



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/BS/CC/11/4
30 May 2014

ORIGINAL: ENGLISH

COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Eleventh meeting
Montreal, 28-30 May 2014

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

INTRODUCTION

1. The eleventh meeting of the Compliance Committee was held in the offices of the Secretariat in Montreal, from 28 to 30 May 2014.

2. 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
Mrs. Jimena Nieto Carrasco

Western Europe and Others:

Mr. Ruben Dekker
Mrs. Clare Hamilton
Dr. Geoff Ridley

ITEM 1. OPENING OF THE MEETING

3. Mrs. Jimena Nieto, Chair of the Committee, opened the meeting at 9.30 a.m. on 28 May 2014. She welcomed participants and thanked the Secretariat for the organization of the meeting and for the documentation.

4. The Chair informed the Committee that one member of the Committee, Mr. Alejandro Hernandez, from the Group of Latin America and Caribbean, had resigned from the Committee and so would not be attending the meeting. She noted that his term was to finish at the end of 2014 and therefore a new member would be elected at the seventh meeting of the Parties to the Protocol to be held in October. Another member, Mr. Abisai Mafa from Africa, was unable to attend.

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ITEM 2. ORGANIZATIONAL MATTERS**2.1 Adoption of the agenda**

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

1. Opening of the meeting.
2. Organizational matters:
 - 2.1 Adoption of the agenda;
 - 2.2 Organization of work.
3. Status of compliance with respect to cases reviewed at the previous meeting.
4. Review of consistency between information in national reports and the Biosafety Clearing-House.
5. Contribution to the third assessment and review of the effectiveness of the Cartagena Protocol, and the preparation of the third national reporting format.
6. Review of general issues of compliance.
7. Report and recommendation of the Committee to the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.
8. Other matters.
9. Adoption of the report.
10. Closure of the meeting.

2.2 Organization of work

6. The Committee agreed on the organization of its work as proposed by the Secretariat, as specified in annex I to the annotations to the provisional agenda (UNEP/CBD/BS/CC/11/1/Add.1).

ITEM 3. STATUS OF COMPLIANCE WITH RESPECT TO CASES REVIEWED AT THE PREVIOUS MEETING

7. Introducing this item, the representative of the Secretariat outlined the structure and content of document UNEP/CBD/BS/CC/11/2 on the status of compliance with respect to cases reviewed at the previous meeting. He indicated that the document provided a report of the activities undertaken by the Secretariat and the Chair of the Committee since the tenth meeting of the Committee with regard to the compliance of Parties with their obligation to: (a) submit a second national report; (b) put in place national biosafety frameworks; and (c) make information available to the Biosafety Clearing-House (BCH) as required under the various provisions of the Protocol. He noted that the Committee may wish to consider the suggestions contained in section IV of the document.

8. The Chair invited members to provide comments on the document, in particular the suggestions submitted for the consideration of the Committee. In this regard, the Committee noted that Parties' compliance with the three areas highlighted in the document was generally encouraging.

9. With regard to making information available to the BCH, the Committee noted that, among other things, information from external sources may not necessarily be reliable and therefore there is a need for validation of such information by the Parties concerned.

10. The Committee considered the link between compliance and the availability of financial resources particularly for helping eligible Parties to put in place national biosafety frameworks, which had been identified by the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) as the top-most priority area. The Committee recalled the discussion as specified in paragraphs 17 through 19 of the report of its last meeting regarding the availability of funds from the Global Environment Facility (GEF). A representative of the Secretariat updated the members of developments with regard to GEF-6. He informed the Committee that the GEF would not consider a

separate window for biosafety, therefore eligible Parties will need to prioritize biosafety activities in their allocation from the System for Transparent Allocation of Resources (STAR) if they wish to access GEF funds for this purpose.

11. The Committee noted the low level of uptake of funds (39%) from GEF-5 for biosafety activities.

12. It was noted that biosafety had not fared well at the national level as a priority area for GEF funding. In this regard, members considered ways to help Parties to improve their access to GEF funding for biosafety projects through, among other things, better coordination between biosafety, biodiversity and GEF focal points and organizing regional workshops with a view to: (a) raising awareness among Parties of the importance of fulfilling biosafety-related obligations; (b) helping to identify local or regional capacity that may be available and utilized; and (c) designing projects that have a better chance of being successfully approved.

13. It was also suggested that regional biosafety projects could have a greater chance of success due to the spreading of the required administrative costs and the pooling of resources available among participating Parties.

14. The Committee noted that a Party may not be motivated to apply for GEF funding where biosafety-related activities or projects may be too small to justify the associated administrative costs or too large, consuming a disproportionate share of that Party's STAR allocation.

15. It was suggested that the United Nations Environment Programme needed to augment the resources, including human resources, that it had available for supporting countries in developing and implementing biosafety projects. The Committee noted the approval of a third global project on the BCH, which should assist Parties in fulfilling their obligation to make information available to the BCH.

16. The Committee also noted the need for reintegrating biosafety into the biodiversity agenda and, in that regard, acknowledged the efforts being undertaken to review and align national biosafety-related programmes with national biodiversity strategies and action plans as referred to in paragraph 2(a) of decision BS-V/16.

17. The Committee also recalled the recommendations it had agreed to at its tenth meeting under paragraph 16 of its report regarding the provision of funding for different activities to assist eligible Parties to comply with their obligations under the Protocol, including preparation of their third national reports.

18. The Committee further agreed that the Secretariat followed up, in consultation with the Chair of the Committee, with those Parties that were still behind in putting in place their national biosafety framework, and making complete and up-to-date information available to the Biosafety Clearing-House; and report the progress to the twelfth meeting of the Committee.

19. The Committee agreed to recommend that, at their seventh meeting, Parties:

(a) Request the Bureau to follow up with the ten Parties that still need to submit their second national report to encourage them to do so as part of their national processes to complete their third national report;

(b) Encourage Parties to cooperate at the regional level to obtain GEF funding;

(c) Invite the GEF to consider making funds available through a focal area set aside for small-scale projects to Parties that inform the Compliance Committee of their difficulties in complying with the Protocol in accordance with paragraph 2(n)(8) of appendix II to decision XI/5.

ITEM 4. REVIEW OF CONSISTENCY BETWEEN INFORMATION IN NATIONAL REPORTS AND THE BIOSAFETY CLEARING-HOUSE

20. The Chair invited the Secretariat to introduce the documents relevant to this item. The representative of the Secretariat drew the Committee's attention to document UNEP/CBD/BS/CC/11/3, which identifies specific information that the Protocol required each Party to make available through the

BCH and cross-checked answers provided by Parties in their second national report with the records currently available, as submitted by Parties, on the BCH. He also explained that, due to their large size, the tables containing all the information gathered and synthesized for this exercise had been made available in a separate document (UNEP/CBD/BS/CC/11/3/Add.1). He noted that the Committee may wish to consider the suggestions contained in section III of the main document.

21. The Committee acknowledged the extensive work that had been done by the Secretariat in reviewing the national reports and cross-checking the information with records in the BCH. The Committee recognized that the review of national reports by the Secretariat and the Committee and consequent communication with Parties raised awareness of the utility of national reports and created an incentive for Parties to submit complete and accurate national reports in a timely manner. They also recognized that making information available to the BCH was an ongoing process that changed continually.

22. It was noted that the Parties had been very engaged in the three years between the submission of national reports and the review of information undertaken for this meeting. Furthermore, many Parties had been responsive to reminders and inquiries from the Secretariat pursuant to paragraph 8 of decision BS-VI/14. The present review exercise provided the opportunity for the Parties concerned to explain the sources of possible discrepancies between information in their second national reports and in the BCH.

23. Members have also, in this regard, indicated that the following could contribute to the discrepancies identified in the review:

- (a) Ambiguity of some questions in the national reporting format;
- (b) Limitations in capacity of BCH focal points in understanding the information required to be submitted to the BCH, on the one hand, and in using the BCH on the other.

24. The Committee recognized that Parties were still behind in making information available with respect to: (i) bilateral, regional and multilateral agreements and arrangements; and (ii) illegal and unintentional transboundary movements. It was felt that some of the problems listed under the above paragraph may have contributed to the inconsistencies in these areas. Furthermore, it was observed that Parties had different approaches in understanding and addressing illegal and unintentional transboundary movements.

25. The Committee requested the Secretariat to continue to follow-up with the concerned Parties to address the inconsistencies identified between the information they had provided through their national report on the one hand, and the Biosafety Clearing-House on the other.

26. The Committee also agreed to authorize the Chair of the Committee to write a letter to the concerned Parties that were not responding to the Secretariat's communications as appropriate, reminding them of their obligation to provide complete and consistent information required under the Protocol.

27. The Committee agreed to make the following recommendations to the seventh meeting of the Parties:

- (a) Provide guidance on what constitutes unintentional transboundary movements in contrast with illegal transboundary movements and what follow-up action is required in each circumstance;
- (b) Encourage Parties to provide to the BCH the actual documents that contain the information required under the Protocol and, in the event where they provide a link to a website to access a document, ensure that the link is functional and up-to-date and the information is easily accessible;
- (c) To request Parties and urge other Governments and relevant international and regional organizations to undertake or support capacity-building initiatives to assist developing country Parties in the use of the BCH and putting in place facilities enabling them to submit consistent, up-to-date and complete information through the BCH and their national reports.

ITEM 5. CONTRIBUTION TO THE THIRD ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE CARTAGENA PROTOCOL, AND THE PREPARATION OF THE THIRD NATIONAL REPORTING FORMAT

28. The Secretariat introduced the draft format for the third national reports (UNEP/CBD/BS/COP-MOP/7/12) and recalled that at its sixth meeting, the COP-MOP had requested the Executive Secretary to take into account the recommendations of the Compliance Committee in updating the reporting format for the third national report.¹

29. Committee Members made comments and raised questions regarding the reporting format, including:

(a) The reporting format has a broader purpose than compliance;

(b) The questions need to be clear so that those completing the report know what is being asked for and the responses provided are accurate. The reporting format should be as long as needed to take this into account, whilst avoiding duplication and repetition of questions;

(c) A clear distinction needs to be made between questions that address obligations in the Protocol and those that are intended to gather information on the state of implementation, taking into account the Strategic Plan and decisions of the COP-MOP.

It was also questioned whether the proposed format was fully in line with paragraph 8 of decision V/14.

30. Some specific suggestions were made to improve the reporting format, including:

(a) Enabling Parties that have responded fully to the second national report to focus on where there have been changes since the second national report rather than providing the same information again;

(b) Particularly with the non-mandatory questions, rather than being prescriptive, leaving flexibility to Parties to report through free text boxes on how they are implementing as this will provide useful examples that other Parties may wish to build in to their own implementation.

31. A representative of the Secretariat responded to a number of questions raised by Committee members. With respect to the suggestion that questions in the reporting format could be automatically completed based on information that had previously been submitted in the second national report, he explained that this was possible only for Parties that complete their report online. However, the rate of online reporting was only approximately 10% for the second national reports. He noted that the inclusion of questions that addressed the information needs for the indicators in the Strategic Plan had contributed to the length of the format. He explained that including questions that may have been answered in the second national reports would contribute to monitoring trends and progress in the implementation of the Protocol in general and the Strategic Plan in particular. He expressed the Secretariat's openness to any comments that would further improve and streamline the content and length of the format.

32. Following extensive discussion, the Committee agreed to request the Secretariat:

(a) To revise the guidelines contained in the draft reporting format and include further details on the rationale behind the overall approach taken in developing the format;

(b) To revise the format, taking into account the concerns expressed and the specific suggestions submitted by members.

33. The Committee also agreed to recommend to the COP-MOP:

(a) To urge Parties to submit their third national reports in a timely manner with a view to allowing sufficient time for the analysis of the information in the reports, which is essential for assessing

¹ Paragraph 9 of decision BS-VI/14.

compliance, conducting the mid-term review of the Strategic Plan and the third assessment and review of the effectiveness of the Protocol; and

(b) To request the Executive Secretary to organize online discussions, such as webinars, and regional workshops on national reporting with a view to assisting Parties in understanding the reporting format, the rationale behind the question and the technical facilities for the online submission of their third national reports.

34. The Secretariat made available document UNEP/CBD/BS/COP-MOP/7/13 on methodology to review effectiveness on the last day of the meeting. Due to the late availability of the document, the Committee decided that members would review the document after the meeting and agreed to have informal discussions on the Compliance Committee Collaborative Portal or organize an online meeting.

ITEM 6. REVIEW OF GENERAL ISSUES OF COMPLIANCE

35. The Committee agreed to consider and review any new general issues of compliance at a future meeting on the basis of information from the third national reports, which were due in September 2015.

ITEM 7. REPORT AND RECOMMENDATION OF THE COMMITTEE TO THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL

36. The Committee considered and adopted a consolidated report (UNEP/CBD/BS/COP-MOP/7/2) on the work of its two intersessional meetings, including recommendations for consideration and adoption, as appropriate, by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its seventh meeting.

ITEM 8. OTHER MATIERS

37. The Chair recalled the invitation of the Basel Convention's Implementation and Compliance Committee to a dialogue among representatives of compliance mechanisms of other multilateral environmental agreements. She reported that the dialogue had been held in Paris on 6 December 2013 and a fruitful exchange of experience had taken place. She proposed the Compliance Committee of the Biosafety Protocol offer to host a similar dialogue at its next meeting. The Committee welcomed the proposal.

ITEM 9. ADOPTION OF THE REPORT

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

ITEM 10. CLOSURE OF THE MEETING

39. The Chair thanked the members for their valuable contributions and declared the meeting closed at 2 p.m. on Friday, 30 May 2014.
