



Convention on Biological Diversity

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GROUP OF THE FRIENDS OF THE CO-CHAIRS ON LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY

Third meeting

Kuala Lumpur, 15-19 June 2010

Item 2 of the provisional agenda*

ANNOTATIONS TO THE PROVISIONAL AGENDA

INTRODUCTION

1. The Group of the Friends of the Co-Chairs on Liability and Redress in the Context of the Cartagena Protocol on Biosafety (hereinafter “Group of the Friends of the Co-Chairs”, or “the Group”) was established in May 2008 by the fourth meeting of Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety to further negotiate international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms. The first meeting of the Group took place in Mexico City from 23 to 27 February 2009. The Group held its second meeting in Kuala Lumpur from 8 to 12 February 2010 and continued its negotiations, mainly on the text of a supplementary protocol to the Biosafety Protocol. It provisionally adopted several provisions of such supplementary protocol.

2. At the conclusion of its second meeting, the Group agreed to further negotiate the rules and procedures on liability and redress on the basis of appendices I, II, and III to the report of the meeting (UNEP/CBD/BS/GF-L&R/2/3), and requested the Co-Chairs to convene another meeting of the Group. It also requested the Co-Chairs to prepare draft guidelines on the basis of appendix II of the report and to circulate the draft to the Friends prior to the next meeting of the Group.

3. Following consultations by the Co-Chairs on the dates and format of the next meeting, and another generous offer made by the Government of Malaysia, the third meeting of the Group is scheduled to take place from 15 to 19 June 2010 in Kuala Lumpur.

ITEM 1. OPENING OF THE MEETING

4. The meeting will be opened by one of the Co-Chairs at 10 a.m. on 15 June 2010. The opening of the meeting will be followed by welcoming remarks from a representative of the host Government.

* UNEP/CBD/BS/GF-L&R/3/1.

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ITEM 2. ORGANIZATIONAL MATTERS

2.1. Adoption of the agenda

5. The Group may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/BS/GF-L&R/3/1) prepared by the Executive Secretary in consultation with the Co-Chairs.

2.2. Organization of work

6. The Group may wish to consider the proposed programme of its work as contained in annex I below. The Group is expected to have three sessions every day, except the last day, unless decided otherwise.

7. The documentation that will be made available for the meeting is listed in annex II below.

ITEM 3. FURTHER NEGOTIATIONS ON INTERNATIONAL RULES AND PROCEDURES IN THE FIELD OF LIABILITY AND REDRESS FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF LIVING MODIFIED ORGANISMS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY

8. Following its terms of reference as provided by the Parties to the Protocol in decision BS-IV/12, and its agreement specified in the report of its second meeting (UNEP/CBD/BS/GF-L&R/2/3, paragraph 15 (a)), the Group is expected to further negotiate international rules and procedures in the field of liability and redress for damage resulting from the transboundary movements of living modified organisms in the context of the Biosafety Protocol on the basis of appendix I (containing two annexes), and appendices II and III to that report. These appendices will be put together and made available to the Group for its use as the working document under this agenda item (UNEP/CBD/BS/GF-L&R/3/2).

9. Following the request by the Group, the Co-Chairs have prepared draft guidelines on civil liability and redress in the field of damage resulting from transboundary movements of living modified organisms. These guidelines (UNEP/CBD/BS/GF-L&R/3/3) will be made available for consideration by the Group at the present meeting. The Co-Chairs have also prepared a document that shows, in a table format, the wording of comparable provisions from the following documents: the draft supplementary protocol, annex II of the report of the last meeting of the Group, the UNEP guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment, and the guidelines on civil liability and redress as presently proposed by them following request by the Group. This document is intended to facilitate discussions on the draft civil liability guidelines proposed by the Co-Chairs, and, therefore, will be made available as information document (UNEP/CBD/BS/GF-L&R/3/INF/3).

ITEM 4. OTHER MATTERS

10. Under this item, the meeting may wish to consider any other matters of relevance raised by participants in the Group.

ITEM 5. ADOPTION OF THE REPORT

11. The Group will be invited to consider and adopt its report on the basis of a draft report prepared by the Co-Chairs.

ITEM 6. CLOSURE OF THE MEETING

12. The third meeting of the Group of the Friends of the Co-Chairs is expected to be closed by 6 p.m. on Saturday, 19 February 2010.

Annex I

PROPOSED ORGANIZATION OF WORK FOR THE THIRD MEETING OF THE GROUP OF THE FRIENDS OF THE CO-CHAIRS ON LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY

<i>Date and time</i>	<i>Agenda item</i>
15 June 2010 (Tuesday) 10 to 10.10 a.m.	1. Opening of the meeting
10.10 to 10.20 a.m.	2. Organizational matters: 2.1. Adoption of the agenda; 2.2. Organization of work.
10.20 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m. and 8 to 10 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety
16 June 2010 (Wednesday) 10 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m. and 8 to 10 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
17 June 2010 (Thursday) 10 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m. and 8 to 10 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
18 June 2010 (Friday) 10 a.m. to 1 p.m. <i>and</i> 3 to 6 p.m. and 8 to 10 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
19 June 2010 (Saturday) 10 a.m. to 1 p.m.	3. Further negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety (<i>continued</i>)
3 to 6 p.m.	4. Other matters 5. Adoption of the report 6. Closure of the meeting

Annex II

LIST OF DOCUMENTS FOR THE THIRD MEETING OF THE GROUP OF THE FRIENDS OF THE CO-CHAIRS ON LIABILITY AND REDRESS IN THE CONTEXT OF THE CARTAGENA PROTOCOL ON BIOSAFETY

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/GF-L&R/3/1	Provisional agenda
UNEP/CBD/BS/GF-L&R/3/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/GF-L&R/3/2	Liability and redress: draft texts for further negotiations (appendices I, II and III to the report of the second meeting of the Group of the Friends of the Co-Chairs)
UNEP/CBD/BS/GF-L&R/3/3	Draft guidelines on civil liability and redress in the field of damage resulting from transboundary movements of living modified organisms
UNEP/CBD/BS/GF-L&R/3/INF/1	Recent developments in international law relating to liability and redress, including the status of international environment-related liability instruments
UNEP/CBD/BS/GF-L&R/3/INF/2	The concept of imminent threat of damage and its legal and technical implications
UNEP/CBD/BS/GF-L&R/3/INF/3	Comparative table: working towards non-legally binding provisions on civil liability
