



**CONVENTION ON
BIOLOGICAL
DIVERSITY**

Distr.
GENERAL

UNEP/CBD/ICCP/2/4
31 July 2001

ORIGINAL: ENGLISH

**INTERGOVERNMENTAL COMMITTEE FOR THE
CARTAGENA PROTOCOL ON BIOSAFETY**

Second meeting

Nairobi, 1-5 October 2001

Item 4.2 of the provisional agenda*

MONITORING AND REPORTING (ARTICLE 33)

Note by the Executive Secretary

INTRODUCTION

1. Article 33 of the Protocol states that:

“Each Party shall monitor the implementation of its obligations under this Protocol, and shall, at intervals to be determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, report to the Conference of the Parties serving as the meeting of the Parties to this Protocol on measures that it has taken to implement the Protocol.”

2. At its fifth meeting, the Conference of the Parties decided that the item “Monitoring and reporting (Article 33)” should be considered by the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) at its second meeting (decision V/1). The issue to be considered under this item is “format and timing for reporting”.

I. FORMAT

3. At its fifth meeting, the Conference of the Parties endorsed a format for national reporting in accordance with Article 26 of the Convention (decision V/19). This format had been developed through a collaborative pilot project in which a representative group of Parties had worked with the Secretariat on its design and testing, and had been considered by the fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA).

4. The format is based on the identification, and grouping by issue, of all the obligations on Contracting Parties deriving from the articles of the Convention and from those elements of decisions of

* UNEP/CBD/ICCP/2/1.

the Conference of the Parties that call for action by Contracting Parties. This matrix of obligations forms the basis of a set of questions, designed to identify the status of implementation of these obligations.

5. It was expected that such a reporting format would:

(a) Elicit the full range of information required to assess the state of implementation of the Convention;

(b) Allow comparability and permit countries to respond in accordance with national conditions and capacities, through the question-and-answer format and the option to provide additional details;

(c) Provide a framework for reporting progress on the implementation of national biodiversity strategies and action plans; lessons learned; gaps in national capacity; technical and financial requirements; and nationally developed indicators;

(d) Avoid the need for countries to devote time and resources to identifying the scope of their report or otherwise deciding how to interpret the reporting guidelines.

6. Parties who participated in the development of the format also reported that the format constituted a valuable management tool for monitoring national implementation of the Convention.

7. A preliminary analysis of the second national reports, submitted by Parties in accordance with decision V/19 and due by 15 May 2001, indicates that countries that have submitted reports have used the recommended format. It also appears that the hybrid nature of the format – posing questions on national implementation of each obligation under the Convention, followed by the opportunity for the Party to provide a detailed response explaining the context to the preceding answers or identifying successes and constraints – has successfully met its dual purpose of facilitating assessment of the state of implementation of the Convention and allowing individual Parties to provide detailed information on measures taken for implementation of the Convention and the effectiveness of these measures.

8. In light of this experience, the Executive Secretary is of the view that a similar format is appropriate for the reports on measures taken to implement the Protocol called for under Article 33. This would allow for the same benefits as those identified in paragraph 5 above.

9. In addition, in light of the views reported in paragraph 6 above and confirmed by an increasing number of Parties who have completed their second national report under the Convention, a format that acts as a checklist of obligations under the Protocol will meet the requirement for each Party to monitor the implementation of its obligations under the Protocol specified in Article 33.

10. Accordingly, a draft format, based on obligations on Parties contained in the Protocol, has been prepared for consideration by the Intergovernmental Committee and is contained in the annex to this note.

11. The Intergovernmental Committee will note that decisions taken by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will include elements that refine and clarify the obligations on Parties to the Protocol. The format would accordingly be expanded to take account of these new elements. In the case of three issues – namely, handling, transport, packaging and identification (Article 18), liability and redress (Article 27) and compliance (Article 34) – specified in the Protocol as requiring consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol and for which, as a consequence, a process has yet to be determined, notes to this effect have been included in the format.

II. TIMING FOR REPORTING

12. It is expected that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will be held in conjunction with the sixth meeting of the Conference of the Parties in April 2002. ^{1/} The draft provisional agenda for the first meeting includes consideration of "Monitoring and reporting (Article 33)" as item 7.3.

13. An early submission of the first report on implementation of the Protocol would provide valuable baseline information that will allow all relevant actors to better identify policy, procedural and capacity-building priorities for implementation.

14. On this basis, the Intergovernmental Committee may wish to recommend that Parties prepare and submit their first report on implementation of the Protocol prior to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. This would enable the second meeting to consider the information contained in these reports.

15. Assuming that the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol is likely to be held in conjunction with the seventh meeting of the Conference of the Parties in the first half of 2004, ^{2/} the Intergovernmental Committee may wish to recommend that the deadline for submission of the first reports on implementation be set for mid-2003.

16. The Conference of the Parties has decided that the national reports called for under Article 26 of the Convention should be considered at alternate ordinary meetings (decision V/19). It has also decided that its ordinary meetings will be held every two years (decision V/20, amending rule 4 of its rules of procedure). It has thus established a four-yearly cycle of national reporting under the Convention.

17. Assuming no changes to this cycle, national reports under Article 26 of the Convention will thus be reviewed by the eighth and tenth meetings of the Conference of the Parties in, respectively, 2006 and 2010. The deadlines for submission of these reports will be mid-2005 and mid-2009.

18. If the periodicity of reporting on implementation of the Protocol were similarly established on a four-yearly cycle, and the timing of the first report established as in paragraph 15 above, this would allow an alternating cycle of reporting under the Convention and under the Protocol as demonstrated in the table below. Such a cycle would serve to reduce the burden of reporting on Parties.

^{1/} Subject to the entry into force of the Protocol in good time.

^{2/} If this proves not to be the case, the ICCP may need to recommend a different deadline in accordance with the expected dates of the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

| | COP | MOP | Deadline | Review |
|----------|--------|---------|-------------------------------------|-------------------------------------|
| mid-2001 | | | 2 nd report (Convention) | |
| mid-2002 | COP-6 | MOP-1 | | 2 nd report (Convention) |
| mid-2003 | | | 1 st report (Protocol) | |
| mid-2004 | COP-7 | [MOP-2] | | 1 st report (Protocol) |
| mid-2005 | | | 3 rd report (Convention) | |
| mid-2006 | COP-8 | [MOP-3] | | 3 rd report (Convention) |
| mid-2007 | | | 2 nd report (Protocol) | |
| mid-2008 | COP-9 | [MOP-4] | | 2 nd report (Protocol) |
| mid-2009 | | | 4 th report (Convention) | |
| mid-2010 | COP-10 | [MOP-5] | | 4 th report (Convention) |

III. RECOMMENDATION

19. The Intergovernmental Committee is invited to consider recommending that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol:

- (a) *Endorse* the format contained in the annex to the present note;
- (b) *Affirm* that reports developed in this format will help Parties to monitor implementation of the Protocol and review national priorities and actions;
- (c) *Establish* guidelines for the reports on implementation of the Protocol specified in Article 33 which:
 - (i) Request Parties to make use of the format contained in the annex to this recommendation;
 - (ii) Recommend that Parties prepare their reports through a consultative process involving all relevant stakeholders, as appropriate;
 - (iii) Request Parties to submit their reports:
 - a. Every four years;
 - b. Twelve months prior to the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol that will consider the report;
 - c. In a working language of the Conference of the Parties;
 - d. In both hard copy and electronic format;
 - (iv) Request Parties to submit their first report on implementation of the Protocol by 15 May 2003;
- (d) *Request* the Executive Secretary to further develop the format to incorporate further questions arising from the decisions of its first meeting and to make the revised format available to Parties by September 2002*.

* Assuming that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will be held, as scheduled, in April 2002.

Annex

GUIDELINES FOR REPORTS ON IMPLEMENTATION OF THE CARTAGENA PROTOCOL ON BIOSAFETY

The following format for preparation of the report on implementation of the Cartagena Protocol on Biosafety called for under Article 33 of the Protocol is a series of questions based on those elements of the Protocol that establish obligations for Contracting Parties. Responses to these questions will help Parties to review the extent to which they are successfully implementing the provisions of the Protocol and will assist the Conference of the Parties acting as the meeting of the Parties to the Protocol to assess the overall status of implementation of the Convention.

The wording of questions follows the wording of the relevant Articles of the Protocol as closely as possible. **The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol.**

The questions are simple in nature in order to facilitate completion of the review. In most cases they require only a tick in one or more boxes. ^{1/} Following the questions there is a box for further comments. Parties are invited to provide a more detailed response to the preceding questions at this point. ^{2/} This is an opportunity to identify particular successes or constraints. In particular this box could be used to identify cases where the reporting of no action or of a partial fulfillment of the obligation is the result of inadequate resources or a need for assistance, rather than a decision not to take action on a particular obligation.

In order to assist with the review and synthesis of the information in the reports, respondents are asked to ensure that the further information provided in this box is closely related to the preceding questions and is as succinct as possible. There is no set limit on length, but it is anticipated that Parties will be able to provide adequate and useful information in a few pages.

The information provided by Parties will not be used to rank performance or to otherwise compare implementation between individual Parties.

Parties are also invited to communicate any issues relevant to implementation of the provisions of the Protocol that have not been addressed by the questions below. The Executive Secretary would also welcome any comments on the adequacy of the questions, and difficulties in completing the questions, and any further recommendations on how these reporting guidelines could be improved.

It is recommended that Parties involve all relevant stakeholders in the preparation of the report, in order to ensure a participatory and transparent approach to its development and the accuracy of the information requested. A box is provided in which to identify those groups who have been involved.

Parties are requested to submit the report on implementation of the Cartagena Protocol on Biosafety in this format to the Executive Secretary by [to be decided by the MOP]. Parties are requested to submit an original signed copy by post and an electronic copy on diskette or by electronic mail. An electronic version of this document will be sent to all national focal points and this will also be available from the Convention's website at: <http://www.biodiv.org>.

^{1/} If you feel that, in order to properly reflect the circumstances, it is necessary to tick more than one box, please do so. In this case, you are encouraged to provide further information in the box at the end of the set of questions.

^{2/} Please feel free to append to the report further information on any of the questions.

Completed reports and any comments should be sent to:

The Executive Secretary
Secretariat of the Convention on Biological Diversity
World Trade Centre
393 St. Jacques Street West, suite 300
Montreal, Quebec
H2Y 1N9 Canada

Fax: (+1 514) 288 6588
e-mail: secretariat@biodiv.org

Please provide to following details on the origin of this report

| | |
|---|--|
| Party | |
| National Focal Point | |
| Full name of the institution: | |
| Name and title of contact officer: | |
| Mailing address: | |
| Telephone: | |
| Fax: | |
| E-mail: | |
| Contact officer for report (if different) | |
| Name and title of contact officer: | |
| Mailing address: | |
| Telephone: | |
| Fax: | |
| E-mail: | |
| Submission | |
| Signature of officer responsible for submitting report: | |
| Date of submission: | |

| | |
|---|--|
| Has your country ratified (or acceded to, accepted or approved) the Convention on Biological Diversity? | |
| a) yes (please give date of ratification) | |
| b) signed but not ratified (please give date of signature) | |
| c) neither signed nor ratified | |
| Is your country a signatory to the Cartagena Protocol on Biosafety? | |
| a) yes (please give date of signature) | |
| b) no | |
| Has your country ratified (or acceded to, accepted or approved) the Cartagena Protocol on Biosafety? | |
| a) yes (please give date of ratification) | |
| b) no | |

Please provide summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report

| |
|--|
| |
|--|

*I: National Framework for Implementation**A: Competent national authorities, national focal points and points of contact for emergency measures*

| | |
|--|--|
| 1. Has your country designated a national focal point to be responsible on its behalf for liaison with the Secretariat? (Article 19.1) | |
| a) yes | |
| b) no | |
| 2. If yes, has your country notified the Secretariat of the name and address of the national focal point? (Article 19.2) | |
| a) yes | |
| b) no | |
| 3. Has your country designated one or more competent national authorities to be responsible for performing the administrative functions required by the Protocol and authorized to act on its behalf with respect to these functions? (Article 19.1) | |
| a) yes – same as national focal point | |
| b) yes – a single competent national authority not the national focal point | |
| c) yes – more than one competent national authority | |
| d) no | |
| 4. If you ticked 3 (b), has your country notified the Secretariat of the name and address of the competent national authority? (Article 19.2) | |
| a) yes | |
| b) no | |
| 5. If you ticked 3 (c), has your country notified the Secretariat of the names and addresses of all the competent national authorities and their respective responsibilities? (Article 19.2) | |
| a) yes | |
| b) no | |
| 6. Has your country provided the Biosafety Clearing-House with details of your point of contact for receiving notifications of unintentional transboundary movements and emergency measures? (Article 17.2) | |
| a) yes | |
| b) no | |

B: Legal and regulatory framework

| | |
|---|--|
| 7. Has your country introduced the necessary laws, regulations and guidelines for implementation of the Protocol? (Article 2.1) | |
| a) full domestic regulatory framework in place (please give details below) | |
| b) some measures introduced (please give details below) | |
| c) no measures yet taken | |
| 8. Is there a legal requirement for the accuracy of information provided by the exporter ^{3/} under the jurisdiction of your country? (Article 8.2) | |
| a) yes | |
| b) no | |
| c) not applicable (please give details below) | |
| 9. Is there a legal requirement for the accuracy of information provided by the applicant with respect to the domestic use of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing? (Article 11.2) | |
| a) yes | |
| b) no | |
| c) not applicable (please give details below) | |
| 10. Has your country established and maintained appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of the Protocol? (Article 16.1) | |
| a) yes | |
| b) no | |
| c) not applicable (please give details below) | |
| 11. Has your country adopted appropriate measures to prevent unintentional transboundary movements of living modified organisms? (Article 16.3) | |
| a) yes | |
| b) no | |
| c) not applicable (please give details below) | |
| 12. Does your country have procedures to protect confidential information received under the Protocol and that protect the confidentiality of such information in a manner no less favourable than its treatment of confidential information in connection with domestically produced living modified organisms? (Article 21.3) | |
| a) yes | |
| b) no | |
| c) not applicable (please give details below) | |

^{3/} The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol

| | |
|--|--|
| 13. Has your country adopted appropriate domestic measures to prevent and penalize, as appropriate, transboundary movements of living modified organisms carried out in contravention of its domestic measures? (Article 25.1) | |
| a) yes | |
| b) no | |
| c) not applicable (please give details below) | |

If you have ticked any of the boxes in questions 1 to 13 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

II: Advanced informed agreement procedure (Articles 7, 8, 9, 10 and 12)

| | |
|---|--|
| 14. During this reporting period <u>4/</u> has your country been a Party of export? (Article 8) | |
| a) yes | |
| b) no | |
| 15. If yes, please state: | |
| a) the number of notifications issued by you or by an exporter under your jurisdiction in accordance with Article 8 | |
| b) the number of Parties of import that received notifications from you or from an exporter under your jurisdiction in accordance with Article 8 | |
| c) the number of different living modified organisms that were covered by these notifications | |
| d) not applicable – not a Party of export | |
| 16. If you were a Party of export, did all the notifications issued by you or by an exporter under your jurisdiction contain the information specified in Annex I to the Protocol? | |
| a) yes | |
| b) no (please give details below) | |
| c) not applicable – not a Party of export | |
| 17. During this reporting period has your country been a Party of import? (Article 9) | |
| a) yes | |
| b) no | |
| 18. If yes, please state: | |
| a) the number of notifications received by your competent national authority | |
| b) the number of Parties of export from whom you received notifications | |
| c) the number of different living modified organisms that were covered by these notifications | |
| d) whether any notifications received did not conform to the procedures specified in Article 8, including with respect to the inclusion of the information specified in Annex 1 (please give details below) | |
| e) the number of acknowledgements issued by you in accordance with Article 9, paras.1 and 2 | |
| f) the number of notifications received and not acknowledged by you (please give details below, including the number of any pending notifications received within ninety days of the end of the reporting period) | |

4/ I.e. from the date of entry into force of the Protocol for your country until [to be decided by the MOP]

| | |
|---|--|
| g) not applicable – not a Party of import | |
| 19. In respect of the acknowledgements referred to in question 18 (e) above, please specify (Article 10.2): | |
| a) how many informed the notifier that the intentional transboundary movement could only proceed after you had given your written consent | |
| b) how many informed the notifier that the intentional transboundary movement could proceed after no less than ninety days without a subsequent written consent | |
| c) please indicate here if you are providing further information below on the basis on which such distinctions in acknowledgements were made | |
| d) not applicable – not a Party of import | |
| 20. In respect of the notifications received, please specify how many decisions were subsequently communicated to notifiers (Article 10.3): | |
| a) approving the import without conditions | |
| b) approving the import with conditions, including how the decision will apply to subsequent imports of the same living modified organism | |
| c) prohibiting the import | |
| d) requesting additional information | |
| e) informing the notifier that the period specified in Article 10.3 would be extended by a defined period of time | |
| f) not applicable – not a Party of import | |
| 21. If you were a Party of import during this reporting period, did you review and change any decision regarding an intentional transboundary movement on the basis of new scientific information? (Article 12.1) | |
| a) yes (please give details below) | |
| b) no | |
| c) not applicable – not a Party of import | |
| 22. If you were a Party of export during this reporting period, did you request any Party of import to review a decision it had made under Article 10 on the grounds specified in Article 12.2? | |
| a) yes (please give details below) | |
| b) no | |
| c) not applicable – not a Party of export | |
| 23. Has your country specified in advance the use of simplified procedures as provided for in Article 13? | |
| a) yes (please give details below) | |
| b) no | |
| c) not relevant (please clarify below) | |

If you have ticked any of the boxes in questions 14 to 23 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

III: Living modified organisms intended for direct use as food or feed, or for processing (Article 11)

| | |
|---|--|
| 24. Has your country made any final decision regarding domestic use, including placing on the market, of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing? (Article 11.1) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable (please clarify below) | |
| 25. If yes, please specify: | |
| a) how many such decisions were made during this reporting period | |
| b) how many of these decisions were transmitted to other Parties for information in accordance with Article 11.1 | |
| c) how many of these transmissions contained the information specified in Annex II | |
| d) how many Parties requested additional information in accordance with Article 11.3 | |
| 26. If you are a developing country Party or a Party with an economy in transition without the domestic regulatory framework referred to in Article 11.4, have you made a declaration of the type specified in Article 11.6? | |
| a) yes (please give details below) | |
| b) no | |
| c) not applicable | |
| 27. Has your country indicated its needs for financial and technical assistance and capacity building in respect of living modified organisms intended for direct use as food or feed, or for processing? (Article 11.9) | |
| a) yes (please give details below) | |
| b) no | |
| c) not relevant | |

If you have ticked any of the boxes in questions 23 to 27 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

IV: Bilateral, regional and multilateral agreements and arrangements (Article 14)

| | |
|---|--|
| 28. Has your country entered into bilateral, regional and multilateral agreements and arrangements regarding intentional transboundary movements of living modified organisms, consistent with the objectives of the Protocol? (Article 14.1) | |
| a) yes – bilateral agreements and/or arrangements (please provide further information below) | |
| b) yes – regional agreements and/or arrangements (please provide further information below) | |
| c) yes – multilateral agreements and/or arrangements (please provide further information below) | |
| d) no | |
| 29. Has your country determined that its domestic regulations shall apply with respect to specific imports? (Article 14.4) | |
| a) yes – (please provide further information below) | |
| b) no | |

If you have ticked any of the boxes in questions 29 to 30 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

| |
|--|
| |
|--|

V: Risk assessment and risk management (Articles 15 and 16)

| | |
|--|--|
| 30. If you were a Party of import during this reporting period, were risk assessments carried out for all decisions taken under Article 10? (Article 15.2) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not a Party of import | |
| 31. If yes, did you require the exporter to carry out the risk assessment? | |
| a) yes – in all cases | |
| b) yes – in some cases (please specify the number and give further details below below) | |
| c) no | |
| d) not a Party of import | |
| 32. If you answered yes to question 32, did you require the notifier to bear the cost of the risk assessment? (Article 15.3) | |
| a) yes – in all cases | |
| b) yes – in some cases (please specify the number and give further details below below) | |
| c) no | |
| 33. Does your country ensure that any living modified organism, whether imported or locally developed, undergoes an appropriate period of observation commensurate with its life-cycle or generation time before it is put to its intended use? (Article 16.4) | |
| a) yes – in all cases | |
| b) yes – in some cases (please give further details below) | |
| c) no (please give further details below) | |
| d) not applicable (please give further details below) | |
| 34. Has your country cooperated with others for the purposes specified in Article 16.5? | |
| a) yes (please give further details below) | |
| b) no (please give further details below) | |
| c) not applicable (please give further details below) | |

If you have ticked any of the boxes in questions 31 to 35 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

VI: Unintentional transboundary movements and emergency measures (Article 17)

| | |
|---|--|
| 35. During the reporting period, were there any occurrences under your jurisdiction that led, or could have led, to an unintentional transboundary movement of a living modified organism that had, or could have had, significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States? (Article 17.1) | |
| a) yes (please give further information below) | |
| b) no | |
| c) not applicable (please clarify below) | |
| 36. If yes, did you take the measures specified in Article 17.1? | |
| a) yes – all relevant States and organizations informed as soon as we knew of the situation | |
| b) yes – although not as soon as we first knew of the situation (please clarify below) | |
| c) no (please clarify below) | |
| 37. If you answered yes to question 37, did any notification(s) contain the information specified in Article 17.3? | |
| a) yes – fully | |
| b) partially (please clarify below) | |
| c) no (please clarify below) | |
| 38. If you answered yes to question 37, did you immediately consult the affected or potentially affected States for the purposes specified in Article 17.4? | |
| a) yes – all relevant States immediately | |
| b) partially (please clarify below) | |
| c) no (please clarify below) | |

If you have ticked any of the boxes in questions 36 to 39 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

VII: Handling, transport, packaging and identification (Article 18)

| | |
|---|--|
| 39. Has your country already taken measures to require that living modified organisms that are subject to transboundary movement within the scope of the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards? (Article 18.1) | |
| a) yes (please give details below) | |
| b) no | |
| c) not applicable (please clarify below) | |
| 40. Has your country taken measures to require that documentation accompanying living modified organisms for direct use as food or feed, or for processing, clearly identifies that they 'may contain' living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for information? (Article 18.2(a)) | |
| a) yes | |
| b) no | |
| c) not applicable (please clarify below) | |
| 41. Has your country taken measures to require that documentation accompanying living modified organisms that are destined for contained use clearly identifies them as living modified organisms and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the living modified organisms are consigned? (Article 18.2(b)) | |
| a) yes | |
| b) no | |
| c) not applicable (please clarify below) | |
| 42. Has your country adopted measures to require that documentation accompanying living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter? (Article 18.2(c)) | |
| a) yes | |
| b) no | |
| c) not applicable (please clarify below) | |

[Further elements to be elaborated following consideration of the need for and modalities of developing standards for identification, handling, packaging and transport practices by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol]

If you have ticked any of the boxes in questions 40 to 43 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

VIII: Information sharing and the Biosafety Clearing-House (Article 20)

| | |
|---|--|
| 43. Has your country made available to the Biosafety Clearing-House any decision regarding transit through its territory of a specific living modified organism? (Article 6.1) | |
| a) yes | |
| b) no | |
| 44. Were all the decisions communicated to notifiers in accordance with Article 10 that you referred to in question 20 also communicated in writing to the Biosafety Clearing-House? (Article 10.3) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable – no such decisions taken | |
| 45. Were all the final decisions regarding domestic use of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing, taken in accordance with Article 11.1 and that you referred to in question 24, communicated to the Biosafety Clearing-House? | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable – no such decisions taken | |
| 46. Has your country made available to the Biosafety Clearing-House copies of any national laws, regulations and guidelines applicable to the import of living modified organisms intended for direct use as food or feed, or for processing? (Article 11.5) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable – no such decisions taken | |
| 47. If you answered yes to question 27, concerning declarations made in accordance with Article 11.6, was this declaration made through the Biosafety Clearing-House? | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable | |
| 48. If you answered yes to question 21, concerning review of decisions in accordance with Article 12, was this decision notified to the Biosafety Clearing-House? | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable | |

| | |
|--|--|
| 49. If you answered yes to question 23, concerning the use of simplified procedures in accordance with Article 13, was the Biosafety Clearing-House informed in advance of these simplified procedures? | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable | |
| 50. If you answered yes to question 29, concerning bilateral, regional and multilateral agreements and arrangements your country has entered into in accordance with Article 14, was the Biosafety Clearing-House informed in advance of these? (Article 14.2) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable | |
| 51. If you answered yes to question 30, concerning the application of domestic regulations that shall apply with respect to specific imports to your country in accordance with Article 14.4, was the Biosafety Clearing-House informed of this? (Article 14.4) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable | |
| 52. If you answered yes to question 36, concerning unintentional transboundary movements and emergency measures, was the Biosafety Clearing-House informed any such release? (Article 17.1) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable | |
| 53. Has your country made available to the Biosafety Clearing-House relevant details of its point of contact for receiving notifications concerning unintentional transboundary movements and emergency measures? (Article 17.2) | |
| a) yes | |
| b) no (please clarify below) | |
| 54. Has your country made available to the Biosafety Clearing-House any existing laws, regulations and guidelines for implementation of the Protocol, as well as other information required by the Parties for the advance informed agreement procedure? (Article 20.3(a)) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable (please clarify below) | |

| | |
|---|--|
| 55. Has your country made available to the Biosafety Clearing-House summaries of risk assessments or environmental reviews of living modified organisms generated by its regulatory process, and carried out in accordance with Article 15? | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable (please clarify below) | |
| 56. Has your country made available to the Biosafety Clearing-House information concerning cases of illegal transboundary movements pertaining to it? (Article 25.3) | |
| a) yes | |
| b) no (please clarify below) | |
| c) not applicable (please clarify below) | |

If you have ticked any of the boxes in questions 44 to 57 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

IX: Confidential information (Article 21)

| | |
|---|--|
| 57. If you were a Party of import during this reporting period, did you permit any notifier to identify information submitted under the procedures of the Protocol or required by the Party of import as part of the advance informed agreement procedure that was to be treated as confidential? (Article 21.1) | |
| a) yes | |
| If yes, please give number of cases | |
| b) no | |
| c) not applicable – not a Party of import | |
| 58. Were there any cases in which information identified by the notifier as confidential did not, in the opinion of your competent national authority, qualify for such treatment? (Article 21.2) | |
| a) yes | |
| If yes, please give number of cases | |
| b) no | |
| c) not applicable – not a Party of import | |
| 59. If yes, were the procedures specified in Article 21.2 followed? | |
| a) yes | |
| If yes, please give number of cases | |
| b) no (please clarify below) | |
| c) not applicable – not a Party of import | |
| 60. If yes, did the application of these procedures lead to a resolution acceptable to both Parties? | |
| a) yes | |
| b) no (please clarify below) | |
| 61. If you were a Party of export during this reporting period, did you or any exporter under your jurisdiction identify information submitted under the procedures of the Protocol or required by the Party of import as part of the advance informed agreement procedure that was to be treated as confidential? (Article 21.1) | |
| a) yes | |
| If yes, please give number of cases | |
| b) no | |
| c) not applicable – not a Party of export | |

| | |
|---|--|
| 62. Were there any cases in which information identified by you or an exporter under your jurisdiction as confidential did not, in the opinion of the competent national authority of the Party of import, qualify for such treatment? (Article 21.2) | |
| a) yes | |
| If yes, please give number of cases | |
| b) no | |
| c) not applicable – not a Party of export | |
| 63. If yes, were the procedures specified in Article 21.2 followed? | |
| a) yes | |
| If yes, please give number of cases | |
| b) no (please clarify below) | |
| c) not applicable – not a Party of export | |
| 64. If yes, did the application of these procedures lead to a resolution acceptable to both Parties? | |
| a) yes | |
| b) no (please clarify below) | |

If you have ticked any of the boxes in questions 58 to 65 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

| |
|--|
| |
|--|

X: Capacity-building (Article 22)

| | |
|---|--|
| 65. If a developed country Party, during this reporting period has your country cooperated in the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition? | |
| a) yes (please give details below) | |
| b) no | |
| b) not applicable – not a developed country Party | |
| 66. If yes, has such cooperation taken place a) through existing global, regional, subregional and national institutions and organizations, and b) through facilitating private sector involvement? | |
| a) yes - through existing global, regional, subregional and national institutions and organizations (please give details below) | |
| b) yes - through facilitating private sector involvement (please give details below) | |
| c) no | |
| d) not applicable – not a developed country Party | |
| 67. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the proper and safe management of biotechnology? | |
| a) yes – capacity-building needs fully met (please give details below) | |
| b) yes – capacity-building needs partially met (please give details below) | |
| c) no – capacity-building needs remain unmet (please give details below) | |
| b) no – we have no unmet capacity-building needs in this area | |
| e) not applicable – not a developing country Party or a Party with an economy in transition | |
| 68. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the use of risk assessment and risk management for biosafety? | |
| a) yes – capacity-building needs fully met (please give details below) | |
| b) yes – capacity-building needs partially met (please give details below) | |
| c) no – capacity-building needs remain unmet (please give details below) | |
| b) no – we have no unmet capacity-building needs in this area | |
| e) not applicable – not a developing country Party or a Party with an economy in transition | |

| | |
|---|--|
| 69. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training for enhancement of technological and institutional capacities in biosafety? | |
| a) yes – capacity-building needs fully met (please give details below) | |
| b) yes – capacity-building needs partially met (please give details below) | |
| c) no – capacity-building needs remain unmet (please give details below) | |
| b) no – we have no unmet capacity-building needs in this area | |
| e) not applicable – not a developing country Party or a Party with an economy in transition | |

If you have ticked any of the boxes in questions 66 to 70 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

XI: Public awareness and participation (Article 23)

| | |
|---|--|
| 70. Does your country promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health? (Article 23.1(a)) | |
| a) yes – significant extent | |
| b) yes – limited extent | |
| c) no | |
| 71. If yes, do you cooperate with other States and international bodies? | |
| a) yes – significant extent | |
| b) yes – limited extent | |
| c) no | |
| 72. Does your country ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with the Protocol that may be imported? (Article 23.1(b)) | |
| a) yes – fully | |
| b) yes – limited extent | |
| c) no | |
| 73. Does your country consult the public in the decision-making process regarding living modified organisms and make the results of such decisions available to the public? (Article 23.2) | |
| a) yes – fully | |
| b) yes – limited extent | |
| c) no | |
| 74. Has your country informed its public about the means of public access to the Biosafety Clearing-House? (Article 23.3) | |
| a) yes – fully | |
| b) yes – limited extent | |
| c) no | |

If you have ticked any of the boxes in questions 71 to 75 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

| |
|--|
| |
|--|

XII: Non-Parties (Article 24)

| | |
|---|--|
| 75. Has your country entered into bilateral, regional and multilateral agreements and arrangements with non-Parties regarding transboundary movements of living modified organisms consistent with the objective of the Protocol? | |
| a) yes (please give further details below) | |
| b) no | |

If you have answered yes to this question, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

| |
|--|
| |
|--|

XIII: Illegal transboundary movements (Article 25)

| | |
|---|--|
| 76. During this reporting period, did your country identify any transboundary movement(s) of living modified organisms carried out in contravention of its domestic measures to implement the Protocol? | |
| a) yes (please give further details below) | |
| b) no | |
| 77. If yes, did your country request the Party of origin to dispose of the living modified organism in question by: | |
| a) repatriation | |
| b) destruction | |
| 78. If yes, did you request the Party of origin to do this at its own expense? | |
| a) yes | |
| b) no | |

If you have ticked any of the boxes in questions 77 to 79 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

| |
|--|
| |
|--|

XIV: Socio-economic considerations (Article 26)

| | |
|--|--|
| 79. If during this reporting period your country has been a Party of import, did it take into account, in reaching a decision on import, socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities? (Article 26.1) | |
| a) yes – significant extent | |
| b) yes – limited extent | |
| c) no | |
| d) not a Party of import | |
| 80. Has your country cooperated with other Parties on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities? (Article 26.2) | |
| a) yes – significant extent | |
| b) yes – limited extent | |
| c) no | |

If you have ticked any of the boxes in questions 80 to 81 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

| |
|--|
| |
|--|

XV: Liability and redress (Article 27)

[To be elaborated following consideration of the process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol]

XVI: Financial resources and mechanism (Article 28)

| | |
|--|--|
| 81. If a developed country Party, has your country provided financial and technological resources for the implementation of the provisions of the Protocol by developing country Parties and Parties with economies in transition through bilateral, regional and multilateral channels, other than through the financial mechanism of the Convention? | |
| a) yes – significant resources (please provide further details below) | |
| b) yes – some resources (please provide further details below) | |
| c) no | |
| d) not applicable – not a developed country Party | |
| 82. If a developing country Party or a Party with an economy in transition, has your country availed itself of financial and technological resources for the implementation of the provisions of the Protocol through bilateral, regional and/or multilateral channels, other than through the financial mechanism of the Convention? | |
| a) yes – significant extent (please provide further details below) | |
| b) yes – to some extent (please provide further details below) | |
| c) no | |
| d) not applicable – not a developing country Party or a Party with an economy in transition | |

If you have ticked any of the boxes in questions 82 to 83 above which invite you to provide further details, or if you wish to provide additional information on or clarification of the issues raised in these questions, please do so here.

| |
|--|
| |
|--|

XVII: Compliance (Article 34)

[to be elaborated following consideration and approval of cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol]

Please use this box to provide any further comments on matters related to national implementation of the Protocol:

The wording of these questions is based on the Articles of the Protocol [and the decisions of the Conference of the Parties acting as the meeting of the Parties to the Protocol]. Please provide information on any difficulties that you have encountered in interpreting the wording of these questions
