and evaluation process of the follow-up to the Strategic Plan for the Cartagena Protocol, as appropriate;

D. Matters related to the financial mechanism and resources

22. Recommend that the Conference of the Parties, in adopting its guidance to the financial mechanism with respect to support for the implementation of the Protocol, invite the Global Environment

Facility to make funds available in a timely manner to support eligible Parties in preparing and submitting their fifth national reports;

23. Recommend that the Conference of the Parties, in adopting its guidance to the financial mechanism with respect to support for the implementation of the Cartagena Protocol, invite the Global Environment Facility to make funding available to support Parties in implementing compliance action plans regarding the achievement of compliance with the Protocol;

24. Recommend that the Conference of the Parties, in adopting its guidance to the financial mechanism, with respect to support for the implementation of the Cartagena Protocol on Biosafety, invite the Global Environment Facility to make specific funding available to eligible Parties to: (i) put in place legal, administrative and other measures for the implementation of the Protocol; and (ii) support eligible Parties in implementing compliance action plans regarding the achievement of compliance with the Protocol.
