



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/BS/CC/10/2
6 May 2013

ORIGINAL: ENGLISH

COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Tenth meeting

Montreal, 29 – 31 May 2013

Item 3 of the provisional agenda*

STATUS REPORT ON THE SUBMISSION OF SECOND NATIONAL REPORTS

INTRODUCTION

1. In accordance with Article 33 of the Protocol and decision BS-I/9 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP), each Party to the Cartagena Protocol on Biosafety is required to submit a national report on measures it has taken to implement the Protocol. By June 2012, 144 out of 161 Parties that had an obligation to do so submitted their second national reports.
2. At its last meeting, the Committee reviewed the compliance of Parties with their obligation to submit national reports and it welcomed the exceptionally high rate of reporting. It noted, however, that second national reports were still due from 17 Parties.¹ The Committee submitted a recommendation to COP-MOP 6 to request the 17 Parties to submit their national report at the earliest opportunity.
3. This document provides information on the status of submission of second national reports following the last meeting of the Committee and subsequent to COP-MOP 6.

I. STATUS OF SUBMISSION

4. At its ninth meeting held in May-June 2012, the Compliance Committee agreed, as a first step, to send letters to those Parties that had not yet submitted any national report and had not responded to reminders² sent by the Secretariat in this regard. The Committee agreed on the text of the letter which was later signed by the Chairperson of the Committee and sent by the Secretariat to the concerned Parties. A sample of this letter is attached to this document as annex I.

* UNEP/CBD/BS/CC/10/1.

¹ Bahamas, Barbados, Belize, Georgia, Greece, Luxembourg, the Marshall Islands, Montenegro, Nauru, Nicaragua, Oman, Pakistan, Palau, Paraguay, Suriname, Trinidad and Tobago and Turkmenistan. Seven of these Parties, namely the Bahamas, Luxembourg, the Marshall Islands, Nauru, Nicaragua, Oman and Paraguay had not submitted any national report.

² The number of Parties falling into this category at that time was six. Paraguay was not contacted at this time since it had already responded to the reminder sent to the seven Parties in March 2012. In its response, Paraguay indicated that it was immediately initiating procedures towards fulfilling the obligation. Later on, Paraguay submitted its report.

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5. Following this communication, Nauru submitted its second national report in August 2012. Nicaragua contacted the Secretariat to indicate that it had experienced some difficulties with regard to funding for the preparation of its report, but that it was taking steps to be able to comply with the obligation.
6. Prior to COP-MOP 6, two additional Parties, namely Paraguay and Suriname, duly submitted their second national reports.
7. Based on the recommendation of the Committee and the updated information by the Secretariat, COP-MOP 6 noted that 14 Parties had not yet submitted their second national reports and that five of those Parties had never fulfilled their reporting obligations under Article 33 of the Protocol, and urged all of them to submit their national reports at the earliest opportunity.³
8. In response to the Committee's request⁴ and in keeping with decision BS-VI/14 of COP-MOP, the Executive Secretary sent a letter to the national focal points of the Parties that were still required to submit a second national report. The letter sought information from the Parties on the difficulties that may have prevented them from submitting a report, reminded them of the need for the submission of their report without further delay, and offered assistance. A sample of this letter is provided as annex II.
9. The Secretariat received responses from two Parties,⁵ providing an update of their respective situation with regard to national processes in the preparation and submission of their report. One additional Party, Marshall Islands, simply acknowledged receipt. Oman, submitted its second national report in March 2013.
10. In conclusion, only one Party has submitted its national report since COP-MOP 6 and, therefore, national reports are still overdue from 13 Parties⁶ to the Cartagena Protocol on Biosafety.

II. SUGGESTION

11. The Committee may wish to send a letter to the 13 Parties which are still required to submit their second national report.⁷

³ Paragraph 3 of decision BS-VI/14.

⁴ Paragraph 11(e) of the report of the ninth meeting of the Compliance Committee (UNEP/CBD/BS/CC/9/4).

⁵ Nicaragua replied that it had experienced some delay in the internal processes of consulting other sectors, including the private sector, but that it was ready to fulfill its commitment. Pakistan indicated that the draft report had already been prepared by the Bio Safety Center team working under the administrative control of Director General EPA and was reviewed in a meeting recently. The National Focal Point is expecting the response/compliance from the team that is finalizing the report and will inform the Secretariat if any difficulty is faced in this regard.

⁶ They are: The Bahamas, Barbados, Belize, Georgia, Greece, Luxembourg, the Marshall Islands, Montenegro, Nicaragua, Pakistan, Palau, Trinidad and Tobago and Turkmenistan. Four of these Parties, namely the Bahamas, Luxembourg, the Marshall Islands and Nicaragua have not submitted any report since they became Parties to the Protocol.

⁷ For the four Parties that have submitted no national report before, such a letter would be a follow-up to the previous one sent by the Committee. It would be the first communication from the Compliance Committee for the other nine Parties.

*Annex I***Sample letter sent in June 2012 to the six Parties that never submitted any national report**

Dear XXX,

As the Chair of the Compliance Committee under the Cartagena Protocol on Biosafety, I have the honour to convey the compliments of the Committee to the Government of XXX. I would kindly like to draw your attention to your country's obligation to submit its national report in accordance with Article 33 of the Protocol and associated decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

Further to the mandate given to the Committee by the Parties in decision BS-V/1, the Committee has noted the non-submission of either an interim, first or second national report by XXX, despite a number of reminders from the Secretariat. As you know, national reports serve not only to review each Party's compliance with its obligations under the Protocol but also to assess the overall status of implementation of the Protocol and to identify issues that hinder the effectiveness of the Protocol. The information provided in these reports establishes the baseline for measuring progress in the implementation of the Protocol.

Although the deadline for the submission of the second national reports has already passed, for the reasons described above, you are strongly urged to submit a national report as soon as possible using the format for the second national report available on the Biosafety Clearing-House: http://bch.cbd.int/protocol/cpb_natreports.shtml#natrep2.

I would further like to invite you to provide information on the factors that may have prevented you from submitting any national reports to date. The Committee stands ready to provide you with any advice or assistance that may help you to complete and submit your national report with the shortest possible delay.

I also wish to draw your attention to the availability of possible avenues of support for the preparation of the national report. These include seeking assistance from the Secretariat, the Biosafety Roster of Experts and organizations in the XXX region (such as the UNEP regional office) that may have relevant expertise or resources to help your country in this area.

I appreciate your kind collaboration in this very important matter and I look forward to receiving your response at your earliest convenience and no later than 20 July 2012

Please accept the assurances of my highest consideration.

Jürg Bally
Chairman, Compliance Committee
Cartagena Protocol on Biosafety

Annex II

Sample letter sent in December 2012 to the Parties that were still required to submit a second national report

Dear XXXXX,

Under Article 33 of the Cartagena Protocol on Biosafety, each Party has the obligation to submit, periodically, a report on the implementation of its obligations under the Protocol. As you may be aware, the submission of a second national report was due in September 2011. Your country is one of the very few Parties that have not yet submitted their second national report.

The Secretariat has sent several reminders before and after the due date, including the last one, in March 2012. *(In the case of your country which has not submitted any national report to date, the Chair of the Compliance Committee has also sent a kind reminder of your obligation in July 2012 to which no response has been received so far.)*

At its sixth meeting held from 1 to 5 October 2012 in Hyderabad, India, the Conference of the Parties serving as the meeting of the Parties to the Protocol reminded, in its decision BS-VI/14, Parties of their obligation to submit national reports, in accordance with Article 33 of the Protocol and urged those Parties (14 in number) that have not yet submitted their national reports to do so at the earliest opportunity. The Secretariat would like to reiterate an earlier decision which clarifies that failure to submit a national report within the deadline does not absolve Parties from fulfilling their obligation for that reporting period. National reports serve not only to review each Party's compliance with its obligations under the Protocol but also to assess the overall status of implementation of the Protocol and to identify issues that hinder the effectiveness of the Protocol. Parties are, therefore, required to submit national reports as soon as possible. References to relevant notifications as well as links to the offline or the online format of the report are available at: http://bch.cbd.int/protocol/cpb_natreports.shtml.

If you experience any difficulty with any aspect of completing and submitting your national report, please do not hesitate to contact the Secretariat. The Compliance Committee is also available, as indicated in decision BS-V/1, to provide you with any advice or assistance that may facilitate the completion and submission of your national report within the shortest possible delay.

I would very much appreciate your acknowledgement of receipt of this reminder by 31 January 2013, informing us of the intended date of submission of your report and/or any difficulties you are experiencing with the timely submission of your reports.

I wish to thank you in advance for your kind collaboration on this matter.

Yours sincerely,

Braulio Ferreira de Souza Dias
Executive Secretary