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COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY

Thirteenth meeting

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Item 3 of the provisional agenda*

REVIEW OF COMPLIANCE WITH THE OBLIGATION TO SUBMIT NATIONAL REPORTS AND WHETHER THE INFORMATION IN THE REPORTS IS COMPLETE

I. INTRODUCTION

1. At its eighth meeting, the Compliance Committee decided, in the context of the organization of its work, to review the compliance of Parties with their obligation to submit national reports at the committee meeting held following the deadline for submission of national reports in the given cycle.¹ The review is intended to consider the rate of reporting and whether the reports submitted are complete.

2. Accordingly, the present document contains, in section II, a brief explanation of the obligation to report to the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) on measures it has taken to implement the Protocol, the frequency of reporting and the timelines for national report submissions to date as well as data and information compiled pertaining to the review requested by the Committee. Finally, section III outlines a few suggestions for the consideration of the Committee.

II. THE OBLIGATION TO MONITOR IMPLEMENTATION OF OBLIGATIONS UNDER THE PROTOCOL AND TO REPORT ON MEASURES TAKEN

3. Article 33 of the Protocol requires each Party to monitor the implementation of its obligations under the Protocol and to report, at intervals, to COP-MOP on measures taken to implement the Protocol.

4. At their first meeting, COP-MOP requested that national reports be submitted every four years from the date of the entry into force of the Protocol, i.e. 11 September 2003. It also requested that national reports be submitted 12 months prior to the meeting of COP-MOP at which the reports would be considered. COP-MOP furthermore requested that Parties submit an interim report two years after the entry into force of the Protocol, in the initial four-year period.

5. Accordingly, the interim national reports were due on 11 September 2005, first national reports on 11 September 2007 and second national reports by the end of September 2011. Parties were requested to submit their third national reports by 31 October 2015.² As only 47 third national reports were received by

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

¹ See the report of the Compliance Committee under the Cartagena Protocol on Biosafety on the work of its eighth meeting (UNEP/CBD/BS/CC/8/3), figure 2, step 4, and para. 20.

² In accordance with decision BS-VII/14, paragraph 5(b), and as publicized in CBD Notification 2015-001.

the due date, a notification³ was issued reminding Parties of their obligation to submit a report and extending the deadline for submission to 30 November 2015.

6. Parties decided that third national reports would be used as the primary source of information for 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, which are to be considered at COP-MOP 8.⁴ Only 86 third national reports were received by the extended deadline. In order to have a greater number of reports for the analysis of progress made in the implementation of the Protocol, the Secretariat decided to include, as a basis for the preparation of documentation, reports submitted by 31 December 2015. This date has also been used for the preparation of the present document.

A. Rate of reporting⁵

1. Submission rate for interim national reports

7. By 11 October 2005, a month after the deadline for submitting interim national reports, the Secretariat had received and analysed 44 national reports, representing only 36 per cent of the Parties to the Protocol at that time.⁶

2. Submission rate for first national reports

8. By 16 October 2007, about a month after the submission deadline, first national reports had been received from 50 Parties to the Protocol. The number of Parties to the Protocol by that date was 141. Again, the rate of reporting stood at only 35 per cent of the Parties that had an obligation to submit a first national report.⁷ The rate improved following COP-MOP 4, when the Parties expressed concern regarding the low number of reports submitted and requested Parties that had not yet done so to submit their first national report to the Executive Secretary without further delay (see [decision BS-IV/14](#)). The decision was adopted on the basis, among other things, of the recommendations of the Compliance Committee. Parties were urged to observe the relevant decisions on reporting, and the Executive Secretary was requested to repeat the analysis of the first national reports submitted after the deadline.⁸ By 20 August 2008, 76 Parties had submitted their first national report, representing a reporting rate of 54 per cent.

3. Submission rate for second national reports

9. By 31 December 2011, about three months after the submission deadline, 143 of 161 Parties had submitted their second national reports, representing a rate of 89 per cent.⁹ This represented a high rate of submission, particularly as compared with the previous two reporting cycles. The analysis of responses was done on the basis of the 143 reports submitted.

10. Following factors contributed to the high rate of submission of second national reports: (a) the funds that were made available by the Global Environment Facility (GEF) to 86 Parties for the completion

³ <https://www.cbd.int/doc/notifications/2015/ntf-2015-125-bs-en.pdf>

⁴ See decision BS-VII/3, para. 1(b).

⁵ This section also presents the rate of reporting under the previous reporting cycles, to facilitate a comparative review of compliance of Parties with their reporting obligation.

⁶ See [UNEP/CBD/BS/COP-MOP/3/12](#).

⁷ See [UNEP/CBD/BS/COP-MOP/4/13](#).

⁸ The Secretariat carried out the analysis as requested and submitted it to the fifth meeting of the Compliance Committee. See [UNEP/CBD/BS/CC/5/2](#). All first national reports received by 20 August 2008 were included in the revised analysis.

⁹ Normally, the due date for the submission of second national reports should have been 11 September 2011. However, upon request from Parties, the deadline was set initially for 30 September 2011. Following the announcement by the Global Environment Facility of the availability of funding, for the first time ever, for national report preparation, and in order to allow eligible Parties sufficient time to access the funds, prepare their report and submit it, the Secretariat set a cut-off date of 31 December 2011 for the submission of reports that would be included in the analysis.

of their second national report;¹⁰ and (b) the discussions held and the information conveyed through regional workshops that the Secretariat conducted during the reporting period.

11. To date, 153 Parties have submitted their second national report, largely due to the additional efforts by the Secretariat and the Compliance Committee¹¹ to encourage Parties with outstanding reports to comply with their reporting obligation. As of the date of this report, only eight Parties had not submitted a second national report.¹²

4. *Submission rate for third national reports*

12. By 31 December 2015, 105 Parties had submitted their third national report out of the 170 Parties to the Protocol that had the obligation to do so. This represents a rate of 62 per cent. The regional breakdown of third national reports received is as follows:

- Africa: 33 reports (67 per cent of the Parties in the region)
- Asia and the Pacific: 22 reports (47 per cent of the Parties in the region)
- Central and Eastern Europe (CEE): 17 reports (77 per cent of the Parties in the region)
- Latin America and the Caribbean (GRULAC): 16 reports (52 per cent of the Parties in the region)
- Western Europe and Others Group (WEOG): 17 reports (81 per cent of the Parties in the region).

13. The twelfth Conference of the Parties to the Convention on Biological Diversity invited the GEF to implement guidance received from COP-MOP 7 to support, in view of the experience gained during the second national reporting process, the preparation of the third national reports under the Cartagena Protocol on Biosafety. In May 2015, Parties were notified that GEF had approved funding to support eligible Parties. As of 19 January 2016, 82 Parties had received GEF funding for the preparation of their third national reports or were in the process of accessing the GEF funds allocated to them, and 16 of them had not yet submitted their third national report to the Secretariat. Parties have faced challenges with accessing funds in a timely manner due to the delays caused by the implementation of the new Enterprise Resource Planning system (Umoja) by UNEP.¹³

14. The figures and the tables below provide a comparative overview and update on the number of Parties that have fulfilled their reporting obligation, including the interim, first, second and third national reports.

¹⁰ See [UNEP/CBD/BS/CC/9/2](#), para. 10.

¹¹ For a more detailed description of the role of the Compliance Committee in this regard, see UNEP/CBD/BS/CC/13/INF/1.

¹² Second national reports were not received from the Bahamas, Barbados, Greece, Luxembourg, the Marshall Islands, Montenegro, Nicaragua or Turkmenistan. It is encouraging to point out, however, that the Bahamas, which had been identified by the Committee at its last review of compliance as never having fulfilled its reporting obligations, duly submitted a third national report before the due date of 31 October 2015.

¹³ See notification <https://www.cbd.int/doc/notifications/2015/ntf-2015-038-UMOJA-en.pdf>.

Figure 1. Comparative overview of reports submitted by the deadline for the analysis of reports by reporting cycle

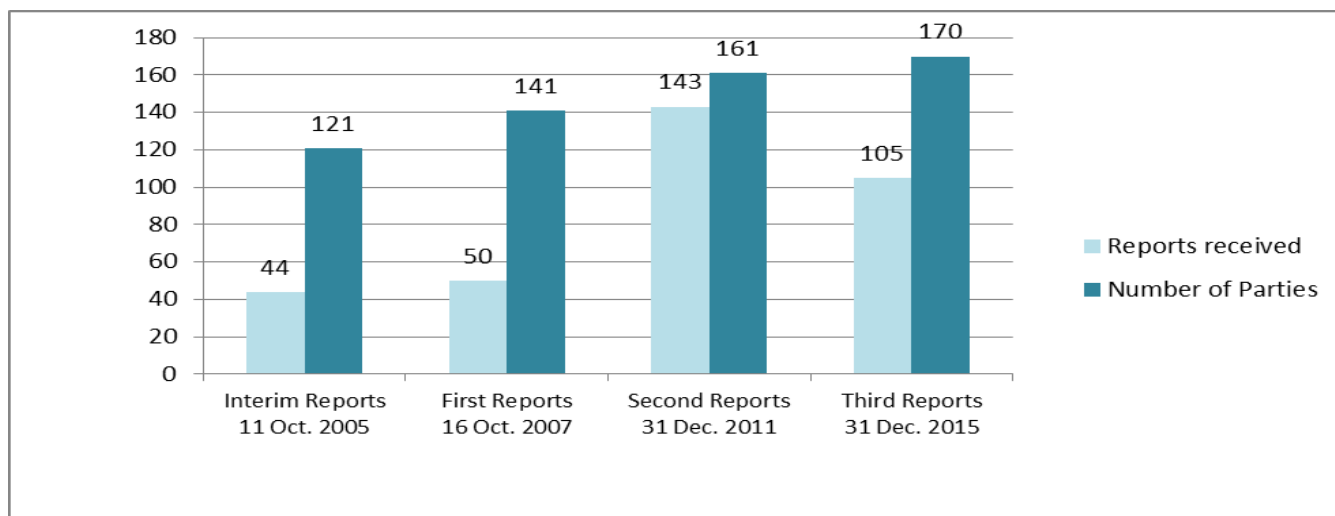


Figure 2. Comparative overview of submission of national reports by region and reporting cycle

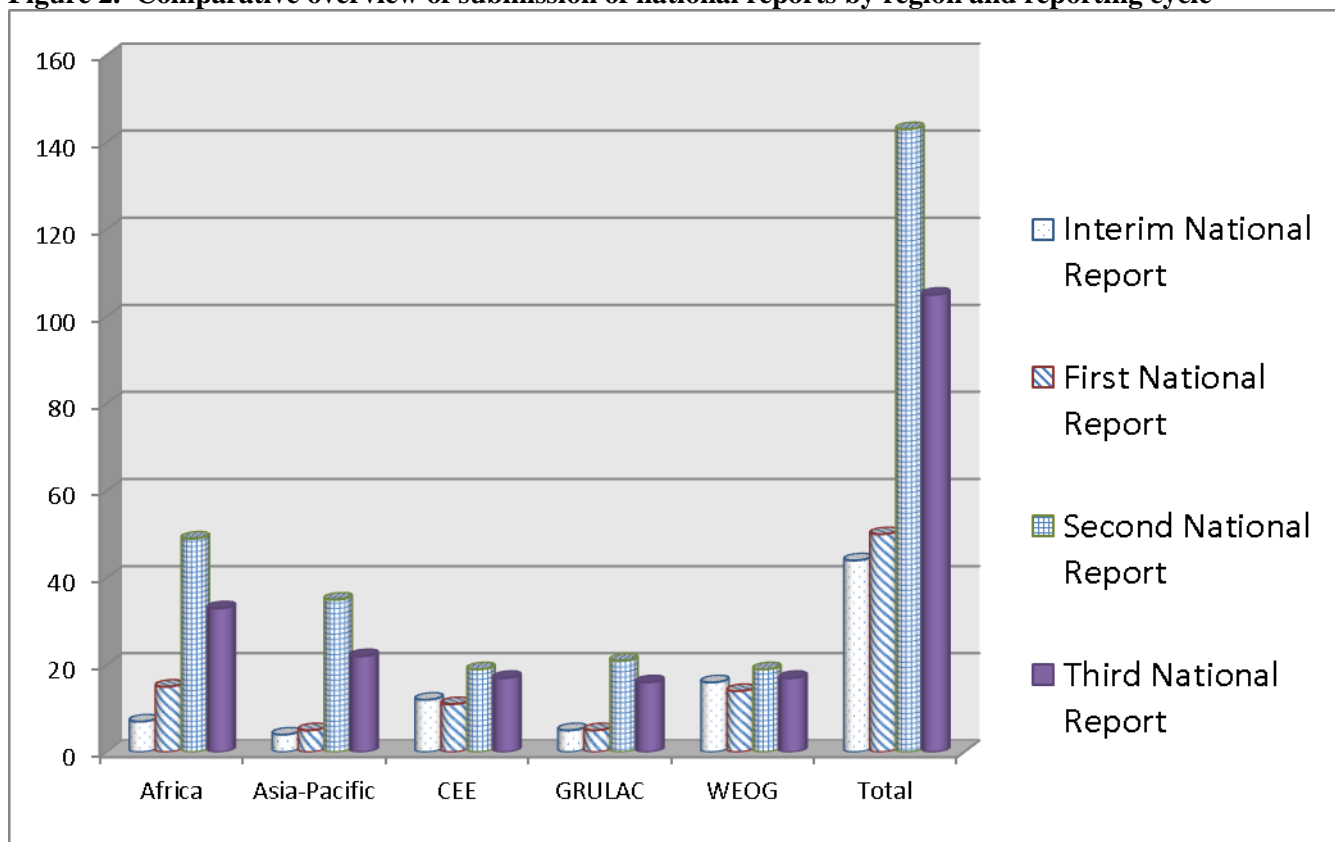


Table 1. Status of national reporting: Number of reports submitted by region

	<i>Interim</i>	<i>First</i>	<i>Second</i>	<i>Third</i>
Africa	7	15	49	33
Asia and the Pacific	4	5	35	22
CEE	12	11	19	17
GRULAC	5	5	21	16
WEOG	16	14	19	17
Total	44	50	143	105

Table 2. Status of national reporting: Percentage of Parties within each region

	<i>First</i>	<i>Second</i>	<i>Third</i>
Africa	38%	100%	67%
Asia and the Pacific	14%	85%	47%
CEE	55%	86%	77%
GRULAC	20%	75%	52%
WEOG	67%	90%	81%

B. Completeness of the reports

15. The Secretariat reviewed the reports submitted for their completeness with regard to responses to mandatory questions. The Secretariat contacted Parties identified as having submitted an incomplete third national report to seek clarification and offer assistance with the submission of required information. Most of these Parties were able to complete their third national report; only 12 reports remain incomplete as of 19 January 2016, in relation to, mostly, one or two questions.

16. In accordance with the organization of work agreed to by the Committee at its eighth meeting, a review of consistency between information in third national reports and the Biosafety Clearing-House is expected to be considered at the Committee's fifteenth meeting. Such a comparison was undertaken at the eleventh meeting in relation to information provided in the second national reports.¹⁴ In that context, members noted that some second national reports contained responses that did not correspond to the information and data that were available in the Biosafety Clearing-House at the time of the review. Decision BS-VII/1 reflected the recommendation of the Committee in this regard, and COP-MOP encouraged Parties to ensure that the information they made available to the Biosafety Clearing-House was up to date and consistent with their national reports.

C. Parties that have not submitted interim, first and second national reports

17. According to decision BS-V/1, the Compliance Committee has the responsibility to consider taking compliance measures if, inter alia, a Party fails to submit its national report. The Committee at its ninth meeting considered the rate of reporting for the second cycle, including the identification of those Parties that had never submitted a report to date. It identified seven Parties in this category.¹⁵ In keeping with its facilitative and supportive role, the Committee requested that the Executive Secretary and the Chair of the Committee contact the Parties concerned. Letters were sent out separately to the national focal points of Parties that had not submitted any report to that date. The letter from the Chair was also copied to the

¹⁴ UNEP/CBD/BS/CC/11/3 and Add.1.

¹⁵ Bahamas, Luxembourg, Marshall Islands, Nicaragua, Nauru, Oman and Paraguay.

ministry of foreign affairs and to the head of the institution in which the national focal point was located if different from the ministry of foreign affairs. The Parties concerned were reminded of their obligation to submit a national report and were urged to do so. The Chair invited the Parties to provide information on the factors that prevented them from submitting any national reports to that date. The letters included an offer of support from the Committee in terms of providing advice or assistance and the expertise of the Secretariat that might help the Party complete and submit its national report with the shortest possible delay.

18. Following the communication by the Committee and the Secretariat, four of the seven Parties submitted a national report.¹⁶

III. SUGGESTIONS FOR THE CONSIDERATION OF THE COMMITTEE

19. The Committee may wish to:

- (a) Make recommendations to COP-MOP for it to:
- (i) Welcome the funds that have once again been made available by GEF to a number of eligible Parties to support the preparation of their national reports;
- (ii) Urge the Parties that have not yet submitted their third national report or that have not submitted a complete third national report to do so as soon as possible;
- (b) Request the Secretariat to continue to liaise with the Parties that submitted incomplete reports, draw their attention to the information gap in their reports, and seek the necessary information;
- (c) Agree that the Chair of the Committee send a follow-up letter to the three Parties that have not submitted any national report to date, with a view to seeking an explanation of the situation that has prevented them from submitting national reports and offering them the advice or assistance, as appropriate, that they may wish to receive from the Committee.

¹⁶ Reports are still due from Luxembourg, the Marshall Islands and Nicaragua.