



## Convention on Biological Diversity

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### COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Fourth meeting  
Montreal, 21-23 November 2007

#### ANNOTATIONS TO THE PROVISIONAL AGENDA

*Note by the Executive Secretary*

#### INTRODUCTION

1. The Compliance Committee under the Cartagena Protocol on Biosafety held its third meeting from 5 to 7 March 2007 in Kuala Lumpur. The Committee reviewed information on the experience of other multilateral environmental agreements regarding measures concerning cases of repeated non-compliance. It agreed to further review the information at its next meeting. The Committee addressed a number of other issues as a follow up to its previous meetings, including general issues of compliance and possible lessons learned from analysing the interim national reports. It also considered how the Committee could contribute to the upcoming review process of the effectiveness of the Protocol in general and the procedures and mechanisms on compliance, in particular in the context of Article 35 of the Protocol and decision BS-III/15 of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.
2. At the end of its third meeting, the Committee decided to have its fourth meeting before the end of the year in order to meet the timelines attached to some of the requests made of it by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/CC/3/3, para. 44).
3. Accordingly, the fourth meeting of the Committee is scheduled to take place at the premises of the Secretariat in Montreal from 21 to 23 November 2007. It will be held in open session as agreed by members of the Committee at their third meeting (UNEP/CBD/BS/CC/3/3, para. 41).
4. The provisional agenda of the meeting has been developed taking into account the outcomes of the third meeting of the Committee and its work plan as outlined following the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

#### ITEM 1. OPENING OF THE MEETING

5. Mr. Veit Koester, the Chairperson of the Committee will open the meeting at 9.30 a.m. on Wednesday, 21 November 2007.

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## **ITEM 2. ORGANIZATIONAL MATTERS**

### **2.1. Adoption of the agenda**

6. The Committee may wish to adopt its agenda on the basis of the provisional agenda proposed by the Secretariat in consultation with the Chair (UNEP/CBD/BS/CC/4/1).

### **2.2. Organization of work**

7. The Committee may wish to consider the proposed organization of work as contained in annex I below. The language of the meeting will be English.

8. A list of documents for the meeting is contained in annex II below. The documents are also available on the Secretariat's website at <http://www.cbd.int>, as well as the Compliance Committee collaborative portal in the Biosafety Clearing-House.

9. An information note will also be made available for members of the Compliance Committee containing details of registration and logistical arrangements for the meeting, including information on travel, visa requirements, accommodation and other similar matters.

## **ITEM 3. FURTHER INFORMATION AND EXPERIENCE REGARDING REPEATED CASES OF NON-COMPLIANCE UNDER THE COMPLIANCE MECHANISMS OF OTHER MULTILATERAL ENVIRONMENTAL AGREEMENTS**

10. Under this item, members of the Committee are invited to further consider the issue of measures to be taken for repeated cases of non-compliance as requested by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. In this regard, the Committee will have before it a note by the Executive Secretary (UNEP/CBD/BS/CC/4/2) containing further information and experiences regarding repeated cases of non-compliance under the compliance mechanisms of other multilateral environmental agreements (MEAs). The present document updates or revises, as appropriate, some of the information contained in an earlier document UNEP/CBD/BS/CC/3/2 in light of the Committee's comments provided at its third meeting.

## **ITEM 4. REVIEW OF GENERAL ISSUES OF COMPLIANCE AS IDENTIFIED THROUGH AN ANALYSIS OF THE FIRST NATIONAL REPORTS**

11. Reviewing general issues of compliance is one of the functions of the Committee according to paragraph (d) of section III of the compliance procedures and mechanisms (decision BS-I/7, annex). Furthermore, the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol requested the Committee "to prepare a report on general issues of compliance by Parties with their obligations under the Protocol, in accordance with paragraph 1 (d) of section III of the compliance procedures and mechanisms contained in the annex to decision BS-I/7, and make this report available six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol" (decision BS-III/15, para. 3).

12. At its third meeting, the Committee noted that the information that may be made available by Parties through their first national reports and the Biosafety Clearing-House would constitute the primary basis for the present review of general issues of compliance.

13. In order to assist the Committee in this regard, the Secretariat will conduct an analysis of information from the first national reports and make such analysis available to the present meeting. The deadline for the submission of the first national reports was 11 September 2007.

**ITEM 5. FOLLOW-UP ON OTHER ISSUES ARISING FROM THE THIRD MEETING OF THE COMMITTEE****A. *Evaluation of the compliance procedures and mechanism***

14. The Committee addressed this issue at its third meeting and decided to further reconsider it at the present meeting.

15. At the last meeting, the Committee felt that it could play a role in examining the effectiveness of the compliance procedures and mechanism annexed to decision BS-I/7 in the context of the overall evaluation of the Protocol, its procedures and annexes as required by Article 35, and make, as appropriate, its recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol. It suggested, among other things, its readiness to consider the existing procedures on triggering the compliance mechanism if so requested by the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/CC/3/3, para. 36).

**B. *Open or closed session***

16. The Committee held its third meeting in open session and noted its positive experience. It decided to conduct the present meeting too in open session with a view to gaining more experience and to eventually reconsider the application of rule 14 of its rules of procedure.

17. The Committee may, therefore, wish to follow up this matter based on the additional experience of the present meeting, and to consider whether it can agree on recommending to the Conference of the Parties serving as the meeting of the Parties to the Protocol appropriate change in the rules of procedure in favour of having open session as a matter of rule.

**ITEM 6. ELECTION OF NEW MEMBERS OF THE COMMITTEE**

18. Under this item, the Committee will be informed by the Secretariat about the status of membership to the Committee and the need for preparation for new elections at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to replace those members of the Committee who have already resigned, on the one hand, and those whose term is due to end by the end of 2008, on the other.

**ITEM 7. STRUCTURE OF THE REPORT OF THE COMMITTEE, INCLUDING ITS RECOMMENDATIONS**

19. Under this item the Committee is invited to consider how the report of its two meetings held during the inter-sessional period should be structured for submission to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It is also expected to consider and agree on the specific recommendations that may be derived from its third and the present fourth meetings that it decides to submit to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration.

20. The Secretariat will present, during the meeting, a proposal on the structure of the report of the Committee and compilation of recommendations that the Committee may wish to consider and adopt, as appropriate.

**ITEM 8. OTHER MATTERS**

21. Under this item, the members of the Compliance Committee may wish to raise and discuss other relevant matters.

**ITEM 9. ADOPTION OF THE REPORT**

22. The Compliance Committee will consider and adopt its report, which will eventually be submitted to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration and appropriate action.

**ITEM 10. CLOSURE OF THE MEETING**

23. It is expected that the meeting will be closed at 5 p.m. on Friday, 23 November 2007.

*Annex I***PROPOSED ORGANIZATION OF WORK FOR THE FOURTH MEETING OF THE COMPLIANCE COMMITTEE UNDER THE BIOSAFETY PROTOCOL**

<i>Date and time</i>	<i>Agenda item</i>
21 November 2007 9.30 a.m. to 9.45 a.m.	1. Opening of the meeting.
9.45 a.m. to 10 a.m.	2. Organizational matters: 2.1. Adoption of the agenda 2.2. Organization of work.
10 a.m. to 12.30 p.m.	3. Further information and experience regarding repeated cases of non-compliance under the compliance mechanisms of other multilateral environmental agreements
2.30 p.m. to 5.30 p.m.	4. Review of general issues of compliance as identified through an analysis of the first national reports.
22 November 2007 9.30 a.m. to 12.30 p.m.	Continuation of agenda item 4.
2.30 p.m. to 5.30 p.m.	5. Follow-up on issues arising from the third meeting of the Committee. 6. Election of new members of the Committee 7. Structure of the final report of the Committee, including its recommendations
23 November 2007 9.30 a.m. to 12.30 p.m.	6. Other matters.
2.30 p.m. to 5 p.m.	7. Adoption of the report. 8. Closure of the meeting.

*Annex II*

**LIST OF DOCUMENTS FOR THE FOURTH MEETING OF THE COMPLIANCE  
COMMITTEE UNDER THE BIOSAFETY PROTOCOL**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/CC/4/1	Provisional agenda
UNEP/CBD/BS/CC/4/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/CC/4/2	Further information and experience regarding repeated cases of non-compliance under the compliance mechanisms of other multilateral environmental agreements
UNEP/CBD/BS/COP-MOP/4/14	Monitoring and reporting (Article 33): analysis of information contained in the first national reports

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