



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/ICNP/2/1/Add.1/Rev.2
12 June 2012

ORIGINAL: ENGLISH

OPEN-ENDED AD HOC INTERGOVERNMENTAL
COMMITTEE FOR THE NAGOYA PROTOCOL ON
ACCESS TO GENETIC RESOURCES AND THE FAIR
AND EQUITABLE SHARING OF BENEFITS
ARISING FROM THEIR UTILIZATION

Second meeting

New Delhi, 2-6 July 2012

Item 2 of the provisional agenda*

ORGANIZATIONAL MATTERS

Revised annotated provisional agenda

INTRODUCTION

1. The Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (the Intergovernmental Committee) was established by the Conference of the Parties to the Convention in paragraph 7 of decision X/1.
2. In paragraph 8 of the same decision, the Conference of the Parties decided “that the Intergovernmental Committee shall undertake, with the support of the Executive Secretary, the preparations necessary for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, at which time it will cease to exist, taking into account the budgetary provisions adopted by the Conference of the Parties;”
3. In paragraph 12 of the decision, the Conference of the Parties endorsed the work plan for the Intergovernmental Committee contained in annex II to decision X/1 which identifies issues for consideration by the Intergovernmental Committee at its first and second meetings.
4. The Intergovernmental Committee held its first meeting from 5 to 10 June 2011, in Montreal. Thanks to the generous offer of the Government of India, the second meeting of the Intergovernmental Committee will be held in New Delhi, from 2 to 6 July 2012.
5. At its second meeting, the Intergovernmental Committee will consider the following issues in accordance with its work plan contained in annex II to decision X/1:
 - (a) Development of a programme budget for the biennium following the entry into force of the Protocol;

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- (b) Elaboration of guidance for the financial mechanism (Article 25);
- (c) Elaboration of guidance for resource mobilization for the implementation of the Protocol;
- (d) Consideration of rules of procedure for the Conference of the Parties serving as the meeting of the Parties of the Protocol (Article 26, para. 5);
- (e) Elaboration of a draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, para. 6);
- (f) The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10);
- (g) Continued consideration of items taken up at the first meeting of the Intergovernmental Committee, as needed.

6. In light of the outcomes of the first meeting of the Intergovernmental Committee as contained in the report of the meeting (UNEP/CBD/ICNP/1/8), the second meeting of the Intergovernmental Committee will further consider the following items taken up at its first meeting:

- (a) The modalities of operation of the Access and Benefit-sharing Clearing-House, including reports on its activities (Article 14, para. 4);
- (b) Measures to assist in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries, in particular the least developed countries and small island developing States amongst them, and Parties with economies in transition, taking into account the needs identified by the Parties concerned for the implementation of the Protocol (Article 22);
- (c) Measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues (Article 21);
- (d) Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance, including procedures and mechanisms to offer advice or assistance, where appropriate (Article 30).

7. Following the first meeting of the Intergovernmental Committee, through notification (2011-142) of 1 August 2011 and reminder (2011-206) of 1 November 2011, Parties to the Convention, other Governments, international organizations, indigenous and local communities and relevant stakeholders were invited to submit views and other information in preparation for the second meeting of the Intergovernmental Committee. These submissions have been made available at <http://www.cbd.int/icnp2/submissions/> as received by the Secretariat. The views and information provided are taken into account in the preparation of the documentation for the meeting. It should be noted that Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders were notified by separate notifications on issues related to capacity-building and compliance procedures and mechanisms as further explained below under items 4.2 and 4.4, respectively.

8. The documents for the meeting are listed in annex I below and are available on the Secretariat's website at <http://www.cbd.int/doc/?meeting=ICNP-02>.

9. The meeting will be held at the Vigyan Bhawan Convention Centre. Registration of participants will take place at the meeting venue from 8 a.m. to 6 p.m. from Saturday, 30 June 2012 until Friday, 6 July 2012.

10. An information note for participants containing details regarding logistical arrangements for the meeting, including registration, information on travel, visa requirements, accommodation and other matters is available at <http://www.cbd.int/doc/?meeting=ICNP-02>.

ITEM 1. OPENING OF THE MEETING

11. The meeting will be opened by the Co-Chairs of the Intergovernmental Committee. The Executive Secretary will make introductory remarks.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

12. The meeting will be chaired by the Co-Chairs of the Intergovernmental Committee, Mr. Fernando Casas (Colombia) and Ms. Janet Lowe (New Zealand).

13. In accordance with rule 21 of the rules of procedure for meetings of the Conference of the Parties to the Convention (which apply, *mutatis mutandis*, to meetings of the Intergovernmental Committee pursuant to paragraph 5 of rule 26 of the rules of procedure for meetings of the Conference of the Parties), one of the Bureau members of the Intergovernmental Committee shall be designated to act as Rapporteur.

2.2. Adoption of the agenda

14. The Intergovernmental Committee may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/ICNP/2/1/Rev.1) prepared by the Secretariat in consultation with the Bureau, in accordance with the work plan for the Intergovernmental Committee adopted by the Conference of the Parties in decision X/1 and in light of the outcomes of the first meeting of the Intergovernmental Committee.

2.3. Organization of work

15. It is proposed that the Intergovernmental Committee conduct its work in plenary, with the understanding that contact groups may be established, as needed, to address specific agenda items depending on progress made and keeping in mind the need to make the most effective use of the time available. With these considerations in mind, an indicative timetable is contained in annex II below.

16. Interpretation will be provided in the six official languages of the United Nations for the plenary sessions of the meeting.

ITEM 3. ISSUES FOR CONSIDERATION BY THE INTERGOVERNMENTAL COMMITTEE AT ITS SECOND MEETING (DECISION X/1, ANNEX II)

17. In accordance with the work plan contained in decision X/1, annex II, the following issues are to be considered by the Intergovernmental Committee at its second meeting:

3.1. Development of a programme budget for the biennium following the entry into force of the Protocol

18. Article 28, paragraph 3, of the Protocol states that, to the extent that they are distinct, the costs of the secretariat services for the Protocol shall be met by the Parties thereto. It is further stated that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall, at its first meeting, decide on the necessary budgetary arrangements to this end. In order to assist the Intergovernmental

Committee in its consideration of this item, the Executive Secretary has prepared a draft programme budget for the biennium following the entry into force of the Protocol (UNEP/CBD/ICNP/2/2), which highlights the costs of the secretariat services for the Protocol.

19. The Intergovernmental Committee may wish to consider the proposed programme budget and make recommendations to the Parties to the Protocol at their first meeting on the necessary budgetary arrangements for the Secretariat to service the Protocol and implement the access and benefit-sharing programme of work.

3.2. Elaboration of guidance for the financial mechanism

20. Under this item, the Intergovernmental Committee is expected to elaborate recommendations for guidance to the financial mechanism for the implementation of the Protocol, taking into account the need of developing country Parties, in particular the least developed countries and small island developing States among them, and of Parties with economies in transition, for financial resources, as well as the capacity-building needs and priorities of indigenous and local communities, including women within these communities..

21. A note by the Executive Secretary (UNEP/CBD/ICNP/2/3) is available to assist the Intergovernmental Committee in its consideration of this issue. The Intergovernmental Committee is invited to consider two sets of recommendations. One set of recommendations is for consideration by the first meeting of the Parties to the Convention serving as the meeting of the Parties to the Protocol and the other set of recommendations is for consideration by the eleventh meeting of the Conference of the Parties to the Convention, in order to ensure that timely guidance is provided to the Global Environmental Facility on issues related to the Nagoya Protocol.

22. In addition, the reports of the GEF Council meetings with respect to the Nagoya Protocol Implementation Fund are available in an information document (UNEP/CBD/ICNP/2/INF/8).

3.3. Elaboration of guidance for resource mobilization for the implementation of the Protocol

23. Under this item, the Intergovernmental Committee is invited to consider the elaboration of guidance for resource mobilization for the implementation of the Protocol in preparation for consideration of this issue by the Parties to the Protocol at their first meeting. With a view to assisting the Intergovernmental Committee in its consideration of this issue a note was prepared by the Executive Secretary (UNEP/CBD/ICNP/2/4).

24. The Intergovernmental Committee is invited to consider this issue and make recommendations to the first meeting of the Parties to the Protocol.

3.4. Consideration of rules of procedure for the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 5)

25. Pursuant to Article 26, paragraph 5, of the Protocol, and on the basis of the rules of procedure for meetings of the Conference of the Parties to the Convention, the Intergovernmental Committee is invited to consider whether any refinements to these rules may be necessary for the purposes of the Protocol and to make appropriate recommendations for consideration by the Parties to the Protocol at their first meeting. The Intergovernmental Committee will have before it a note by the Executive Secretary (UNEP/CBD/ICNP/2/5) prepared to assist it in its consideration of this issue.

3.5. *Elaboration of a draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 6)*

26. Under this item, the Intergovernmental Committee is invited to consider the draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/ICNP/2/6).

3.6. *The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10)*

27. Under this agenda item, the Intergovernmental Committee is invited to consider the need for and modalities of a global multilateral benefit-sharing mechanism with a view to provide appropriate recommendations to the first meeting of the Parties to the Protocol in their consideration of this issue. By notification 2011-142 of 1 August 2011 and reminder 2011-206 of 1 November 2011, Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders were invited to provide their views to the Executive Secretary.

28. A synthesis of these submissions, including suggested issues for consideration, was prepared by the Executive Secretary (UNEP/CBD/ICNP/2/7). The Intergovernmental Committee may wish to refer to this document as a basis for its consideration of the issue.

ITEM 4. CONTINUED CONSIDERATION OF ITEMS TAKEN UP AT THE FIRST MEETING OF THE INTERGOVERNMENTAL COMMITTEE

29. In accordance with the work plan for the Intergovernmental Committee contained in decision X/1, annex II, the following matters were taken up by the Intergovernmental Committee at its first meeting. The recommendations on each of these items adopted by the Intergovernmental Committee are contained in the annex to the report of that meeting (UNEP/CBD/ICNP/1/8).

4.1. *Modalities of operation of the Access and Benefit-sharing Clearing-House*

30. In paragraphs 1 and 2 of recommendation 1/1, the Intergovernmental Committee recommended that the Access and Benefit-sharing Clearing-House be implemented in a phased manner and that its first phase be a pilot phase and requested the Executive Secretary to implement the pilot phase in accordance with the guidance adopted in the annex to the recommendation as soon as possible after the first meeting of the Intergovernmental Committee and subject to the availability of resources.

31. In addition, in paragraphs 4 (a), (b) and (c) of the same recommendation, the Executive Secretary was requested to:

(a) Report on progress in the implementation of the pilot phase of the Access and Benefit-sharing Clearing-House to the second meeting of the Intergovernmental Committee, including on the operational costs and maintenance of the pilot phase;

(b) Develop draft modalities of operation of the Access and Benefit-sharing Clearing-House for consideration by the Intergovernmental Committee at its second meeting; and

(c) Explore opportunities for collaboration with partners and other data providers in the development of the ABS Clearing-House.

32. In light of the above, two documents were prepared by the Executive Secretary to assist the Intergovernmental Committee in its consideration of this issue:

(a) Report on progress and next steps in the implementation of the pilot phase of the Access and Benefit-sharing Clearing-House, including a section on opportunities for collaboration with partners and other data providers (UNEP/CBD/ICNP/2/8); and

(b) Draft modalities of operation of the Access and Benefit-sharing Clearing-House (UNEP/CBD/ICNP/2/9).

33. The Intergovernmental Committee may wish to consider the report on progress, including suggested next steps in the implementation of the pilot phase as well as the draft modalities of operation of the Access and Benefit-sharing Clearing House. It is envisaged that the draft modalities of operation contained in document UNEP/CBD/ICNP/2/8 will be refined once further progress is made on the implementation of the pilot phase with a view to their consideration and adoption by Parties to the Protocol at their first meeting in accordance with Article 14, paragraph 4, of the Protocol.

4.2. *Measures to assist in capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition*

34. In recommendation 1/2, paragraph 2, the Intergovernmental Committee recommended the development of a strategic framework for capacity-building and development under the Nagoya Protocol on the basis of domestic needs and priorities identified by Parties, including those identified by indigenous and local communities and the proposed elements contained in the annex to the recommendation, in accordance with Article 22 of the Protocol.

35. In addition, in paragraph 2 of the same recommendation, the Intergovernmental Committee invited Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to submit to the Executive Secretary views and information on their domestic needs and priorities and the proposed elements of the strategic framework for capacity-building and development under the Nagoya Protocol.

36. As requested in paragraph 3 of the recommendation, the Executive Secretary prepared questionnaires, in consultation with Parties, to facilitate the submission of views and information. Draft questionnaires, developed respectively on domestic needs and priorities and the proposed elements of the strategic framework were first circulated to Parties through notification 2011-143 dated 1 August 2011 inviting comments by 15 September 2011. The questionnaires were then revised to take into account the comments received and were circulated by notification 2011-193 of 6 October 2011 inviting Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders to fill them out and return them to the Secretariat by 15 November 2011.

37. As requested by the Intergovernmental Committee, in paragraph 4 of the same recommendation, a synthesis of the views and information received on domestic needs and priorities and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol was prepared by the Executive Secretary (UNEP/CBD/ICNP/2/10). The synthesis outlines some issues for consideration and provides suggested recommendations to assist the Intergovernmental Committee in its consideration of this issue.

38. In addition, the Executive Secretary has prepared an information document (UNEP/CBD/ICNP/2/INF/7), containing the detailed results obtained from the questionnaires that served as the basis for the synthesis.

39. The outcomes of the third Capacity-building Workshop to be held from 30 June to 1 July 2012, in New Delhi, India will also be made available to assist in the consideration of this issue (UNEP/CBD/ICNP/2/INF/9).

40. The information submitted by the International Treaty on Plant Genetic Resources for Food and Agriculture and the World Trade Organization on their capacity-building activities is being made available as information documents (UNEP/CBD/ICNP/2/INF/3 and UNEP/CBD/ICNP/2/INF/4, respectively).

41. The document prepared on this item for the first meeting of the Intergovernmental Committee (UNEP/CBD/ICNP/1/4) is also available with a view to provide some background information on approaches to capacity-building and development adopted under other multilateral environmental agreements.

4.3. *Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related access and benefit-sharing issues*

42. In accordance with recommendation 1/3, paragraphs 1 and 2, the Executive Secretary, in notification 2011-142 of 1 August 2011 and reminder 2011-206 of 1 November 2011 invited Parties, other Governments, international organisations, indigenous and local communities and relevant stakeholders:

(a) To submit views to the Executive Secretary on the proposed elements of an awareness-raising strategy for the Nagoya Protocol as contained in the annex to the recommendation;

(b) To submit information to the Executive Secretary on awareness-raising activities regarding the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues, including lessons learned from existing experience in this regard.

43. The Executive Secretary prepared a synthesis of the information submitted on awareness-raising activities (UNEP/CBD/ICNP/2/INF/6). In addition, a submission from the Swiss Biodiversity Forum of the Swiss Academy of Sciences (UNEP/CBD/ICNP/2/INF/5) and an Overview of Experiences and Initiatives on Awareness-Raising on Access and Benefit-Sharing and Under Different Multilateral Environmental Agreements prepared for the first meeting of the Committee is also made available (UNEP/CBD/ICNP/1/INF/2).

44. As requested in paragraph 3 of recommendation 1/3, a revised version of the draft awareness-raising strategy for the Nagoya Protocol (UNEP/CBD/ICNP/2/11), taking into account views expressed at the first meeting of the Intergovernmental Committee, as well as the submissions received on the issue, was prepared by the Executive Secretary to assist the Intergovernmental Committee in the consideration of this issue.

45. The Intergovernmental Committee is expected to forward a draft awareness-raising strategy for the Nagoya Protocol to the first meeting of the Parties for its consideration with a view to support the implementation of Article 21 of the Nagoya Protocol on awareness-raising.

4.4. *Cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance*

46. In accordance with recommendation 1/4, paragraph 1, by notification 2011-135 of 22 July 2011, Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders were invited to communicate to the Executive Secretary by 1 September 2011 their views on elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance under Article 30 of the Nagoya Protocol, taking into account the experience and lessons learned from other relevant multilateral agreements.

47. In accordance with paragraphs 2 and 3 of the same recommendation, and based on the views expressed, the Executive Secretary prepared a synthesis report and developed possible draft elements and options for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance in preparation for an expert meeting.

48. Thanks to the generous financial support provided by the European Commission and the Government of Switzerland, the expert meeting was held in Montreal from 28 February to 1 March 2012 to review the synthesis report and further refine the draft elements and options developed by the Executive Secretary based on the views received.

49. The Intergovernmental Committee will have before it the report of the expert meeting (UNEP/CBD/ICNP/2/12) for its consideration. The document prepared for the expert meeting is also available for the information of the Intergovernmental Committee (UNEP/CBD/ABS/EM-COMP/1/2).

50. It should be borne in mind that Parties to the Protocol are to consider and approve cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance at their first meeting in accordance with Article 30 of the Protocol.

ITEM 5. OTHER MATTERS

51. Under this item, participants may wish to raise any other matters related to the subject-matter of the meeting.

ITEM 6. ADOPTION OF THE REPORT

52. The Intergovernmental Committee will be invited to adopt its report on the basis of the draft report of the meeting to be presented by the Rapporteur.

ITEM 7. CLOSURE OF THE MEETING

53. The meeting is expected to be closed at 6 p.m. on Friday, 6 July 2012.

Annex I

**DOCUMENTATION FOR THE SECOND MEETING OF THE OPEN-ENDED
AD HOC INTERGOVERNMENTAL COMMITTEE FOR THE NAGOYA PROTOCOL
ON ACCESS AND BENEFIT-SHARING**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/ICNP/2/1/Rev.1	Revised provisional agenda
UNEP/CBD/ICNP/2/1/Add.1/Rev.2	Revised annotated provisional agenda
UNEP/CBD/ICNP/2/2	Draft programme budget for the biennium following the entry into force of the Protocol – Note by the Executive Secretary
UNEP/CBD/ICNP/2/3	Elaboration of guidance for the financial mechanism – Note by the Executive Secretary
UNEP/CBD/ICNP/2/4	Elaboration of guidance for resource mobilization for the implementation of the Protocol - Note by the Executive Secretary
UNEP/CBD/ICNP/2/5	Consideration of rules of procedure for the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 5) - Note by the Executive Secretary
UNEP/CBD/ICNP/2/6	Elaboration of a draft provisional agenda for the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (Article 26, paragraph 6) - Note by the Executive Secretary
UNEP/CBD/ICNP/2/7	Synthesis of views with respect to the need for and modalities of a global multilateral benefit-sharing mechanism (Article 10)- Note by the Executive Secretary
UNEP/CBD/ICNP/2/8	Report on progress and next steps in the implementation of the pilot phase of the Access and Benefit-sharing Clearing-house – Note by the Executive Secretary
UNEP/CBD/ICNP/2/9	Draft modalities of operation of the Access and Benefit-sharing Clearing-house – Note by the Executive Secretary
UNEP/CBD/ICNP/2/10	Synthesis of views and information on domestic needs and priorities and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol on Access and Benefit-sharing – Note by the Executive Secretary
UNEP/CBD/ICNP/2/11	Measures to raise awareness of the importance of genetic resources and associated traditional knowledge and related

<i>Symbol</i>	<i>Title</i>
	access and benefit-sharing issues - Note by the Executive Secretary
UNEP/CBD/ICNP/2/12	Report of the Expert Meeting on Cooperative Procedures and Institutional Mechanisms to Promote Compliance with the Protocol and to Address Cases of Non-Compliance
https://www.cbd.int/icnp2/submissions/	Submissions provided by Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders in preparation for the first meeting of the Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and Benefit-sharing
UNEP/CBD/ICNP/2/INF/1	Outcomes of the Second Capacity-Building Workshop on Access and Benefit-sharing
UNEP/CBD/ICNP/2/INF/2	A Report from the First Reflection Meeting on the Global Multilateral Benefit-Sharing Mechanism submitted by the Fridtjof Nansen Institute
UNEP/CBD/ICNP/2/INF/3	Capacity-building and development: submission by the secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture
UNEP/CBD/ICNP/2/INF/4	Capacity-building and development: submission by the Secretariat of the World Trade Organization
UNEP/CBD/ICNP/2/INF/5	Information on awareness-raising: submission by the Swiss Academy of Science
UNEP/CBD/ICNP/2/INF/6	Synthesis of information on awareness raising activities regarding the importance of genetic resources and traditional knowledge associated with genetic resources and related access and benefit-sharing issues
UNEP/CBD/ICNP/2/INF/7	Further details on the views and information on domestic needs and priorities and on the proposed elements of the strategic framework for capacity-building and development in support of the implementation of the Nagoya Protocol
UNEP/CBD/ICNP/2/INF/8	Reports of the GEF Council meetings on the Nagoya Protocol Implementation Fund
UNEP/CBD/ICNP/2/INF/9	Outcomes of the Third Capacity-building Workshop on Access and Benefit-sharing
<i>Previously issued documents of relevance to the meeting</i>	
UNEP/CBD/ABS/EM-COMP/1/2	Synthesis of views and possible draft elements and options

for cooperative procedures and institutional mechanisms to promote compliance with the Protocol and to address cases of non-compliance under Article 30 of the Nagoya Protocol on Access and Benefit-sharing.

UNEP/CBD/ICNP/1/4

Measures to Assist in the capacity-building, capacity development and strengthening of human resources and institutional capacities in developing countries and Parties with economies in transition

UNEP/CBD/ICNP/1/INF/2

Overview of experiences and initiatives on awareness-raising on access and benefit-sharing and under different multilateral environmental agreements

	<i>Plenary</i>
	promote compliance with the Protocol and to address cases of non-compliance.
<i>Thursday, 5 July 2012</i> 10 a.m. to 1 p.m. 3 p.m. to 6 p.m.	Items 3 and 4. Outstanding issues.
<i>Friday, 6 July 2012</i> 10 a.m. to 1 p.m. 3 p.m. to 6 p.m.	Item 5. Other matters. Item 6. Adoption of report. Item 7. Closure of the meeting.
