



CONVENTION ON BIOLOGICAL DIVERSITY

Distr.
GENERAL

UNEP/CBD/BSWG/4/Inf.1/Add.1
3 February 1998

ORIGINAL: ENGLISH

OPEN-ENDED AD HOC WORKING
GROUP ON BIOSAFETY
Fourth meeting
Montreal, 5-13 February 1998

CHAIRMAN'S NOTE ON ARTICLE 11

ARTICLE 11- BILATERAL & REGIONAL AGREEMENTS

Option zero: No provision for bilateral & and regional agreements.

OR

Option 1A: Contracting Parties may enter into (bilateral), multilateral, (or regional) agreements or arrangements (with Parties or Non-Parties) regarding (procedures and information exchange relating to) transboundary movement of LMOs) (falling within the scope of this Protocol) (in lieu of the AIA requirements) provided (that such agreements or arrangements) (do not derogate from the environmentally sound management of living modified organisms as required by this Protocol) (comply to the minimum requirements of the Protocol) (do not result in a lower level of protection than the one provided for by the Protocol) (that adequate measures are observed to ensure the safe transboundary movement of living modified organism resulting from modern biotechnology, in accordance with the objectives of this Protocol). (These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Protocol in particular taking into account the interests of developing countries). (The provisions of this Protocol shall not affect transboundary movements that take place pursuant to such agreements and arrangements as between the Parties to that agreement or arrangement.)

OR

Option IB: If it is established that there does not exist any risk by the use and release of certain LMOs on the basis of the best available scientific knowledge and experience, as well as relevant information, a recipient Contracting party by means of unilateral declaration or bilateral, regional or multilateral agreement or arrangement, may exempt such LMOs from the application of the AIA procedures, by which no explicit agreement by the competent authority of the recipient Contracting party is required.

Notification

/...

Option 2: Parties shall notify the Secretariat of any such (bilateral, regional and) multilateral agreements or arrangements entered into:

- a) prior to entry into force of this Protocol and which will continue to operate after entry into force of the Protocol; (or
- b) after entry into force of the Protocol)

(for the purpose of controlling transboundary movements of LMOs which take place entirely among the Parties to such agreements. The provisions of the Protocol shall not affect transboundary movements which take place pursuant to such agreements).

operation in order to implement the provisions of the Protocol

Option 3A: The Parties may enter into bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Protocol.

OR

Option 3B: The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of this Protocol. They shall take due account of the needs of developing countries with respect to capacity building in order to promote the development and transfer of safe biotechnology and knowledge.

General co-operation

Option 4: The Parties shall co-operate among themselves in exchanging information, developing appropriate technical guidelines and/or codes of practice, and monitoring the effects of risks posed by living modified organisms and products thereof on human and animal health, biological diversity, the environment and socio-economic welfare of societies with a view to promoting the safe management of these organisms and products.

Regional economic integration organizations

Option 5: A regional economic integration organization, which itself is a contracting Party to the Protocol and has a specific legal framework for biosafety, may declare that the Protocol shall not apply to movements within its territory.

- - - - -

/...