



**Convention on
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COMPLIANCE COMMITTEE UNDER THE
CARTAGENA PROTOCOL ON BIOSAFETY
Twelfth meeting
Montreal, 13-15 May 2015

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

INTRODUCTION

1. The twelfth meeting of the Compliance Committee was held at the Secretariat in Montreal from 13 to 15 May 2015.
2. All members of the Committee were present at the meeting.

ITEM 1. OPENING OF THE MEETING

3. A representative of the Secretariat opened the meeting at 9.30 a.m. on 13 May 2015. He welcomed all members, in particular the new members of the Committee, to the meeting and invited the members to introduce themselves.
4. The representative of the Secretariat also recalled 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

5. The Committee re-elected Ms. Jimena Nieto Carrasco as Chairperson and Mr. Ruben Dekker as Vice-Chairperson for a second two-year term in accordance with rule 12 of the rules of procedure for meetings of the Committee (decision BS-II/1).

2.2. Adoption of the agenda

6. On the basis of the provisional agenda (UNEP/CBD/BS/CC/12/1) prepared by the Secretariat, the Committee adopted the following agenda:
 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 seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety regarding items relevant to compliance.
4. Review of compliance on the basis of information in the Biosafety Clearing-House.
5. Providing input to the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020.
6. Other matters.
7. Adoption of the report.
8. Closure of the meeting.

2.3. Organization of work

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

ITEM 3. ASSESSMENT OF THE OUTCOMES OF THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY REGARDING ITEMS RELEVANT TO COMPLIANCE

8. The representative of the Secretariat introduced the assessment document (UNEP/CBD/BS/CC/12/2) and drew the attention of the Committee to certain parts of the document. Apologizing for the delay in issuing the documents for the meeting, he informed the Committee that the delay had been due to limited staff resources currently available in the Biosafety unit. The members expressed appreciation for the organization of the meeting and the preparation of the documents. The Committee expressed concern that the gaps in staffing in the Secretariat might have an adverse impact on the delivery of the work programme under the Biosafety Protocol.

9. The Committee welcomed the positive consideration of its recommendations by the Conference of the Parties serving as the meeting of the Parties to the Biosafety Protocol at its seventh meeting (COP-MOP 7) and reviewed the specific outcomes that were relevant to compliance.

Role of the Compliance Committee in assisting Parties

10. The Committee noted the invitation in decision BS-VII/1 to Parties facing difficulties complying with one or more of their obligations under the Protocol to seek assistance from the Compliance Committee or the Secretariat. In that context, members have discussed extensively what assistance they may provide to Parties and how to raise awareness of the supportive role of the Committee.

11. The Committee developed and agreed on a brief information note (see annex) and asked the Secretariat to make it available online. The note explains the kind of assistance the Committee may be able to provide Parties.

12. In that regard, the Committee also requested the Secretariat to compile information on the assistance provided by the Committee in its previous work and to make it available to the members. The Committee noted that the information could help in measuring the contribution that the Committee had made to date in assisting Parties in their implementation efforts. The Committee further requested the Secretariat to update information previously compiled by the Secretariat on the experience of the compliance mechanisms under other multilateral environmental agreements. That information was intended to contribute to further identifying the types of assistance that the Committee might provide and the means by which that assistance might be made available to Parties.

Matters related to the financial mechanism and resources

13. The Committee reviewed decision BS-VII/5 together with decision XII/30 C of the Conference of the Parties to the Convention on Biological Diversity regarding guidance to the financial mechanism. It noted the changes made to its recommendations as summarized in paragraphs 15 to 22 of the document on the assessment of the outcomes of COP-MOP 7 (UNEP/CBD/BS/CC/12/2). Some members expressed concern that the recommendation to make Global Environment Facility (GEF) funds available through a focal area set-aside was decided to be limited to national reporting. Members noted that even where Parties have submitted proposals for projects to implement the Protocol, these projects face challenges in securing approval of the Global Environment Facility. The need to work more closely with the United Nations Environment Programme (UNEP) and its biosafety activities with a view to supporting the design of projects was also noted.

14. Members noted that the Protocol had progressed from a phase of development to a phase of implementation and strongly suggested that GEF should shift its focus accordingly and provide support for implementation of national biosafety frameworks. The Committee decided to recommend to COP-MOP 8 to continue to urge GEF to extend funding for projects and capacity-building activities necessary for the implementation of the Cartagena Protocol on Biosafety. In addition, the Committee requested the Secretariat to explore with the GEF how to formulate a meaningful recommendation in that direction that would ensure GEF support for projects dealing with implementation of national biosafety frameworks. Committee members also agreed to seek advice from their national GEF focal points. The Committee agreed to revisit the issue at its next meeting.

Clarifying what constitutes an unintentional transboundary movement

15. The Committee recalled its observation in the light of the responses in the second national reports where Parties had different approaches in understanding and addressing illegal and unintentional transboundary movements of living modified organisms. In that regard, the Committee noted decision BS-VII/10, in which COP-MOP had requested the Committee to submit to COP-MOP 8 suggested clarifications on what constitutes an unintentional transboundary movement in contrast with an illegal transboundary movement. The Secretariat briefed the Committee on the activities being undertaken to respond to the decision and to facilitate the consideration of the matter by the Compliance Committee.

16. The Committee agreed to include an item on the matter on the agenda of its next meeting.

Monitoring and reporting

17. The Committee noted decision BS-VII/14, by which COP-MOP 7 had adopted the reporting format for use by Parties in submitting their third national reports or any outstanding report on the implementation of their obligations under the Protocol.

18. Some members briefed the Committee on their efforts to encourage Parties in their respective regions to submit their second national reports if they had not already done so. The Committee agreed that members would continue to remind Parties in their respective regions to fulfil their reporting obligations for the third national reports.

19. The Committee requested the Secretariat to inform Parties that they could direct any questions they have on the reporting format to the Secretariat for clarification. The Committee also requested the Secretariat to make available online any clarifications that it provided so that others might also benefit.

Work plan

20. The Committee decided to hold its thirteenth meeting in the first quarter of 2016 (tentatively 24-26 February) and to consider the following items at the meeting:

(a) Status of compliance with the obligation to submit third national reports and whether the information in the reports is complete;

(b) Evaluation of the status of implementation of the Protocol in meeting its objectives: input to the third assessment and review and the mid-term evaluation of the Strategic Plan;

- (c) General issues of compliance;
- (d) Clarifications on what constitutes unintentional transboundary movement in contrast with illegal transboundary movement;
- (e) Any other issues that may be pending or may arise;
- (f) Preparation and adoption of the report and the recommendations of the Committee for submission to COP-MOP 8.

ITEM 4. REVIEW OF COMPLIANCE ON THE BASIS OF INFORMATION IN THE BIOSAFETY CLEARING-HOUSE

21. A representative of the Secretariat introduced the document relevant to the item (UNEP/CBD/BS/CC/12/3), which reviews the information available in the Biosafety Clearing-House (BCH) with a view to verifying whether it is complete and up to date. He explained that certain categories of information required to be made available on the BCH – as specified in paragraph 6 of the document – had been reviewed by the Secretariat in order to verify the completeness of the information provided by each Party. In carrying out the exercise, he explained that other sources of information were taken into account to identify information that could be missing from the BCH. He noted that the use of those sources is only to initiate queries with the concerned Party and that it is for the Party to indicate the correct information.

22. The Committee recognized that making information available to the BCH is an ongoing process and acknowledged the efforts of the Secretariat to assist Parties in maintaining up-to-date and complete records on the BCH.

23. The Secretariat informed the Committee that, in connection with the UNEP-GEF Project for Sustainable Capacity-Building for Effective Participation in the BCH (BCH-III), a training-of-trainers meeting had been held at the Secretariat the previous week in which regional advisers had expressed interest in the work of the Committee in relation to the Committee's review of compliance with information that needs to be submitted to the BCH as required by the Protocol.

24. The Committee requested the Secretariat to continue to liaise with the Parties concerned to assist them in updating their records on the BCH and to provide the Committee with an update at its fifteenth meeting as part of the review of consistency of information between third national reports and the BCH.

25. The Committee encouraged its members to liaise with the UNEP-GEF BCH regional advisers, as appropriate, with a view to facilitating support to Parties with difficulties in making information available to the BCH.

26. The Committee also asked the Chair to communicate, as necessary, with Parties identified as repeatedly having missing or incomplete records in the BCH and to encourage them to continue to respond to communications from the Secretariat and to endeavour to complete missing information and update records as indicated or to seek assistance from the Secretariat.

ITEM 5. PROVIDING INPUT TO THE THIRD ASSESSMENT AND REVIEW OF THE PROTOCOL AND THE MID-TERM EVALUATION OF THE STRATEGIC PLAN FOR THE CARTAGENA PROTOCOL ON BIOSAFETY FOR THE PERIOD 2011-2020

27. The representative of the Secretariat introduced the document relevant to the item (UNEP/CBD/BS/CC/12/4) and recalled that, at its seventh meeting, COP-MOP had requested the Compliance Committee to provide input into the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan in the form of an evaluation of the status of implementation of the Protocol in meeting its objectives. He explained the steps expected in the process from data gathering and analysis, primarily of third national reports, to the evaluation to be undertaken by the Subsidiary Body on Implementation, including the contribution from the Liaison Group on Capacity-building, and its

report to COP-MOP 8. He invited members to consider the suggestions provided in section III of the document regarding the possible input from the Committee.

28. The Vice-Chair of the Committee summarized the online discussions on the methodology for the third assessment and review that were held following the previous meeting of the Committee. He recalled that the discussions addressed the timeline for conducting the third assessment and review and the mid-term evaluation of the Strategic Plan, including the timing of the submission of the third national reports, the role of the different bodies that may be involved in the process, and the need to avoid overlap in their work.

29. The Committee decided to focus its input on the review of matters relevant to compliance that can add value to the third assessment and review and mid-term evaluation of the Strategic Plan. In that regard, the scope of the Committee's input would include:

(a) Evaluation of progress with respect to operational objective 3.1 of the Strategic Plan that refers to the strengthening of the mechanisms for achieving compliance;

(b) Element 15(c) of the core set of identified information needs for the third assessment and review contained in the annex to decision BS-VII/3 regarding the extent to which information in the BCH is reliable and up to date;

(c) The experience gained by the Committee in implementing its supportive role as specified in decision BS-V/1.

30. The Committee decided to hold its next meeting in conjunction with the meeting of the Liaison Group on Capacity-building in order to achieve consistency in the contributions of the Group and the input of the Committee to be forwarded to the Subsidiary Body on Implementation.

31. The Committee requested the Secretariat to make available on the collaborative portal the outcomes and recommendation of the first meeting of the Subsidiary Body on Implementation regarding the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan. In that regard, the Committee decided to postpone the finalization of its recommendations to COP-MOP 8 on the issue until the Committee had discussed via an online forum whether it wished to put forward any further views or recommendations to COP-MOP in the light of the outcome of the Subsidiary Body on Implementation.

ITEM 6. OTHER MATTERS

32. No other matters were raised.

ITEM 7. ADOPTION OF THE REPORT

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

ITEM 8. CLOSURE OF THE MEETING

34. The Chair expressed thanks to the members for their valuable contributions, and she drew their attention to the heavy agenda that the Committee would have at its next meeting.

35. The meeting closed at 12:15 pm on 15 May 2015.

Annex

**INFORMATION NOTE ON THE ROLE OF THE COMPLIANCE COMMITTEE
IN ASSISTING PARTIES**

The Compliance Committee is available to help Parties to fulfil their obligations under the Protocol.

The Committee is made up of legal and technical experts from the different geographical regions covered by the Protocol. All the members of the Committee have experience in implementing the Protocol in their own countries.

The types of help that the Committee can offer include:

- Identifying opportunities for regional cooperation;
- Assisting with the identification of organizations and projects that can help;
- Sharing information on lessons learned and best practices in implementation;
- Providing information on possible sources of funding for implementation;
- Recommending to the Conference of the Parties serving as the meeting of the Parties to the Protocol to provide assistance to individual or groups of Parties;
- Recommending priority areas for GEF funding;
- Advising on the availability of the roster of experts and the possible use of experts from that roster;
- Clarifying use of terms and procedures.

The Committee provides advice and assistance in a simple, facilitative, non-adversarial and cooperative way, paying particular attention to the special needs of developing countries and taking into full consideration the difficulties they face in the implementation of the Protocol.

The Secretariat may also be able to assist Parties regarding the basic requirements for national legal frameworks.

The Committee can be contacted through the Secretariat, or individual members can be contacted directly (see <https://www.cbd.int/doc/lists/bs-compliance.pdf>).
