



## Convention on Biological Diversity

Distr.  
GENERAL

UNEP/CBD/BS/CC/13/1/Add.1  
22 December 2015

ENGLISH ONLY

---

### COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Thirteenth meeting

Montreal, Canada, 24-26 February 2016

Item 2 of the provisional agenda\*

### ANNOTATIONS TO THE PROVISIONAL AGENDA

#### INTRODUCTION

1. The Compliance Committee under the Cartagena Protocol on Biosafety held its twelfth meeting in Montreal, Canada, from 13 to 15 May 2015. At that meeting, the Committee considered the outcomes of the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol (COP-MOP) with regard to items relevant to compliance.

2. In the context of decision BS-VII/1, in which Parties facing difficulties complying with one or more of their obligations under the Protocol were invited to seek assistance from the Compliance Committee or the Secretariat, members discussed extensively what assistance the Committee could provide and how to raise awareness of the supportive role of the Committee. The Committee developed a brief information note on the matter which the Secretariat made available online at the Committee's request.<sup>1</sup>

3. Also at its twelfth meeting, the Committee reviewed the status of compliance with regard to information made available by Parties to the Biosafety Clearing-House. In that context, it requested the Secretariat to liaise with the Parties concerned to assist them in updating their records on the Biosafety Clearing-House 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 Biosafety Clearing-House.

4. The Committee also discussed decision BS-VII/3 and agreed on the scope of the input it would provide into the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan, taking into account the role of the Liaison group on capacity-building and the Subsidiary Body on Implementation.

5. The Committee decided to review general issues of compliance at its subsequent meeting on the basis of the information provided in the third national reports (see section on agenda item 5 on page 3 below).

6. Following the schedule agreed upon by the Committee at its last meeting, the thirteenth meeting of the Committee will be held at the offices of the Secretariat in Montreal, from 24 to 26 February 2016.

---

\* UNEP/CBD/BS/CC/13/1.

<sup>1</sup> [https://bch.cbd.int/protocol/cpb\\_art34\\_cchelp.shtml](https://bch.cbd.int/protocol/cpb_art34_cchelp.shtml).

The meeting will be held in open session unless specific circumstances require otherwise, pursuant to rule 14 of the rules of procedure and as confirmed by the Committee at its fourth meeting.

7. The provisional agenda (UNEP/CBD/BS/CC/13/1) for the meeting has been developed on the basis of a work plan and suggested agenda items, as agreed by the Committee at its last meeting.<sup>2</sup>

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

8. The thirteenth meeting of the Committee will be opened at 9.30 a.m. on Wednesday, 24 February 2016.

#### **ITEM 2. ORGANIZATIONAL MATTERS**

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

9. The Committee may wish to adopt its agenda on the basis of the provisional agenda proposed by the Secretariat (see UNEP/CBD/BS/CC/13/1).

##### **2.3. Organization of work**

10. The Committee may wish to consider the proposed organization of work as contained in annex I below. The meeting will be conducted in English.

11. A list of documents for the meeting is contained in annex II below. The documents will be made available on the Secretariat's website at <http://www.cbd.int/doc/?meeting=BSCC-13>.

#### **ITEM 3. REVIEW OF COMPLIANCE WITH THE OBLIGATION TO SUBMIT NATIONAL REPORTS AND WHETHER THE INFORMATION IN THE REPORTS IS COMPLETE**

12. Under this agenda item, the Committee will review the status of compliance of Parties with their obligation to submit third national reports and whether the reports submitted are complete.

13. A report on this matter will be issued under the symbol UNEP/CBD/BS/CC/13/2.

#### **ITEM 4. 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**

14. In its decision BS-VII/3, COP-MOP requested the relevant subsidiary body (i.e. the Subsidiary Body on Implementation) to undertake the third assessment and review and mid-term evaluation of the Strategic Plan, including contributions from the Liaison Group on Capacity-Building. In paragraph 7 of decision BS-VII/3, COP-MOP 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. At its last meeting, the Committee agreed on the focus of its input and decided to carry out its evaluation at its thirteenth meeting on the basis of information contained in the third national reports.

15. To assist the Committee in its carrying out the evaluation, the Secretariat will issue a document providing an analysis of information from third national reports that is relevant to the Committee's input (UNEP/CBD/BS/CC/13/3). The findings will be presented against the baseline established in the context of the second assessment and review completed by COP-MOP at its sixth meeting and through the survey

---

<sup>2</sup> UNEP/CBD/BS/CC/12/5, para. 20.

carried out after the sixth meeting to gather information corresponding to indicators in the Strategic Plan that could not be obtained from the second national reports or through other existing mechanisms.<sup>3</sup>

16. The Secretariat will also seek to make available an advance draft the analysis of the third national reports submitted.<sup>4</sup> The Secretariat has developed an analyser tool which allows the responses provided by Parties in their third national reports to be compared with the responses provided by the same Parties in their second national reports. The analyser tool is available on the Biosafety Clearing-House.<sup>5</sup>

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

17. Review of general issues of compliance has been a standing agenda item since the fifth meeting of the Committee. At its eleventh meeting, the Committee decided to postpone the review of general issues of compliance to a future meeting in order to allow the information provided in third national reports to be considered.<sup>6</sup>

18. The Compliance Committee will undertake a comprehensive review of the current status of compliance under item 4 (above). In that context, general issues of compliance may emerge. Under item 5, the Committee may wish to revert on such issues and to address any additional areas in which Parties are facing difficulties in complying with their obligations under the Protocol. The Committee may wish to emphasize specific recurring issues of compliance or identify emerging priority issues and make recommendations to the Parties to the Protocol at their eighth meeting.

19. In order to further assist the Committee in this regard, the Secretariat will issue a document on the review of general issues of compliance (UNEP/CBD/BS/CC/13/4), highlighting any additional issues of compliance observed from the analysis of information contained in the third national reports.

#### **ITEM 6. CLARIFICATIONS ON WHAT CONSTITUTES UNINTENTIONAL TRANSBOUNDARY MOVEMENT IN CONTRAST WITH ILLEGAL TRANSBOUNDARY MOVEMENT**

20. At its eleventh meeting, the Compliance Committee reviewed issues related to consistency between the information that each Party had provided through its second national report and the information made available to the Biosafety Clearing-House by that Party. The Committee observed that Parties had different approaches in understanding and addressing illegal and unintentional transboundary movements, which led to inconsistencies in the information provided under those areas, and recommended that COP-MOP decide to provide guidance in that regard, in the context of operational objective 1.8 of the Strategic Plan.

21. In decision BS-VII/10, Parties and other Governments were invited, in the context of operational objective 1.8 of the Strategic Plan, to submit views on what constitutes unintentional transboundary movements in contrast with illegal transboundary movements and what type of information should be exchanged through the Biosafety Clearing-House.

22. In its decision BS-VII/10, COP-MOP requested the Executive Secretary to compile and synthesize information on this issue for consideration by the Compliance Committee at its thirteenth meeting and requested the Compliance Committee to submit suggested clarifications in that regard to the eighth meeting of the Parties.

---

<sup>3</sup> Decision BS-VI/15, para. 3.

<sup>4</sup> To be issued as UNEP/CBD/BS/COP-MOP/8/11.

<sup>5</sup> Available at: <https://bch.cbd.int/database/reports/>

<sup>6</sup> UNEP/CBD/BS/CC/11/4, para. 35. At its twelfth meeting, the Committee included the item in the list of agenda items for the Committee's thirteenth meeting.

23. To facilitate consideration of the matter by the Committee, the Secretariat will issue a compilation and synthesis of the views submitted (UNEP/CBD/BS/CC/13/5).

**ITEM 7. REPORT AND RECOMMENDATIONS OF THE COMMITTEE TO THE  
CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF  
THE PARTIES TO THE PROTOCOL AT ITS EIGHTH MEETING**

24. The Compliance Committee is expected to prepare a report, including recommendations, for submission to the Conference of the Parties to the Protocol at its eighth meeting. Under this item, the Committee will consider the report on its thirteenth meeting, including the recommendations that it wishes to submit to the COP-MOP at its eighth meeting for its consideration and appropriate action.

25. The practice of the Committee is to submit a consolidated report on the work of its twelfth and thirteenth meetings, including recommendations, for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

**ITEM 8. OTHER MATTERS**

26. Under this agenda item, members of the Compliance Committee may wish to raise and discuss any other matters relevant to the functions of the Committee.

27. Following discussions at its last meeting regarding the kind of assistance the Committee may be able to provide for Parties, as noted in paragraph 2 above, the Committee 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 also requested the Secretariat to update information previously compiled by the Secretariat on the experience of compliance mechanisms under other multilateral environmental agreements. This information should contribute to further identification of the types of assistance that the Committee might provide and the means by which that assistance might be made available to Parties.

28. In that regard, the Secretariat has issued two information documents for this meeting: (a) a review of the assistance provided by the Compliance Committee to Parties in its work to date (UNEP/CBD/BS/CC/13/INF/1); and (b) an update of information on the experience of compliance mechanisms under other multilateral environmental agreements (UNEP/CBD/BS/CC/13/INF/).

**ITEM 9 ADOPTION OF THE REPORT**

29. Under this agenda item, the Committee will consider and adopt the report on its thirteenth meeting.

**ITEM 10. CLOSURE OF THE MEETING**

30. The thirteenth meeting of the Compliance Committee is expected to close at 5 p.m. on Friday, 26 February 2016.

*Annex I***PROPOSED ORGANIZATION OF WORK**

<b>Date and time</b>	<b>Agenda item</b>
<b>24 February 2016</b>	
9.30 to 10.00 a.m.	1. Opening of the meeting
	2. Organizational matters:
	2.1. Adoption of the agenda
	2.2. Organization of work
10.00 to 11.00 a.m.	3. Review of compliance with the obligation to submit national reports and whether the information in the reports is complete
11.00 a.m. to 12.30 p.m.	4. 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
2.30 to 5.00pm	Agenda item 4 ( <i>continued</i> )
<b>25 February 2016</b>	
9.30 a.m. to 12.30 p.m.	5. Review of general issues of compliance
2.30 to 5.00 p.m.	6. Clarifications on what constitutes unintentional transboundary movement in contrast with illegal transboundary movement
<b>26 February 2016</b>	
9.30 a.m. to 12.30 p.m.	7. Report and recommendations of the Committee to Conference of the Parties serving as the meeting of the Parties to the Protocol at its eighth meeting
2.30 to 5.00 p.m.	8. Other matters
	9. Adoption of the report
	10. Closure of the meeting

*Annex II*

**LIST OF DOCUMENTS**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/CC/13/1	Provisional agenda
UNEP/CBD/BS/CC/13/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/CC/13/2	Status of compliance with the obligation to submit national reports
UNEP/CBD/BS/CC/13/3	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
UNEP/CBD/BS/CC/13/4	Review of general issues of compliance
UNEP/CBD/BS/CC/13/5	Compilation and synthesis of views on what constitutes unintentional transboundary movements in contrast with illegal transboundary movements
UNEP/CBD/BS/CC/13/INF/1	Review of the assistance provided by the Compliance Committee to Parties in its work to date
UNEP/CBD/BS/CC/13/INF/2	Update of information on the experience of compliance mechanisms under other multilateral environmental agreements
UNEP/CBD/BS/COP-MOP/8/11 (advance draft)	Analysis of third national reports

---