CBD/CP/MOP/12/L.3

Distr.: Limited
22 October 2026

Original: English

Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety
Twelfth meeting
Yerevan, 19–30 October 2026
Agenda item 17
Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress

Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress

Draft decision submitted by the Chair of Working Group II

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol and further serving as the meeting of the Parties to the Nagoya-Kuala Lumpur Supplementary Protocol,[1]

Recalling Article 13 of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety,[2]

Recalling also Goal A.10 of the implementation plan[3] and the capacity-building action plan[4] for the Cartagena Protocol on Biosafety,[5]

Taking note of the information provided for the first assessment and review of the Nagoya-Kuala Lumpur Supplementary Protocol,

1. *Welcomes* the additional instrument of accession to the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety that has been deposited since the adoption of decision CP-11/10 of 25 October 2024;

2. *Invites* all Parties to the Cartagena Protocol that have not yet done so to deposit an instrument of ratification, acceptance, approval or accession to the Nagoya-Kuala Lumpur Supplementary Protocol as soon as possible;

3. *Welcomes* the fact that almost all Parties to the Nagoya-Kuala Lumpur Supplementary Protocol have reported the designation of a competent authority to perform the functions set out in Article 5 of the Supplementary Protocol, but expresses concern that relatively few Parties have made information on such authorities available through the Biosafety Clearing-House, and encourages

[1] In accordance with paragraph 1 of Article 14 of the Supplementary Protocol, and subject to paragraph 2 of Article 32 of the Convention on Biological Diversity, the Conference of the Parties serving as the meeting of the Parties to the Protocol serves as the meeting of the Parties to the Supplementary Protocol. Consequently, the present decision has been adopted by the Parties to the Supplementary Protocol.
[2] Decision BS-V/11, annex.
[3] Decision CP-10/3, annex.
[4] Decision CP-10/4, annex.
[5] United Nations, *Treaty Series*, vol. 2226, No. 30619.

Parties to update and maintain information on their competent authorities on the Biosafety Clearing-House;

4. *Also welcomes* the information related to the implementation of the Nagoya-Kuala Lumpur Supplementary Protocol provided by Parties thereto and by other Governments in their fifth national reports under the Cartagena Protocol, which has informed the first assessment and review of the effectiveness of the Supplementary Protocol;

5. *Further welcomes* the steps taken by Parties to the Nagoya-Kuala Lumpur Supplementary Protocol towards its implementation, while recognizing that there are areas where implementation needs to be strengthened;

6. *Recognizes* that financial security measures relating to damage, as defined in the Nagoya-Kuala Lumpur Supplementary Protocol, remain limited among Parties thereto;

7. *Also recognizes* that many Parties to the Nagoya-Kuala Lumpur Supplementary Protocol rely on environmental, administrative or civil liability frameworks to address liability for damage resulting from living modified organisms;

8. *Encourages* Parties to the Nagoya-Kuala Lumpur Supplementary Protocol to develop or facilitate access to financial security, in accordance with Article 10 thereof, and develop or apply civil liability rules and procedures addressing damage, in accordance with Article 12;

9. *Also encourages* Parties to the Nagoya-Kuala Lumpur Supplementary Protocol to continue efforts towards the full implementation of the Supplementary Protocol;

10. *Invites* Parties and other Governments to publish information on developments related to the implementation of the Nagoya-Kuala Lumpur Supplementary Protocol through the virtual library of the Biosafety Clearing-House, with a view to sharing experiences in that regard;

11. *Invites* Parties, other Governments and relevant organizations to continue to support capacity-building activities in support of the effective implementation of the Nagoya-Kuala Lumpur Supplementary Protocol, and encourages donors to provide the necessary resources in that regard, with a view to achieving Goal A.10 of the implementation plan and the capacity-building action plan for the Cartagena Protocol;

12. *Requests* the Executive Secretary, in line with decision CP-12/-- on matters related to the financial mechanism and resources, to continue to support resource mobilization efforts for the effective implementation of the Nagoya-Kuala Lumpur Supplementary Protocol;

13. *Also requests* the Executive Secretary to follow up with Parties to the Nagoya-Kuala Lumpur Supplementary Protocol that have reported the designation of a competent authority but that have not yet published its contact details through the Biosafety Clearing-House;

14. *Further requests* the Executive Secretary to continue to promote the Nagoya-Kuala Lumpur Supplementary Protocol, with a view to supporting its ratification, and, subject to the availability to resources, undertake capacity-building, outreach and awareness-raising activities in relation to the Supplementary Protocol.