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COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Sixth meeting

Montreal, 4-6 November 2009

Item 4 of the provisional agenda*

REVIEW OF GENERAL ISSUES OF COMPLIANCE: INFORMATION-SHARING

Note by the Executive Secretary

I. INTRODUCTION

1. The functions of the Compliance Committee specified in section III of the annex to decision BS-I/7 include reviewing general issues of compliance of Parties with their obligations under the Protocol taking into account information that may be made available through national reports or the Biosafety Clearing-House (paragraph (d), section III). The Committee considered, in its last three meetings, general issues of compliance based on information submitted by Parties through their national reports and the Biosafety Clearing-House (BCH).

2. At its second meeting, the Committee reviewed the status of compliance by Parties with respect to information-sharing requirements based on information available in the Biosafety Clearing-House. In order to facilitate the review, the Committee had before it a note on the operation and activities of the BCH, analysis of information from the interim national reports of Parties, and a summary of records in the BCH, prepared or compiled by the Secretariat. The Committee identified some general issues of compliance. It noted that generally, several Parties were lagging behind in making information available to the BCH, and more specifically information was lacking on some living modified organisms that were already on the market (UNEP/CBD/BS/COP-MOP/3/2, para. 36).

3. The Committee agreed at its fifth meeting, to have a standing agenda item on “review of general issues of compliance” at its future meetings (UNEP/CBD/BS/CC/5/4, para. 23). In that context, the Secretariat suggests to the Committee to consider at its present meeting issues related to the compliance of Parties with their information sharing obligations under the Protocol.

4. In order to facilitate the work of the Committee under this agenda item, this document presents a summary of records that are made available through the BCH as required by the Biosafety Protocol. The BCH is established under Article 20, paragraph 1, of the Cartagena Protocol on Biosafety in order to facilitate the exchange of information and experience pertaining to living modified organisms (LMOs) and assist Parties to implement the Protocol.

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II. COMPLIANCE WITH THE INFORMATION SHARING REQUIREMENTS

5. The review of information from the first national reports of Parties to the Protocol shows that, in aggregate, less than one third of the information required under the Protocol was reported to exist and to have been provided to the BCH. In that review, which was submitted to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol as well as the Compliance Committee, several developing countries had reported that they were still developing their national biosafety frameworks and that, upon their completion, all information required under the Protocol would be provided to the BCH while a majority of the developed countries reported having already submitted comprehensive information.

6. At the same time as the information obtained through national reports was analysed and made available to Parties at their fourth meeting, held in Bonn, in May 2008, members of the Global Industry Coalition (GIC), an industry organization that is engaged in the Biosafety Protocol process, were involved in gathering a list of product authorizations in what they called 15 major agricultural markets worldwide and compared the list to the information that was available on the BCH in order to identify those areas where information was missing or incorrect. GIC initiated consultations with some of the concerned countries as regards improving the information on the BCH. It prepared a document and shared it with the Biosafety Protocol focal points of those countries identifying where changes were needed in order to ensure that information in the BCH was completely accurate and up-to-date. Accordingly, some took action and updated their information and others are still expected to do so. For details see table 2 along with figures 1, 2 and 3 below.

7. Some impediments identified through the review of the first national reports that countries faced in their efforts to make information available to the BCH include poor Internet connectivity, slow response from stakeholders, insufficient financial and human resources for data collection and collation, and lack of or poor coordination among different departments and insufficient public participation.

8. A summary of the number of records made available through the Central Portal of the BCH is annexed hereto as table 1. There has been a general increase in the amount of information reported to the BCH over the years for all the main categories of data. However, there are still important gaps. The review of information submitted through national reports or undertaken by other stakeholders, including the industry group mentioned above, shows that information such as national decisions on the approval of living modified organisms and associated laws and risk assessment reports is not posted on the BCH in a complete and timely manner. The quality and completeness of information made available to the BCH remains a challenge for Parties as well as users of the BCH.

III. SUGGESTED ELEMENTS OF RECOMMENDATIONS

9. The Compliance Committee may wish to recommend to the fifth meeting of the Parties to the Protocol that it:

(a) *Urge* Parties to comply with the information-sharing requirements of the Protocol, in particular paragraph 3 of Article 20, and to encourage non-Parties to continue making appropriate information available to the BCH, especially information on their domestic decisions approving living modified organisms and the risk assessment reports associated with such decisions;

(b) *Request* each Party to meet all the decisions adopted to date by the Conference of the Parties serving as the meeting of the Parties to the Protocol pertaining to information sharing and the BCH;

(c) *Call upon* Parties as well as non-Parties to take the necessary measures to ensure the accuracy and completeness of information that they make available to the BCH.

Table 1: National records in the BCH as of 23 September 2009

BCH records	Current No. of Parties in the region	2004	2005	2006	2007	2008	Sept. 2009
National Contacts							
Protocol focal points ¹		33	167	181	186	191	188
<i>Africa</i>	45	11	44	47	51	55	56
<i>Asia-Pacific</i>	41	6	38	44	44	46	47
<i>Central and Eastern Europe</i>	21	7	24	25	26	25	25
<i>Latin America and Caribbean</i>	28	2	34	38	38	37	34
<i>Western European and Others Group</i>	21	7	27	27	27	28	26
BCH focal points		21	183	189	186	190	191
<i>Africa</i>		10	50	53	50	53	53
<i>Asia-Pacific</i>		2	49	49	49	49	51
<i>Central and Eastern Europe</i>		4	20	23	24	23	23
<i>Latin America and Caribbean</i>		3	33	33	32	32	33
<i>Western European and Others Group</i>		2	31	31	31	33	31
Article 17 focal points		22	55	59	63	73	79
Competent National Authorities		130	211	228	267	314	349
National biosafety websites and databases		25	62	74	84	99	105
<i>Total records</i>		223	571	613	674	753	795
Laws & Regulations							
National laws		65	239	292	438	541	570
Bilateral, multilateral and regional agreements		23	37	38	41	41	41
<i>Total records</i>		88	276	330	479	582	611
Countries' Decisions and other Communications							
Decisions under AIA (introduction into the environment)		0	0	1	5	7	307 ²
Decisions under Article 11.1 (LMOs-FFP)		174	406	452	495	574	610
Other decisions and declarations		17	32	41	49	100	143
<i>Total records</i>		191	438	494	549	681	764
Risk assessments reports		0	384	895	1,292	1,951	356 ³
Roster of Experts							
Roster of experts members		512	573	639	645	0 ⁴	69
Reports on expert assignments		0	0	0	0	0	0
<i>Total records</i>		512	573	639	645	0	69
Total records submitted by countries		1,014	2,242	2,971	3,639	3,967	2,595

¹ Shaded items represent information that the Protocol requires Parties to make available to the BCH. Therefore, they are mandatory.

² In September 2009, following a revision of the common formats for the submission of information, hundreds of decisions under AIA (introduction into the environment) submitted in previous years, were made visible after the solution of an ambiguity in the former common format for the submission of information on decisions under Article 11.1 (LMO-FFPs).

³ In September 2009, following a revision of the common format for the submission of information, more than 2000 risk assessment records were removed because they did not specify the LMO that was the object of the risk assessment.

⁴ In August 2008, following up a request in decision BS-IV/4, all experts previously registered in the roster were removed.

Table 2: Summary of records and actions undertaken with a view to make BCH records of some countries complete

Country contacted	BCH records identified as inaccurate		BCH records identified as incomplete	
	Number of records	Subsequent corrective action	Number of records	Subsequent corrective action
A - NP	20	0	19	0
B - NP	3	3	0	0
C	0	0	20	2
D	1	0	2	1
E	0	0	6	0
F	2	0	17	0
G	0	0	5	0
H	37	22	0	0
Total	63	25	69	3
%		40%		4%

Notes:

- (i) In the table, countries are identified by letter not by name.
- (ii) NP = Non-Party to the Protocol.
- (iii) In May 2008, the GIC contacted eight countries pointing out 63 incorrect and 69 missing pieces of information on the BCH. A review conducted in August 2009 found that 25 incorrect (40%) and three missing records (4%) of those records had been updated by the concerned national focal points.




