



Convention on Biological Diversity

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COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Tenth meeting
Montreal, 29-31 May 2013

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

INTRODUCTION

A. *Background*

1. The sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP) took place from 1 to 5 October 2012 in Hyderabad, India. The meeting considered the report and recommendations of the Compliance Committee and adopted decision BS-VI/1 on compliance as well as a number of other decisions¹ incorporating elements related to compliance.

2. In November 2012, the Secretariat circulated a note to members of the Committee² assessing the decisions of the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol relevant to compliance. The note also presented a proposed work plan for the Committee for the intersessional period, taking into account the relevant decisions from the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and the organization of work agreed upon by the Committee at its eighth meeting.

3. Following consultations with members of the Committee, the tenth meeting of the Compliance Committee was held from 29 May to 31 May 2013 at the office of the Secretariat of the Convention on Biological Diversity.

¹ BS-VI/5, BS-VI/7, BS-VI/14 and BS-VI/15.

² Also circulated as UNEP/CBD/BS/CC/10/INF/1.

B. Attendance

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

Africa:

Ms. Kaouthar Tliche Aloui
Mr. Johansen Voker

Asia and the Pacific:

Dr. Yousef S. Al-Hafedh
Dr. Banpot Napompeth
Dr. Rai S. Rana

Central and Eastern Europe:

Dr. Angela Lozan
Ms. Natalya Minchenko
Ms. Dubravka Stepic

Latin America and the Caribbean:

Mr. Héctor Conde Almeida
Mr. Alejandro Hernandez
Dr. Jimena Nieto Carrasco

Western Europe and Others:

Mr. Ruben Dekker
Ms. Clare Hamilton

5. Two members, namely Mr. Abisai Mafa and Mr. Geoff Ridley, were unable to attend.

6. The representative of the Secretariat confirmed that thirteen 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 1. OPENING OF THE MEETING

7. Mr. Worku Damena Yifru, Programme Officer, Biosafety Division of the Convention, opened the meeting at 9.30 a.m. on 29 May 2013. He welcomed all members to the meeting, in particular the new members of the Committee and invited the members to introduce themselves.

8. He recalled, for the benefit of the new members, some of the compliance procedures and mechanisms, such as the membership and function of the Committee, as contained in decision BS-I/7.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Election of officers

9. The Secretariat invited the Committee to nominate members who would serve as Chair and Vice-Chair for a two-year term. Accordingly, the Committee elected by acclamation Ms. Jimena Nieto Carrasco as Chair and Mr. Ruben Dekker as Vice-Chair in accordance with paragraph 2 of rule 12 of the rules of procedure for meetings of the Committee (decision BS-II/1).

10. Following her election as Chair, Ms. Nieto thanked the Committee for the confidence it had placed in her. She acknowledged the contributions that her predecessors as well as previous members of the Committee had made in bringing the Committee to the mature stage it had achieved.

2.2. Adoption of the agenda

11. The Committee adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/BS/CC/10/1) prepared by the Secretariat:

1. Opening of the meeting.

2. Organizational matters:
 - 2.1 Election of officers;
 - 2.2 Adoption of the agenda;
 - 2.3 Organization of work.
3. Assessment of the outcomes of the sixth meeting of the Parties to the Cartagena Protocol on Biosafety with regard to items relevant to compliance.
4. Review of compliance on the basis of the second national reports, with a focus on the priority issues identified by the sixth meeting of the Parties to the Cartagena Protocol on Biosafety.
5. Review of general issues of compliance.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.

2.3 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/10/1/Add.1).

ITEM 3. ASSESSMENT OF THE OUTCOMES OF THE SIXTH MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY WITH REGARD TO ITEMS RELEVANT TO COMPLIANCE

13. The representative of the Secretariat drew the attention of members to document UNEP/CBD/BS/CC/10/INF/1 reviewing the outcomes of the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety which were considered to be relevant to the work of the Compliance Committee. The Committee was invited to consider, in particular paragraphs 14, 24 and 26 of the document.

(a) Guidance to GEF to consider activities recommended by the Compliance Committee

14. The Committee examined the potential that paragraph 2(n) of decision BS-VI/5 might have in the enhancement of the supportive role of the Committee. According to that paragraph, the Global Environment Facility (GEF) is invited to consider, within the four-year outcome-oriented framework of programme priorities for biodiversity for the sixth GEF replenishment period (2014–2018), nine programme priorities including “activities recommended by the Compliance Committee to assist eligible Parties to comply with their obligations under the Protocol” (item 8 in paragraph 2(n)).

15. To assist the Committee in its deliberations, a representative of the Secretariat updated the Committee on the status of consideration of the guidance by GEF in the context of the sixth replenishment period.

16. The Committee discussed what specific activities could be recommended for GEF assistance. In that regard, it agreed to recommend the following activities to assist eligible Parties to comply with their obligations under the Protocol:

(a) The provision of financial resources to facilitate the preparation of the third national reports under the Protocol, in accordance with paragraph 2(g) of decision BS-VI/5;

(b) The provision of financial resources to facilitate the preparation by Parties that have not yet done so, of their first national reports under the Protocol, in accordance with decision BS-V/14;

(c) The provision of financial resources to enable Parties to facilitate the finalization and implementation of their national biosafety frameworks, in accordance with paragraph 2(h) of decision BS-VI/5; and

(d) The provision of financial resources to fund the support of experts, selected in consultation with the concerned Parties, from the Biosafety Roster of Experts in pursuit of (a), (b) and (c) above, as necessary.

17. The Committee also decided to recommend to COP-MOP 7 to invite the GEF to consider providing financial resources for updating and implementing national biosafety frameworks to take account of relevant decisions of the Parties to the Protocol.

18. The Committee also requested the Secretariat to communicate with GEF to clarify how it planned to implement the guidance from the Conference of the Parties contained in decision XI/5, Appendix II, paragraph 2(n)(8), i.e. supporting activities recommended by the Compliance Committee to assist eligible Parties to comply with their obligations under the Protocol and if they foresee any obstacles.

19. The Committee noted that the activities it recommended and the questions it raised regarding the GEF rules and operational procedures required urgent attention in order to secure support from GEF-6 for eligible Parties to the Protocol.

(b) *Contribution by the Committee to the third assessment and review of the effectiveness of the Protocol*

20. The Committee welcomed the decision from COP-MOP 6 to request the Committee to evaluate the status of the implementation of the Protocol as a contribution to the third evaluation of the effectiveness of the Protocol in accordance with its Article 35 (decision VI/15, paragraph 6). In that regard, the members clarified the timeline for the third assessment and review and related processes and the Committee's role therein as illustrated in annex I.

(c) *Proposed work plan of the Committee*

21. Further to paragraph 26(b) of document UNEP/CBD/BS/CC/10/INF/1, the Committee agreed to the work plan for its eleventh meeting as contained in annex II.

(d) *Status of submission of national reports*

22. The Secretariat introduced document UNEP/CBD/BC/CC/10/2 which provides a status report on the submission of second national reports. The Secretariat informed the Committee that, since its last meeting, four Parties had submitted their outstanding report and that, following official communications from the Committee and the Secretariat with concerned Parties, national reports were still due from 13 Parties.³

23. The Committee agreed to send a second letter to the four Parties⁴ that had never submitted a national report and a first letter to the nine Parties⁵ that were still required to submit their second national

³ The Bahamas, Barbados, Belize, Georgia, Greece, Luxembourg, the Marshall Islands, Montenegro, Nicaragua, Pakistan, Palau, Trinidad and Tobago and Turkmenistan.

⁴ The Bahamas, Luxembourg, the Marshall Islands and Nicaragua.

⁵ Barbados, Belize, Georgia, Greece, Montenegro, Pakistan, Palau, Trinidad and Tobago and Turkmenistan.

report urging them to submit their reports as soon as possible. The letters would also be copied to the head of the institution where the national focal point was located and the ministry of foreign affairs where that ministry was not the national focal point. The letters would make reference to the potential availability of funding from GEF-6 for the preparation of national reports in accordance with the relevant guidance to the GEF.

24. Members also agreed to inquire informally and in their personal capacity with the concerned Parties from their respective regions regarding the difficulties that these Parties were facing in complying with their obligation to submit a national report and share the information about the results of their consultations with other members of the Committee, through the Compliance Committee Collaborative Portal in the Biosafety Clearing-House.

ITEM 4. REVIEW OF COMPLIANCE ON THE BASIS OF THE SECOND NATIONAL REPORTS, WITH A FOCUS ON THE PRIORITY ISSUES IDENTIFIED BY THE SIXTH MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

25. The Chair invited the Secretariat to introduce the document relevant to this item. The representative of the Secretariat introduced document UNEP/CBD/BS/CC/10/3 by recalling decision BS-VI/1 in which COP-MOP 6 had recognized the task of putting operational biosafety frameworks in place as the top most priority for Parties. The COP-MOP called upon Parties to expedite their efforts to take legal, administrative and other measures necessary for the implementation of the Protocol and requested those Parties that had still not put in place operational biosafety frameworks to submit information on the challenges they were faced with in this regard, and the plans and timelines, as appropriate, that they envisaged for the purpose of taking the necessary measures.

26. The representative of the Secretariat indicated that 38 Parties were identified for follow-up pursuant to the COP-MOP 6 decision based on the responses they had provided through their second national reports. He informed the Committee that the Secretariat had sent an official letter to these Parties and replies were received from 13 Parties.

27. The Committee reviewed the synthesis of responses contained in document UNEP/CBD/BS/CC/10/3. In this regard, members of the Committee recognized the various difficulties faced by Parties in finalizing and operationalizing their national biosafety frameworks. Some members also noted that some of the Parties that had not fulfilled this obligation may not be eligible for GEF funding. Others also noted that Parties may be differentiated on the basis of lack of capacity, lack of funding or lack of prioritization as a possible reason for lagging behind in putting their national biosafety frameworks in place.

28. The Committee agreed as follows:

(a) The Secretariat would send a second letter, by 15 June, to the 25 Parties from which no response was received with a deadline to respond by the end of July 2013. If no response was received by the end of September 2013, the Committee would send a letter to the national focal points of the Parties with a copy to their respective ministry of foreign affairs inquiring as to why they had been unable to fulfill their obligation and offering the assistance of the Compliance Committee. The letters should be written in the United Nations language appropriate to the Party to the extent possible and ask the concerned Party to provide brief information indicating their challenges and the support they might require to overcome these challenges;

(b) The Secretariat would continue its follow-up with the 13 Parties that responded to the letter it had sent last year following COP-MOP 6 in order to update these Parties' progress;

(c) The Secretariat would liaise with GEF and seek its cooperation in facilitating the availability of funding, in accordance with existing guidance to the financial mechanism, to support eligible Parties with the aim to update, finalize and implement their national biosafety frameworks, taking into account the list of 38 Parties identified as not having introduced the legal, administrative or other measures necessary to implement the Protocol.

ITEM 5. REVIEW OF GENERAL ISSUES OF COMPLIANCE

29. In introducing the document relevant to this item (UNEP/CBD/BS/CC/10/4), the representative of the Secretariat recalled that at its previous meeting, the Committee had identified three general issues of compliance for appropriate action:

- (a) The obligation to take legal, administrative and other measures;
- (b) The obligation to make information available to the Biosafety Clearing-House (BCH) as required under the various provisions of the Protocol;
- (c) The obligation to promote public awareness, education and participation concerning the safe transfer, handling, and use of living modified organisms.

As issue (a) was already addressed under the previous agenda item, the document focused on issues (b) and (c).

30. The Secretariat further recalled the Committee's request from its ninth meeting for the Secretariat to continue liaising with Parties that had not provided any or complete information to the BCH to encourage them to update and complete information which they had an obligation to make available through the BCH and to report on the outcome of its efforts to the Committee. In that regard, the Secretariat reported that it had identified 19 Parties which had not made available to the BCH all the decisions on living modified organisms (LMOs) taken by their regulatory bodies,⁶ and/or had not provided the risk assessments that had to accompany such decisions. The Secretariat also reported that it had contacted these 19 Parties to draw their attention to the apparent gaps and the need to submit the relevant decisions and risk assessments and that a few of them had taken appropriate actions.

31. The Compliance Committee emphasized the importance of accurate and up-to-date information on Parties' decisions on domestic use of LMOs being made available to the BCH. The members discussed that there may be many reasons why Parties did not make information available to the BCH, in addition to limitations in capacity.

32. The Committee welcomed the Secretariat's periodic efforts to follow-up with Parties on the completeness of information in the BCH in general and on decisions and risk assessments in particular. It requested the Secretariat to send a second reminder by the end of September 2013 to the Parties from which no action had been taken to provide the missing information by that time. If no response was received or satisfactory action was taken by the end of the year, the Committee would send a letter to the national focal points of the Parties with a copy to their respective ministry of foreign affairs inquiring as to why they had been unable to fulfill their obligation and offering the assistance of the Compliance Committee.

33. The Committee also noted that other categories of information specified in the Protocol, such as information on illegal transboundary movements and unintentional transboundary movements of LMOs, had to be made available to the BCH in a timely manner.

⁶ The Secretariat used the Biotradestatus database (www.biotradestatus.com) as reference to identify gaps in this regard.

34. In discussing issue (c) regarding the obligation to promote public awareness, education and participation, the Committee noted the materials made available by the Secretariat which could help Parties in their efforts in this regard. Members recognized the advantages of incorporating elements regarding public awareness, education and participation in national biodiversity strategies and action plans (NBSAPs) under the Convention on Biological Diversity. They also noted how the implementation of the obligation in this area was closely linked to the introduction of legal, administrative or other measures to implement the Protocol in a Party.

35. The Committee decided to recommend to the seventh meeting of the COP-MOP to:

(a) Urge Parties to implement requirements under Article 23 of the Protocol within a mechanism appropriate to their national circumstances, which could include the integration of public awareness, education and participation within: (i) NBSAPs; (ii) a broader national framework for communication, education and public awareness (CEPA); or (iii) efforts to implement Target 1 of the Aichi Targets, and taking into account relevant elements of the programme of work on public awareness, education and participation adopted in decision BS-V/13;

(b) Encourage Parties to make effective use of the various tools, materials and mechanisms made available by the Secretariat and others, including the online forum and the online regional networks established through the BCH, to share information, experiences and lessons learned in the implementation of obligations under Article 23 of the Protocol.

ITEM 6. OTHER MATTERS

36. The Chair informed the Committee that the Implementation and Compliance Committee of the Basel Convention had invited compliance mechanisms of other multilateral environmental agreements and the Food and Agriculture Organization's International Treaty on Plant Genetic Resources for Food and Agriculture to establish a dialogue to exchange information and experiences. The Committee welcomed the initiative and invited the Chair to follow-up and report back to the Committee at its next meeting.

37. The members were reminded of the availability of the Compliance Committee Collaborative Portal to exchange information between meetings of the Committee. The Secretariat demonstrated how to access and use the Compliance Committee Collaborative Portal available to current members of the Committee as well as how to access information on national contacts in the BCH.

38. The Committee tentatively agreed to hold its eleventh meeting in the same period next year bearing in mind the schedule of other CBD meetings foreseen for that time. The Secretariat will consult with the members to determine the exact dates.

ITEM 7. ADOPTION OF THE REPORT

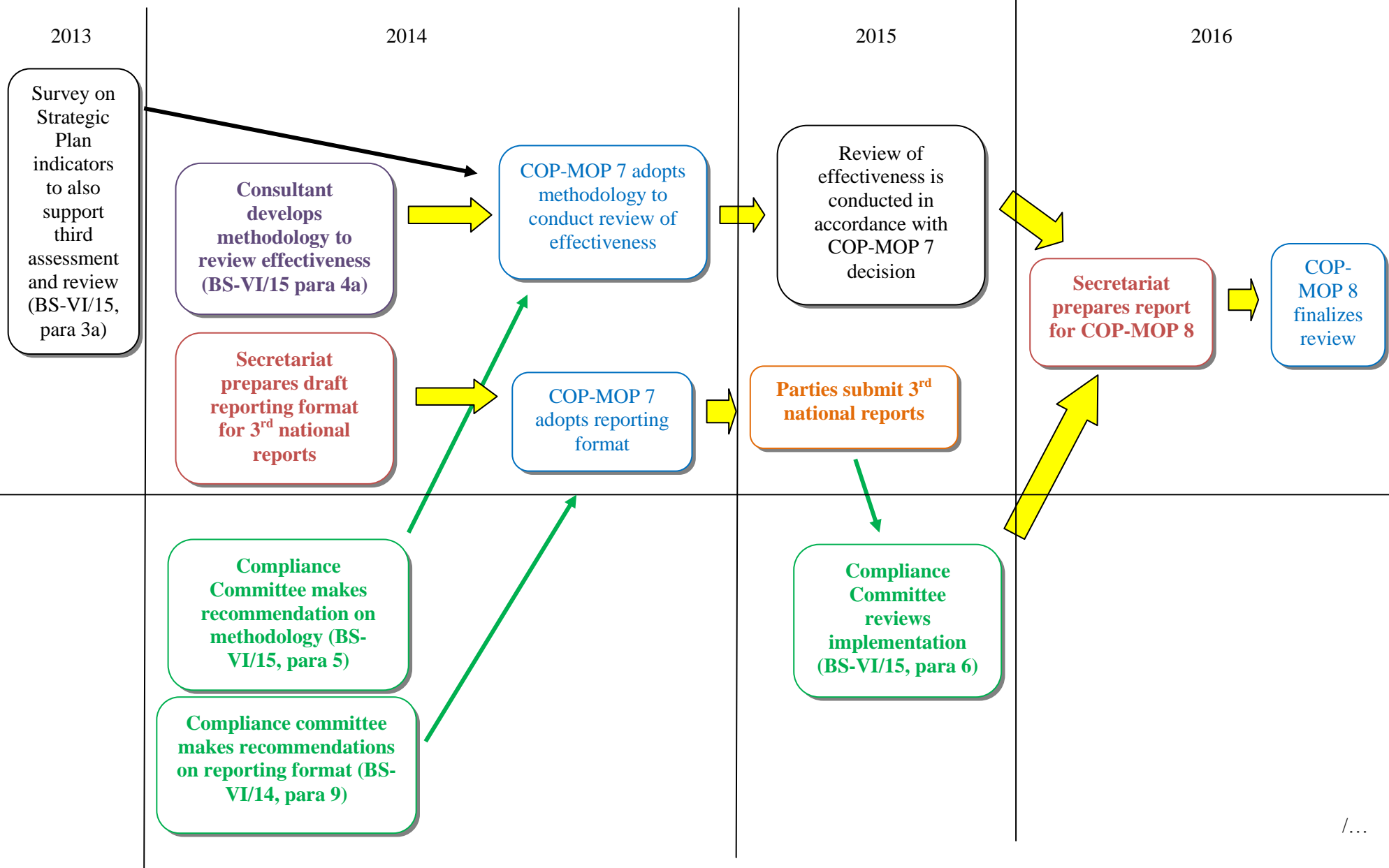
39. The Chair introduced the draft report of the meeting, which was adopted as orally amended.

ITEM 8. CLOSURE OF THE MEETING

40. Following the usual exchange of courtesies, the meeting was declared closed by the Chair at noon on Friday, 31 May 2013.

Annex I

Timeline for the process of the third assessment and review and Compliance Committee's contribution



Annex II

WORK PLAN FOR THE ELEVENTH MEETING OF THE COMPLIANCE COMMITTEE

1. Review consistency between the information in national reports and the Biosafety Clearing-House;
2. Provide input, as appropriate, to the methodological approach proposed for the third assessment and review;
3. Contribution to the third national reporting format;
4. General issues of compliance;
5. Any other issues that may be pending or may arise; and
6. Preparation and adoption of the report and the recommendations of the Committee for submission to the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.
