



Convention on Biological Diversity

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Compliance Committee under the Cartagena Protocol on Biosafety Eighteenth meeting

Montreal, Canada, 24–26 October 2023

Item 5 of the provisional agenda**

Individual cases of non-compliance

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Note by the Secretariat

I. Introduction

1. At its fourteenth meeting, the Compliance Committee decided to include a standing item on the agenda of its future meetings to facilitate consideration of ongoing individual cases of non-compliance.¹ Under this agenda item, the Committee has focused its attention on reviewing individual cases of non-compliance concerning the obligation to report in accordance with Article 33 of the Protocol, and the obligation to take the necessary and appropriate legal, administrative and other measures to implement the obligations under the Protocol, in accordance with Article 2, paragraph 1, of the Protocol.

2. The present document provides an overview of developments and actions taken and suggests possible follow-up regarding individual cases of non-compliance concerning the obligation to submit national reports in accordance with Article 33 of the Protocol (section II) and the obligation to take the necessary measures to implement the obligations under the Protocol, in accordance with Article 2, paragraph 1, of the Protocol (section III). Section IV of the document contains a summary of findings of a survey on compliance challenges concerning the preparation of a compliance action plan.

II. Individual cases of non-compliance concerning the obligation to report (Article 33)

3. At its seventeenth meeting, the Committee considered an outstanding individual case of non-compliance by a Party with its reporting obligation under Article 33 of the Protocol in relation to the third national report. In the light of the submission of the national report by the Party concerned, the Committee agreed that no further follow-up action was required.

4. In accordance with its cyclical organization of work, the Committee reviewed compliance with the reporting obligation under Article 33 of the Protocol at its seventeenth meeting, which was the first meeting after the submission deadline for the fourth national reports. At its current meeting, the

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** CBD/BS/CC/18/1.

¹ See [CBD/CP/CC/14/5](#), para. 25.

Committee is expected to consider the status of compliance with the obligation to report and follow-up in this regard as a general issue of compliance, under agenda item 4.² The present document presents some cases of non-compliance with the reporting obligation that have not been resolved through general follow-up at multiple occasions to facilitate their consideration as individual cases of non-compliance.

A. Developments and actions taken

5. At its seventeenth meeting, the Compliance Committee reviewed the submission of the fourth national reports. The Committee noted with concern that, of the Parties that had not yet submitted their fourth national report, some Parties had also not submitted their third national report.

6. In the report of its seventeenth meeting, the Committee requested the Executive Secretary to send a letter to those Parties that had submitted neither a third nor a fourth national report, reminding them of their obligation to submit their fourth national report as a matter of urgency.

7. The Committee 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 those Parties in preparing their fourth national report.

8. Accordingly, in June 2020, letters from the Executive Secretary were sent to the 11 Parties that had submitted neither a third nor a fourth national report.³

9. Cabo Verde submitted its third national report on the Biosafety Clearing-House (BCH) in September 2020.

10. The Secretariat sent reminders to the remaining 10 Parties in February 2021, and again between January and March 2022. As a result of these communications, the State of Palestine submitted its fourth national report in hard copy in August 2021 and online on the BCH in December 2021, with technical assistance from the Secretariat. The national focal point of the State of Palestine explained that the country had not received any financial support from the Global Environmental Facility (GEF), but had managed to secure other limited funds for the preparation of its national report and its National Biosafety Framework.

11. Three more Parties responded to the communications:

(a) Azerbaijan uploaded a draft fourth national report on the BCH, but it has yet to be published by the BCH national focal point. The Secretariat reached out to provide technical assistance in November 2022, but has not received a reply;

(b) Seychelles replied in March 2022 that they were undertaking a national stock take on implementation of their international obligations and would be in a better position to submit their national report once this process was completed;

(c) The National Focal Point of the Syrian Arab Republic sent an official letter to the Executive Secretary in February 2021, explaining its challenges in submitting national reports under the Convention and its Protocols owing to lack of access to funds from GEF since 2011.

12. The remaining six Parties that have not submitted a third or fourth national report did not respond to any of the communications from the Secretariat.

13. As a result, at the time of the second part of the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in December 2022, there were nine Parties that had submitted neither a third nor a fourth national report. In adopting decision CP-10/9 on monitoring and reporting, the Conference of the Parties serving as the meeting of the Parties noted its concern

² More information is provided in document CBD/CP/CC/18/3.

³ Azerbaijan, Belize, Cabo Verde, Libya, Nauru, Papua New Guinea, Qatar, Saudi Arabia, Seychelles, State of Palestine and Syrian Arab Republic.

that, of the Parties that have not yet submitted their fourth national report, some Parties have also not submitted their third national report. The nine Parties concerned were named in a footnote.⁴

14. At the time of reporting, none of the nine Parties had submitted either their third or fourth national reports.

15. In addition to the targeted communications, the Secretariat also obtained some information through the survey on compliance challenges,⁵ which was also sent to those Parties that had submitted neither a third nor a fourth national report. The survey provided an opportunity to describe the challenges Parties were facing in complying with their reporting obligation. Of the Parties concerned, only the Syrian Arab Republic responded to the survey, indicating that its challenges were the lack of financial resources and reiterating how it had not been able to get access to GEF funding for the preparation of its national reports since 2011.

B. Possible follow-up by the Committee

16. The Committee may wish to consider individual follow-up actions to support the nine Parties that have not submitted either their third or fourth national report, taking into consideration, among other factors, the actions taken to date in respect of these Parties. Those actions include informal follow-up by the Secretariat on various occasions following the submission date of the third national report, and, following the seventeenth meeting of the Committee, a formal communication by way of letter from the Executive Secretary, as described above.

17. The Committee may wish to request its Chair to write to the National Focal Point of the Parties concerned, reminding them of their obligation to submit their national report and inviting them to share any information on the challenges they face in complying with this obligation.

18. The Committee may also wish to urge its members to continue reaching out to the Parties concerned in their region to support them in preparing and submitting their national report.

19. The Committee may wish to return to this matter at its nineteenth meeting.

III. Individual cases of non-compliance concerning the obligation to take measures to implement the Protocol (Article 2 (1))

A. Parties requested to prepare a compliance action plan

20. At its fifteenth meeting, the Committee reviewed compliance by Parties with their obligation under Article 2, paragraph 1, of the Protocol to take the necessary and appropriate legal, administrative and other measures for the implementation of their obligations under the Protocol. The Committee decided that its Chair would contact those Parties that had reported, in their third national report, not having taken any measures or only having taken draft or temporary measures for the implementation of the Protocol, and request those Parties to develop a compliance action plan setting out a timeline and the actions required to achieve compliance with their obligations.⁶ On the basis of information provided in their third national report, 25 Parties were identified and requested, by way of a letter from the Chair of the Committee, to develop a compliance action plan.

21. The subsections below provide details of developments and actions taken in this regard since the fifteenth meeting of the Committee and suggests possible follow-up for consideration by the Committee. A table with an overview of the status of preparation of a compliance action plan by these 25 Parties is provided in annex I.

⁴ Azerbaijan, Belize, Libya, Nauru, Papua New Guinea, Qatar, Saudi Arabia, Seychelles and Syrian Arab Republic.

⁵ See CBD/CP/CC/18/3, annex II.

⁶ The request to develop compliance action plans was further to section VI, paragraph 1(c), of the procedures and mechanisms on compliance, as contained in the annex to decision BS-I/7.

1. Parties that submitted a compliance action plan

(a) Developments and actions taken

22. By the time of the sixteenth meeting of the Compliance Committee, four Parties (Barbados, Kyrgyzstan, Niger and Oman) had submitted a compliance action plan. Following the sixteenth meeting of the Committee, Morocco also submitted a compliance action plan, and the Niger informed the Secretariat of the adoption of a biosafety law, which completed the activities in its compliance action plan.

23. At its seventeenth meeting, the Committee welcomed the successful completion by the Niger of the activities described in its compliance action plan and welcomed the submission of a compliance action plan by Morocco.

24. The Committee noted with regret that three Parties that had submitted compliance action plans (Barbados, Kyrgyzstan and Oman) had not responded to the follow-up communications by the Secretariat concerning the progress made in carrying out the activities outlined in their respective plans. The Committee requested the Secretariat to continue following up with Barbados, Kyrgyzstan and Oman to monitor any progress made, further to the information provided in their respective compliance action plans.

25. Barbados informed the Secretariat, in October 2020, that it had made little progress with the plan owing to challenges during the pandemic and the movement of the responsible officer. The Permanent Secretary in the Ministry of Environment and National Beautification expressed her commitment to the implementation of the Protocol and explained that the country had endorsed the process for the development of a follow-up Regional Biosafety Project to be funded through GEF, anticipating that the compliance action plan could be completed through that process. In both its third and fourth national reports, Barbados indicated that only draft measures were in place and stated that the draft biosafety framework was adopted, but it had not been operationalized. No further information has been received.

26. Oman reported in both its third and fourth national report that only draft measures were in place. From the information provided in their fourth national report, it is not clear whether any progress on the development of the draft legislation had been made since the third national report. The Secretariat followed up with the national focal point to clarify, but no response was received.

27. Kyrgyzstan informed the Secretariat, in February 2021, of its cooperation with the Food and Agriculture Organization of the United Nations to develop a project on “Implementation of the National Biosafety Mechanism in the Kyrgyz Republic in accordance with the Cartagena Protocol on Biosafety”, but no additional information was provided on progress with its compliance action plan and follow-up emails sent to the national focal point of Kyrgyzstan have bounced back. It is to be noted that the national focal point has changed several times recently. Kyrgyzstan has not yet submitted its fourth national report.

28. The Secretariat contacted Morocco following the seventeenth meeting of the Committee, but no update on progress with its compliance action plan has been provided. In its fourth national report, Morocco reports again to only have temporary measures in place. In free text information provided in the report, Morocco explained that there is no legislation relating to living modified organisms yet in Morocco, but that a circular issued by the Department of Agriculture on 11 August 1999, prohibits the introduction of products made from living modified organisms.

29. In addition to the above, the Secretariat received a compliance action plan from Burundi in September 2021. The Secretariat also received drafts of a compliance action plan from Guinea and provided feedback on the drafts at the request of Guinea. Guinea submitted a final version of the plan in February 2023. The plans have been shared with the Committee on the Collaborative Portal of the Compliance Committee for consideration by the Committee at its eighteenth meeting.

(b) Possible follow-up by the Committee

30. As summarized above, seven Parties have submitted compliance action plans further to the request by the Committee at its fifteenth meeting. Of those Parties, the Niger has completed the activities in its compliance action plan and no further follow-up is required in this regard.

31. Concerning the three Parties (Barbados, Kyrgyzstan and Oman) that have submitted a compliance action plan but provided limited or no information in response to the follow-up by the Secretariat, the Committee may wish to request its Chair to send a letter to these Parties urging them to provide information on the progress made on the activities set out in their compliance action plans.

32. In relation to Morocco, the Committee may wish to request its Chair to send a letter to Morocco to thank them for preparing its compliance action plan. The Committee may also wish to consider requesting Morocco to provide details on the time frame of the activities included in the compliance action plan in order to facilitate follow-up and invite Morocco to specify what type of resources it might need to carry out the activities included in its compliance action plan. The Committee may furthermore wish to request the Secretariat to continue to follow up with Morocco on actions taken further to the steps outlined in its plan.

33. The Committee may wish to review the compliance action plans submitted since its seventeenth meeting by Burundi and Guinea and whether they adequately set out the timeline and actions required to achieve compliance, or whether further information, clarification or refinement would be needed. It may also wish to request the Chair of the Committee to write to the national focal points of those two Parties thanking them for having prepared their compliance action plan and informing them that the Secretariat will follow up on the progress of the activities outlined in the compliance action plans.

34. Following informal consultations with the United Nations Environment Programme (UNEP), the Secretariat was informed that assistance for the development of the legal measures necessary to implement the Protocol may be obtained under the Montevideo Environmental Law Programme.⁷ The Committee may wish to request that information on the UNEP Law and Environment Assistance Platform under the Montevideo Environmental Law Programme could be shared as part of the follow-up communications by its Chair to Barbados, Kyrgyzstan, Oman, Morocco, Burundi and Guinea.⁸

2. Parties that did not submit a compliance action plan but that informed the Committee that progress was made in the adoption of measures**(a) Developments and actions taken**

35. Of the Parties requested to develop a compliance action plan, three (Eritrea, Mauritania and Saint Lucia) have responded by indicating that measures had been adopted or that progress had been made in that regard.

Eritrea

36. Following the fifteenth meeting of the Committee, Eritrea responded to the initial request to prepare a compliance action plan, indicating that it had recently adopted the Eritrean Environmental Protection, Management and Rehabilitation Framework Proclamation No.179/2017 and that the measure had been published in the BCH. Although Eritrea published a national record on the Proclamation in the BCH in 2018 under the category “Biosafety laws, regulations, guidelines and agreements”, the actual legal instrument was not made available (only a link (no longer functional) to a newspaper article about the issuance of the Proclamation was provided). Following the sixteenth meeting of the Committee, the Chair of the Committee wrote to Eritrea, thanking it for having provided information on the recent adoption of the necessary measures to implement the Protocol and reminding Eritrea that that this information should be included in their fourth national report and

⁷ www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-1.

⁸ <https://leap.unep.org/content/basic-page/about-unep-leap>.

that their measures should be published in the BCH. At its seventeenth meeting, the Committee noted that Eritrea had still not submitted the relevant measures to the BCH and it requested the Secretariat to continue following up with Eritrea in that regard.

37. Since the seventeenth meeting of the Committee, Eritrea submitted its fourth national report indicating that the necessary measures for the implementation of the Protocol were partially in place. In free text information provided in the report, Eritrea referred to a number of different documents the country had developed on biosafety, including the 2017 Proclamation. The Secretariat has followed up with the national focal point of Eritrea to request that the Proclamation document be uploaded on the BCH, if possible accompanied by an English translation or summary. To date, Eritrea has not published the actual Proclamation in the BCH.

Mauritania

38. Following the fifteenth meeting of the Committee, Mauritania responded to the initial request to prepare a compliance action plan, informing the Chair of the Committee of the difficulties it was facing to take the necessary measures to implement the Protocol. It also explained that the preparation of the compliance action plan would require conducting an assessment of the status of domestic biosafety measures and it enquired about the availability of funding in this regard.

39. Following the sixteenth meeting of the Committee, Mauritania responded to a communication from the Chair of the Committee, informing the Chair of the progress in the development of a draft law on biosafety and a manual and guide on decision-making procedures regarding living modified organisms. Mauritania also indicated that the instruments would be published on the BCH. At its seventeenth meeting, the Committee noted the information provided by Mauritania. The Committee decided that its Chair would send a letter to Mauritania expressing thanks for having provided information on the expected adoption of measures to implement the Protocol, urging Mauritania to publish the relevant measures in the BCH and report on the progress made in its fourth national report.

40. As a result of the letter sent by the Chair and several follow-up communications by the Secretariat, Mauritania submitted its fourth national report in January 2022, indicating that measures to implement the Protocol were partially in place. Mauritania specified in its fourth national report that one or more biosafety regulations and guidelines, as well as other laws, regulations or guidelines that indirectly apply to biosafety were in place. At the time of preparation of the present note, only two records on “Biosafety laws, regulations, guidelines and agreements” had been published by Mauritania in the BCH. Both records were last updated in 2015.

Saint Lucia

41. Following the seventeenth meeting of the Committee, Saint Lucia informed the Secretariat, in January 2021, that a biosafety bill and regulations had been approved by Cabinet and provided a copy of the bill for reference purposes, explaining that it could not be uploaded on the BCH until its enactment. In its fourth national report, submitted in March 2023, Saint Lucia reported that partial measures were now in place, indicating, in its written contributions, that a “Biosafety Policy was adopted by the Cabinet of Ministers and a Biosafety Bill is in draft with instructions from Cabinet to get it enacted”.

(b) Possible follow-up by the Committee

42. For these three Parties, the Committee may wish to request its Chair to:

- (a) Send a letter to Eritrea to urge it to publish the text of its Proclamation No.179/2017 on the BCH;
- (b) Send a letter to Mauritania to urge it to publish its recent biosafety measures on the BCH;
- (c) Send a letter to Saint Lucia asking for further information on the timeline for enactment of the country’s Biosafety Bill.

3. Parties that did not submit a compliance action plan and did not provide further information to the Committee on measures taken

(a) Developments and actions taken

43. At its seventeenth meeting, the Committee expressed regret that many of the Parties requested to prepare compliance action plans still had not done so and had also not provided further information on measures taken to implement the Protocol. The Committee requested the Secretariat to continue following up with these Parties, urging them to submit their compliance action plan as soon as possible, while taking into consideration the information these Parties provide or submit in their fourth national report.

44. The Committee agreed to reconsider follow-up actions with the Parties concerned, as a matter of priority, at the present meeting in the light of the information provided in their fourth national report or in their communications with the Secretariat.

45. The Secretariat has sent reminders to these Parties on several occasions since the seventeenth meeting of the Committee. The Secretariat requested these Parties to provide further information on any actions taken towards the adoption of measures or to explain any challenges they are facing in responding to the Committee's request to develop compliance action plans. The Secretariat also reminded the Parties concerned to include any information on the adoption of measures in their fourth national report.

46. Excluding Eritrea, Mauritania and Saint Lucia, at the time of reporting, a total of 15 Parties had been requested to prepare a compliance action plan but had not yet done so. Of those, 10 had submitted their fourth national reports and responded to the question as to whether they had taken the national measures necessary for the implementation of the Protocol.

47. Of those 10 Parties:

- (a) Four reported⁹ that national measures were partially in place;
- (b) Five reported¹⁰ that only draft measures existed;
- (c) One reported¹¹ that no measures had been taken.

48. The four Parties that reported that national measures were partially in place would no longer seem to fulfil the criteria for developing a compliance action plan. The BCH shows, however, that:

(a) For two of those Parties,¹² the only measures available on the BCH are their national biosafety framework, developed under the UNEP-GEF global project for the development of national biosafety frameworks;

(b) For one Party,¹³ no measures have been published on the BCH;

(c) For one Party,¹⁴ a record referring to biosafety measures is available on the BCH, but the actual measures have not been submitted to the BCH.

49. The other six Parties that reported having only draft measures or no measures would continue to meet the criteria for developing a compliance action plan. It may be noted that, following the seventeenth meeting of the Committee, two of these Parties (Botswana and Samoa) submitted draft compliance action plans to the Secretariat, requesting feedback. The Secretariat provided comments on how the plans could be improved but final plans have not yet been received.

⁹ Grenada, Guyana, Palau and United Arab Emirates.

¹⁰ Bahamas, Botswana, Gambia, Suriname and Tunisia.

¹¹ Samoa.

¹² Guyana and Palau.

¹³ United Arab Emirates.

¹⁴ Grenada.

50. No information is available from five Parties who have not yet submitted their fourth national report.¹⁵

(b) Possible follow-up by the Committee

51. For the four Parties that reported in their fourth national reports that national measures were partially in place but who have not published corresponding information on the BCH, the Committee may wish to request its Chair to communicate with these Parties and request them to publish the relevant measures on the BCH.

52. This leaves 11 Parties whose compliance action plan is still outstanding and who continue not to have fully or partially taken the measures necessary for the implementation of the Protocol, or have not provided any information indicating that such measures have been taken.¹⁶

53. The Committee may wish to request that its Chair send a letter to these Parties, urging them to develop a compliance action plan setting out a timeline and the actions required to achieve compliance with their obligation to introduce the necessary measures to implement their obligations under the Protocol in accordance with Article 2, paragraph 1, of the Protocol. In the letter to Botswana and to Samoa, the Committee may wish to request that the Chair acknowledge the preparation of the draft compliance action plan.

B. Identification of further Parties that have not adopted any measures or that have adopted only draft or temporary measures to implement the Protocol and suggested follow-up

54. In addition to the Parties that the Committee identified at its fifteenth meeting on the basis of information provided in their third national reports, a further Party, Cabo Verde, has subsequently submitted its third national report and indicated that only draft measures were in place.¹⁷ Furthermore, in the fourth national reports received to date, eight more Parties have indicated that they had not yet taken any measures to implement the Protocol, or that they had taken only draft or temporary measures.

55. On the basis of this information, these nine Parties¹⁸ now fulfil the criteria the Committee used to identify Parties for preparing a compliance action plan. From the information submitted by these Parties to the BCH, however, it seems that two of them (Armenia and Côte d'Ivoire)¹⁹ have adopted measures. An overview of the answers provided by these Parties in their national reports and of the measures they submitted to the BCH is provided in annex II.

56. The Committee may wish to differentiate between the two Parties that have submitted several measures to the BCH (Armenia and Côte d'Ivoire) and the other seven Parties in its follow-up. The Committee may wish to consider requesting the Secretariat to contact Armenia and Côte d'Ivoire and request these Parties to clarify whether the fact that the Party has submitted multiple legal instruments to the BCH would mean that measures are now partially in place.

57. For the remaining seven Parties who have not published any records on measures in the BCH, or have only published records on draft measures, the Committee may wish to request its Chair to send letters to these Parties requesting them to develop a compliance action plan setting out a timeline and the actions required to achieve compliance with their obligation to introduce the necessary measures to implement their obligations under the Protocol in accordance with Article 2, paragraph 1

¹⁵ Dominica, Fiji, Saint Vincent and the Grenadines, Trinidad and Tobago, Yemen.

¹⁶ Bahamas, Botswana, Dominica, Fiji, Gambia, Saint Vincent and the Grenadines, Samoa, Suriname, Trinidad and Tobago, Tunisia and Yemen.

¹⁷ The fourth national report from Cabo Verde has not yet been received.

¹⁸ Antigua and Barbuda, Armenia, Cabo Verde, Côte d'Ivoire, Kuwait, Lebanon, Liberia, Myanmar and Somalia.

¹⁹ The measures taken by Armenia are available on the country profile in the BCH: bch.cbd.int/en/countries/AM and the measures taken by Côte d'Ivoire are available on the country profile in the BCH: bch.cbd.int/en/countries/CI.

of the Protocol.²⁰ The template for compliance action plans presented in the annex to document CBD/CP/CC/16/5 could be included in the letter.

IV. Information on challenges in the preparation of compliance action plans

58. In response to the request by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, the Secretariat prepared a survey on compliance challenges.²¹ Additional questions on the development, challenges in and effects of the preparation of a compliance action plan were included in the survey that was sent to those 25 Parties that had been requested to prepare a compliance action plan.²²

59. Of the 25 Parties, 10 responded to the survey. Of those 10, four have submitted a compliance action plan to the Committee.²³

60. Only two Parties that had submitted a compliance action plan responded to the question as to whether the development of the compliance action plan had contributed to achieving compliance with the obligation to take the necessary measures to implement the Protocol. One of them indicated that the compliance action plan had not contributed to achieving compliance as the activities set out in the plan had not yet been carried out, while the other respondent indicated that the development of the plan had only contributed to some extent to achieving compliance and that only activities not requiring financial resources had been carried out.

61. The respondents that replied that their country had not submitted a compliance action plan indicated that different factors had prevented their country from preparing and submitting the compliance action plan, including: lack of human resources, lack of capacities, absence of a legal framework, lack of financial resources and internal conflicts.

62. Although the number of responses was very limited, it seems that further successes may be achieved if resources are made available to support these Parties in their efforts to comply with the obligation to take the necessary measures to implement the Protocol.

63. A summary of the survey responses concerning the development of the compliance action plan is provided in annex III.

²⁰ See section VI, paragraph 1(c), of the procedures and mechanisms on compliance, as contained in the annex to decision BS-1/7.

²¹ More information on the background to and the results of the survey on compliance challenges are contained in document CBD/CP/CC/18/3.

²² The questions relating to compliance action plans were included as questions 8 to 12 in the survey and are presented in annex II to document CBD/CP/CC/18/3.

²³ Only two of those Parties, however, responded in the survey that they had submitted a compliance action plan.

Annex I**Overview of Parties requested to prepare a compliance action plan**

	<i>Party</i>	<i>Status of measures according to the third national report</i>	<i>Compliance action plan</i>	<i>Status of measures according to the fourth national report</i>
<i>Parties that submitted a compliance action plan</i>				
1	Barbados	Draft measures	Submitted (April 2019)	Draft measures
2	Burundi	Draft measures	Submitted (September 2021, not yet considered by the Committee)	Draft measures
3	Guinea	Draft measures	Submitted (February 2023, not yet considered by the Committee)	Measures partially in place (report available offline only)
4	Kyrgyzstan	Draft measures	Submitted (April 2019)	Report not available
5	Morocco	Temporary measures	Submitted (December 2019)	Temporary measures
6	Niger	Draft measures	Submitted (December 2018), activities carried out successfully, measures submitted to BCH	Measures fully in place
7	Oman	Draft measures	Submitted (March 2019)	Draft measures
<i>Parties that did not submit a compliance action plan but indicated in communications with the Secretariat that they have made progress</i>				
8	Eritrea	Draft measures	Not submitted	Measures partially in place
9	Mauritania	Draft measures	Not submitted	Measures partially in place
10	Saint Lucia	Draft measures	Not submitted	Measures partially in place
<i>Parties that did not submit a compliance action plan that reported in their fourth national report that measures are now “partially in place”</i>				
11	Grenada	Draft measures	Not submitted	Measures partially in place
12	Guyana	Draft measures	Not submitted	Measures partially in place
13	Palau	Draft measures	Not submitted	Measures partially in place

	<i>Party</i>	<i>Status of measures according to the third national report</i>	<i>Compliance action plan</i>	<i>Status of measures according to the fourth national report</i>
14	United Arab Emirates	Draft measures	Not submitted	Measures partially in place
<i>Parties that did not submit a compliance action plan and reported in their fourth national report that only draft measures exist or no measures have been taken or have not submitted a fourth national report</i>				
15	Bahamas	Draft measures	Not submitted	Draft measures
16	Botswana	Draft measures	Not submitted – (Secretariat provided comments on a draft compliance action plan in December 2020)	Draft measures
17	Dominica	No measures	Not submitted	Report not available
18	Fiji	Draft measures	Not submitted	Report not available
19	Gambia	Draft measures	Not submitted	Draft measures (report available offline only)
20	Saint Vincent and the Grenadines	Draft measures	Not submitted	Report not available
21	Samoa	Draft measures	Not submitted - (Secretariat provided comments on a draft compliance action plan in May 2022)	No measures have been taken (report available offline only)
22	Suriname	Draft measures	Not submitted	Draft measures
23	Trinidad and Tobago	Draft measures	Not submitted	Report not available
24	Tunisia	Draft measures	Not submitted	Draft measures
25	Yemen	Temporary measures	Not submitted	Report not available

Annex II**Overview of Parties that have not been requested to prepare a compliance action plan whose fourth national report or recently submitted third national report shows that no measures have been taken to implement the Protocol or that only draft or temporary measures have been taken**

	<i>Party</i>	<i>Status of measures according to the third national report</i>	<i>Status of measures according to the fourth national report</i>	<i>Measures published on the Biosafety Clearing-House</i>
1	Antigua and Barbuda	Measures partially in place	Draft measures	Draft National Biosafety Framework (UNEP-GEF)
2	Armenia	Temporary measures ¹	Draft measures	Draft National Biosafety Framework (UNEP-GEF); Draft law on risk assessment; several legal instruments (incl. on fauna, flora and the criminal code)
3	Côte d'Ivoire	Measures partially in place	Temporary measures	Law N. 2016-553 of Biosafety of 26 July 2016; Décret N. 2014-882 du 16 décembre 2014 portant adhésion de la République de Côte d'Ivoire au Protocol de Cartagena sur la Prévention des Risques Biotechnologiques relatif à la Convention sur la Diversité Biologique adopté le 29 janvier 2000, à Cartagena (Colombie); Loi N. 2014-881 du 16 décembre 2014 modifiant la Loi N. 2007-496 du 31 mai 2007 autorisant le Président de la République à faire adhérer l'État de Côte d'Ivoire au Protocole de Cartagena sur la Prévention des Risques Biotechnologiques relatif à la Convention sur la Diversité Biologique adopté le 29 janvier 2000, à Cartagena (Colombie) ; Conditions d'Entrée en Côte d'Ivoire d'Exportation et de Réexportation ; Decree N. 63-457, November 7th 1963 establishing the importation and exportation conditions of plants and other

¹ The third national report of Armenia was submitted after the identification of the Parties that were to be requested to prepare a compliance action plan. Consequently, Armenia has not been requested to prepare a compliance action plan.

	<i>Party</i>	<i>Status of measures according to the third national report</i>	<i>Status of measures according to the fourth national report</i>	<i>Measures published on the Biosafety Clearing-House</i>
				materials which are liable to carry dangerous organisms regarding the cultivations; Law N. 64-490, December 21 st 1964 regarding plants protection; Decree N. 96-894 November 8 th 1996, establishing the rules and procedures regarding the environmental impact studies of development projects; Law N. 96-776, October 3 rd 1996 relating to Environmental Code; Biosafety National Framework; Draft National Biosafety Framework (UNEP-GEF);
4	Cabo Verde	Draft measures ²	Report not available	Draft National Biosafety Framework (UNEP-GEF)
5	Kuwait	Report not available	Draft measures	No measures published in the BCH
6	Lebanon	Measures partially in place	Draft measures	Draft National Biosafety Framework (UNEP-GEF)
7	Liberia	Measures partially in place	Draft measures	Draft National Biosafety Framework (UNEP-GEF)
8	Myanmar	Temporary measures ³	Temporary measures	Draft National Biosafety Framework (UNEP-GEF)
9	Somalia	Measures fully in place	No measures	No measures published in the BCH

² Cabo Verde submitted its third national report in September 2020 after the seventeenth meeting of the Compliance Committee.

³ The third national report of Myanmar was submitted after the identification of the Parties that were to be requested to prepare a compliance action plan. Consequently, Myanmar has not been requested to prepare a compliance action plan.

Annex III

Summary of responses to questions related to compliance action plans in the survey on compliance challenges

1. Of the 25 Parties that had been requested to prepare a compliance action plan, 10 responded to the survey on compliance challenges developed further to decision CP-10/2.¹ The questions included in the survey to solicit information concerning the development of the compliance action plan are presented at the end of the present annex.
2. Four² of these Parties responded that their country had submitted a compliance action plan, while six Parties³ responded that they had not submitted a compliance action plan. It is to be noted that these responses are to some extent inconsistent with the records kept by the Secretariat in this regard.⁴
3. The respondents that replied that their country had not submitted a compliance action plan indicated that different factors had prevented their country from preparing and submitting the compliance action plan, including: lack of human resources, lack of capacities, absence of a legal framework, lack of financial resources and internal conflicts.
4. Of the two respondents that indicated that their country had submitted a compliance action plan and whose compliance action plan has been received, one⁵ indicated that the compliance action plan had not contributed to achieving compliance as the activities set out in the plan had not yet been carried out.
5. The other⁶ respondent indicated that the compliance action plan had contributed to some extent to achieving compliance with the obligation to take the necessary measures to implement the Protocol. That Party specified that those activities that did not require financial resources had been carried out but that other activities were dependent on financial resources and qualified human resources and that the latter activities had not been completed.
6. Respondents suggested that the Committee assist them, including through capacity-building activities, provision of expertise, financial resources and support in awareness-raising activities. The areas in which Parties indicated that they required assistance included: general implementation of the Protocol and compliance; strengthening of institutional frameworks; and some technical areas, including new technologies and socioeconomic considerations.
7. Respondents indicated that the lack of financial resources and capacities, as well as the fragmentation of mandates among different national entities, and the lack of integration of biosafety in national policy instruments were factors that hindered achieving compliance with the obligation to take the necessary measures to implement the Protocol.
8. Two respondents indicated that their country had submitted a compliance action plan, although no compliance action plan had been received. Nonetheless, one of these respondents⁷ indicated that the compliance action plan had contributed to achieving compliance with the obligation to take the necessary measures to implement the Protocol and that measures were now in place. The other⁸ respondent indicated that the compliance action plan had contributed to some extent to achieving compliance with the obligation to take the necessary measures to implement the Protocol and further

¹ Burundi, Guinea, Guyana, Morocco, Niger, Saint Lucia, Trinidad and Tobago, Tunisia, United Arab Emirates, Yemen.

² Guinea, Guyana, Morocco, United Arab Emirates.

³ Burundi, Niger, Trinidad and Tobago, Tunisia, Saint Lucia, Yemen.

⁴ In fact, Burundi and the Niger did submit a compliance action plan, while the Secretariat has not received a compliance action plan from Guyana or the United Arab Emirates.

⁵ Guinea.

⁶ Morocco.

⁷ Guyana.

⁸ United Arab Emirates.

specified that some legislation had already been adopted and that other legislation was the process of being adopted.

Questions concerning the preparation of compliance action plans included in the survey on compliance challenges⁹

1. *Has your country submitted a Compliance Action Plan* *
 - Yes*
 - No*

2. *Please provide information on factors preventing your country from preparing and submitting a Compliance Action Plan to the Compliance Committee* *
[...]

3. *Has the development of the Compliance Action Plan contributed to achieving compliance with your country's obligation to take the necessary measures to implement the Protocol?* *
 - Yes, measures are now in place*
 - Yes, to some extent*
 - No*

4. *Please explain how the development of the compliance action plan has contributed to achieving compliance "to some extent"* *
[...]

5. *Please provide clarification why the development of the Compliance Action Plan has not contributed to achieving compliance**

⁹ Questions marked with an asterix (*) were mandatory.