



## Convention on Biological Diversity

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### COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Seventh meeting  
8-10 September 2010, Montreal  
Item 7 of the provisional agenda\*

### REPORT OF THE COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY ON THE WORK OF ITS SEVENTH MEETING

#### INTRODUCTION

##### A. *Background*

1. The Compliance Committee under the Cartagena Protocol on Biosafety held its sixth meeting from 4 to 6 November 2009 in Montreal. Among other things, it reviewed information on reporting rates under other multilateral environmental agreements (MEAs) and examined the suitability and relevance of the approaches used by other MEAs to improve the rate and quality of national reports to the situation under the Cartagena Protocol on Biosafety. It agreed on some recommendations on a preliminary basis.
2. The Committee also further reviewed general issues of compliance, specifically the fulfilment of the obligation to provide information to the Biosafety Clearing-House (BCH). It discussed some preliminary recommendations to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (“fifth meeting of the Parties”) to be finalized at the current meeting.
3. The Committee decided to have its seventh meeting prior to the fifth meeting of the Parties to the Protocol to consolidate and finalize its recommendations taking into account the relevant documents that the Secretariat prepared for the meeting of the Parties including the compilation of views on how to improve the supportive role of the Committee.
4. Accordingly, the Secretariat made the necessary arrangements and the seventh meeting of the Compliance Committee under the Cartagena Protocol on Biosafety took place in Montreal, from 8 to 10 September 2010, in the offices of the Secretariat.

\* UNEP/CBD/BS/CC/7/1.

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## **B. Attendance**

5. The following members of the Committee were present at the meeting:

### ***Africa:***

Mr. Bather Kone  
Ms. Mary Fosi Mbantenkhu

### ***Asia and the Pacific:***

Mr. Banpot Napompeth  
Mr. Rai S. Rana

### ***Central and Eastern Europe***

Ms. Liina Eek  
Mr. Sergiy Gubar  
Ms. Angela Lozan

### ***Group of Latin America and the Caribbean***

Mr. Raymundo S.R. Magno  
Mr. Lionel Michael

### ***Western Europe and Others Group***

Mr. Jürg Bally  
Mr. Ruben Dekker  
Mrs. Clare Hamilton

## **ITEM 1. OPENING OF THE MEETING**

6. Mr. Jürg Bally, Chairperson of the Committee, opened the meeting at 9.30 a.m. on 8 September 2010. He welcomed participants and thanked the Secretariat for facilitating the organization of the meeting.

7. He asked the Secretariat to report on the attendance of members of the Committee. The representative of the Secretariat reported that three members of the Committee, Mr. Paul Roughan, from the Asia and Pacific region; Mr. Victor Villalobos Arámbula, from the Latin America and Caribbean Group, and Mr. Tewolde Berhan Gebre Egziabher, from the Africa region, were not able to attend the meeting.

8. The representative of the Secretariat also informed the Committee that the Secretariat had received a letter of resignation from Mr. Villalobos Arámbula, but no action was required to replace him because the fifth meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol will elect new members to the Committee to replace members who will finish their term at the end of the year, which includes Mr. Villalobos Arámbula.

9. He recalled the Committee's earlier decision to conduct its meetings in open session and in that regard, he informed the Committee that one observer was attending the meeting.

10. He confirmed that twelve members of the Committee were present and thus there was a quorum for the meeting to proceed in accordance with rule 16 of the Committee's rules of procedure.

## **ITEM 2. ORGANIZATIONAL MATTERS**

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

11. The Committee adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/BS/CC/7/1) prepared by the Secretariat:

1. Opening of the meeting.
2. Organizational matters:
  - 2.1 Adoption of the agenda;
  - 2.2 Organization of work.

3. Review of information on national reporting rates (continued from the sixth meeting).
4. Review of previous discussions by the Committee as regards triggering the compliance procedures and mechanisms.
5. Review of general issues of compliance.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.

## **2.2. Organization of work**

12. The Committee agreed on the organization of its work as proposed by the Secretariat, including the schedule of its sessions, as specified in annex I to the annotations to the provisional agenda (UNEP/CBD/BS/CC/7/1/Add.1).

### **ITEM 3. REVIEW OF INFORMATION ON NATIONAL REPORTING RATES (CONTINUED FROM THE SIXTH MEETING)**

13. Introducing the item, the representative of the Secretariat recalled the discussions of the Committee on the item based on information and experience the Secretariat had gathered regarding reporting rates under other multilateral environmental agreements. He further recalled paragraphs 12 and 14 of the report of the last meeting of the Committee where the Committee agreed on a preliminary basis to a number of points and recommendations. He also drew the attention of the Committee members to the document on monitoring and reporting that has been prepared for the fifth meeting of the Parties (UNEP/CBD/BS/COP-MOP/5/14/Rev.1).

14. Mr. Rana informed the Committee about his initiatives in his personal capacity and experiences within the Asia-Pacific region as regards the submission of national reports by Parties from that region. He noted that a number of Parties indicated constraints arising from lack of national legislation, capacity and difficulty in coordinating the gathering of information from different stakeholders. He reported that he shared with these Parties that lack of national biosafety legislation should not prevent them from submitting reports on their implementation of the Protocol. He noted that regional workshops on national reporting and related capacity-building might improve the reporting rate under the Protocol as has been the case in the context of the Convention on Biological Diversity. Mr. Rana also stressed the importance of awareness raising to facilitate adequate reporting and implementation of the Protocol.

15. The Committee reviewed the points that it had agreed to on a preliminary basis at its sixth meeting as contained in paragraph 14 of the report (UNEP/CBD/BS/CC/6/4).

16. The Committee supported the short and concise nature of the guidelines that accompany the proposed reporting format for the second national reports. Members noted the importance of providing space in the reporting format for Parties to comment on the difficulties faced in preparing their national report. It was also suggested that the guidelines could indicate that all reports are welcome, even if incomplete or where the answers may indicate less than full implementation of the Protocol. The Committee noted that the reporting format will be subject to discussion by the Parties at their fifth meeting.

17. The Secretariat provided an update on the development of an online reporting facility. The Committee identified some areas where improvements may be needed in the elements of the draft decision on monitoring and reporting concerning the modalities of submitting national reports. The Secretariat noted these suggestions and assured the Committee that they will be taken into account during the discussions at the fifth meeting of the Parties under agenda item 15 on monitoring and reporting. The Committee agreed to make recommendations to the fifth meeting of the Parties to:

- (a) urge Parties to use the online reporting facility to the extent possible without constraining the ability of those Parties who wish to continue submitting their national reports through the means available to them;
- (b) Without prejudice to the need to use the reporting format adopted at the fifth meeting of the Parties by any Party submitting a second national report or a Party submitting a national report for the first time, consider adjusting the reporting format of the third and subsequent national reports with a view to relating them to the strategic priorities of the Protocol by limiting subsequent reporting to:
- (i) questions that require regular updating; and
  - (ii) questions relating to priority areas applicable to the reporting period as indicated in the Strategic Plan and the programme of work and as determined by the Conference of the Parties serving as the meeting of the Parties to the Protocol;
- (c) request the Executive Secretary to send confidential reminders to national focal points of Parties that have not submitted their national report of their obligation to do so;
- (d) urge Parties to give priority to national reporting when seeking funding from the Global Environment Facility;
- (e) request the Executive Secretary to organize, subject to the availability of funds, regional or sub-regional information meetings or workshops on national reporting with a view to facilitating the timely preparation and submission of second national reports;
- (f) encourage Parties to seek assistance from the Secretariat if they are having difficulties preparing their national reports, preferably well in advance of the due date of the national reports.

18. The Committee also noted that members may play a facilitative role within their respective regions by providing information on the importance of national reporting and opportunities that may be available for assistance in the preparation of national reports.

#### **ITEM 4. REVIEW OF PREVIOUS DISCUSSIONS BY THE COMMITTEE AS REGARDS TRIGGERING THE COMPLIANCE PROCEDURES AND MECHANISMS**

19. At its sixth meeting, the Committee had requested the Secretariat to compile the Committee's previous discussions regarding the trigger mechanism under the compliance procedures from the relevant reports of the Committee for consideration at its present meeting. The Committee had agreed to consider this matter in the context of the submissions received by the Secretariat from Parties as regards to how the supportive role of the Committee could be improved, as specified in paragraph 6 of decision BS-IV/1.

20. The representative of the Secretariat introduced the documents that are relevant to the item. He indicated that the Secretariat has prepared the compilation of the Committee's discussions concerning the trigger procedures as contained in document UNEP/CBD/BS/CC/7/2 and also drew the attention of members to another document (UNEP/CBD/BS/COP-MOP/5/2/Add.1) prepared by the Secretariat for consideration by the fifth meeting of the Parties compiling the views of Parties on how the supportive role of the Compliance Committee could be improved. He pointed out the relevance of the elements of a draft decision in the latter document to facilitate the Committee's discussions.

21. The Committee generally expressed support for the elements of a draft decision in document UNEP/CBD/BS/COP-MOP/5/2/Add.1 which were developed on the basis of the views submitted. Members felt that the elements contributed to building confidence in the compliance procedures and mechanisms under the Protocol while enabling the Committee to play a more proactive and supportive role in assisting Parties to comply with the Protocol. They agreed to recommend to the fifth meeting of the Parties that it adopt the suggested elements of a decision bearing in mind the need for maintaining

confidentiality and cooperation between the Committee and the concerned Party in the implementation of draft element (e). The Committee also recommended that the meeting of the Parties include the option of using information from the BCH and the Secretariat by the Committee in playing its proactive and supportive role in the context of element (e).

22. With a view to promoting compliance with the Protocol and addressing cases of non-compliance, members emphasised the need to examine and understand the difficulties or obstacles that Parties face in the implementation of their obligations under the Protocol.

#### **ITEM 5. REVIEW OF GENERAL ISSUES OF COMPLIANCE**

23. At its sixth meeting, the Committee considered the status of implementation of the obligation to make information available to the BCH and agreed to some recommendations on a preliminary basis. The Secretariat drew the attention of the members to the preliminary recommendations as contained in paragraph 18 of the report of the sixth meeting of the Committee and informed the Committee that there had been no significant developments since the last meeting of the Committee in the submission of information to the BCH.

24. The Committee agreed to make the following recommendations to the fifth meeting of the Parties:

(a) Request Parties and encourage other Governments to provide, in a timely manner, to the BCH information on their domestic decisions approving living modified organisms and the risk assessment reports associated with such decisions;

(b) Call upon Parties as well as other Governments to take the necessary measures to ensure the accuracy and completeness of information that they make available to the BCH and, in this regard, urge them to cooperate fully with the Secretariat; and

(c) Invite Parties, other Governments and relevant international organizations to develop initiatives and provide funding to overcome obstacles encountered by developing countries in meeting their obligations under Article 20 of the Protocol, including capacity-building, technology transfer and the development of infrastructure necessary for facilitating access to and participation in the BCH by each Party.

25. The Committee agreed to consider including in its work programme for the next biennium the status of implementation of obligations related to public awareness and participation.

#### **ITEM 6. OTHER MATTERS**

26. The Secretariat informed the Committee that the terms of five of its members would end on 31 December 2010 and therefore the Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to elect new members at its fifth meeting. Members of the Committee whose terms will end at the end of the year are: (i) Africa – Bather Kone (already served two terms); (ii) Group of Latin America and the Caribbean – Victor Villalobos Arambula (already served two terms and submitted letter of resignation); (iii) Western Europe and Others Group – Clare Hamilton (finishing first term); (iv) Central and Eastern Europe – Sergiy Gubar (already served two terms); and (v) Asia-Pacific – Paul Damien Roughan (finishing first term).

27. The Secretariat also recalled that, at their fourth meeting, the Parties elected Mr. Lionel Michael from the GRULAC region to serve on the Committee for two years, ending on 31 December 2010, to be replaced by Mr. Romy Montiel for the following two years.

28. It was agreed that the dates of the next meeting of the Committee would be determined in consultation with the members of the Committee, taking into account the outcome from the fifth meeting of the Parties to the Protocol.

#### **ITEM 7. ADOPTION OF THE REPORT**

29. At the 4th session of the meeting, the Chair introduced the draft report of the meeting, which was adopted as orally amended. The Committee also considered and adopted a consolidated report on the work of its three inter-sessional meetings for submission to the fifth meeting of the Parties.

#### **ITEM 8. CLOSURE OF THE MEETING**

30. In closing, the Chair expressed his satisfaction with the significant steps taken towards enhancing the implementation of the compliance procedures and mechanisms and improving the supportive role of the Committee. He thanked members of the Committee for their valuable contributions and the Secretariat for the preparation of documents and facilitation of the meeting. Members have also applauded the Chair's contribution in guiding the Committee's work.

31. The Committee expressed its appreciation to the outgoing members for their service and contribution over the years. The outgoing members also thanked the other Committee members for the cooperative manner in which the Committee had operated and for the positive and memorable experience they have had during their term in the Committee.

32. Mr. Jürg Bally declared the meeting closed at 12 p.m. on Friday, 10 September 2010.

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