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INTERGOVERNMENTAL GOMMITTEE FOR THE
CARTAGENA PROTOCOL ON BIOSAFETY
Third meeting
The Hague, 22–26 April 2002
Item 4.1.7 of the provisional agenda*

CONSIDERATION OF OTHER ISSUES NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THE PROTOCOL (e.g., PARAGRAPH 4, ARTICLE 29)

Compilation of views on other issues necessary for the effective implementation of the Cartagena Protocol on Biosafety

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* UNEP/CBD/ICCP/3/1.

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I. MECHANISM TO PROMOTE CONSIDERATION OF ISSUES, EXCHANGE VIEWS, AND PROVIDE GUIDANCE ON ISSUES REQUIRING CLARIFICATION ARISING DURING RATIFICATION AND IMPLEMENTATION OF THE PROTOCOL:

AUSTRALIA [15 January 2002]
[SUBMISSION: ENGLISH]

Australia supports informal liaison and exchanges of view between governments on issues that arise during ratification and implementation of the Protocol. This can take place in bilateral, regional and multilateral contexts. Australia would encourage governments to take advantage of scheduled meetings and visits for this purpose.

Much work is needed to ensure that the Protocol is successfully implemented. A number of key decisions required by the Protocol are yet to be made. The Protocol's main operational element, the Biosafety Clearing House, is yet to be fully implemented. Australia therefore considers that in the short to medium term the ICCP, the Meeting of the Parties after entry into force and the Secretariat should focus efforts on getting these fundamentals in order, in particular those issues which need to be finalised by the first Meeting of Parties to the Protocol. At this stage it would be inappropriate to distract attention from resolving these issues by adding to the existing workload or creating new mechanisms to consider or clarify 'other issues'.

Australia does not consider there to be a need for further intergovernmental clarification of provisions of the Protocol, which were the subject of extended negotiations between governments prior to the Protocol's adoption. It would be problematic if additional work revisited provisions in a way which might unsettle or undermine hard won agreements.

Australia is also concerned about the potential for duplication of work being undertaken by other competent international organisations, including the Codex Alimentarius Commission and the Organisation of International Epizooties.

Accordingly, Australia wishes to reaffirm its bracketing of the list of proposed issues for clarification contained in the ICCP2 decision (that is, categorisation of LMOs, risk assessment and risk management, establishment of harmonised rules for unique identification systems and transboundary movements with non-parties).

CANADA [31 January 2002]
[SUBMISSION: ENGLISH]

Effective institutional structures are essential for the functioning of the Protocol if it is to attract broad based membership and long term commitment to good faith implementation of its provisions. In particular, there is a need for a mechanism to ensure that practical operational issues which arise can be discussed and resolved in an open and timely manner. With this overall priority in mind Canada herewith submits its views in response to the request of the Executive Secretary in decision UNEP/CBD/ICCP/2/6 for:

- comments on mechanisms to promote consideration of issues, exchange views, and as appropriate provide guidance on issues requiring clarification arising during ratification and implementation of the Protocol, for inclusion in a synthesis report, and

- three months prior to the first COP-MOP views on the items to be included in a medium term program of work for the COP-MOP and its relevant subsidiary bodies

Summary of Views

As one option to address the requirement defined above, Canada recommends consideration of the creation of an open-ended body (the "Protocol Committee") to meet intersessionally-- between and/or in association with-- the COP-MOP. In this forum parties could raise, for the ultimate benefit of the full membership, any issues or practical questions arising in the context of implementation and developing a common understanding of the Protocol, with a view to resolving parties' concerns at the earliest opportunity, and to the extent possible, outside the COP-MOP. Recognizing that implementation issues will be brought forward on an ongoing basis, and that it may be difficult for many developing countries in particular to participate in technical experts/ working groups, we should consider whether and how an intersessional body could contribute to reducing the number of such meetings.

Analysis

At ICCP 2 Canada tabled a proposal in Working Group 1, which was ultimately taken up in the decision document for further discussion, to establish a mechanism by which other issues, specifically those identified as implementation issues, or issues requiring clarification in their implementation could be addressed in an open forum. The rationale for this proposal was straightforward:

- it is important that implementation is based on the application of the principles of transparency, timeliness, consultation, fairness, and inclusiveness of participation

- it is in our collective interest to ensure that when addressing implementation questions of broad mutual interest we have the option of a multilateral setting, with a view to managing the operation of the Protocol in a manner which facilitates smooth implementation

- identification and discussion of issues at an early stage would help Parties to resolve issues on implementation that otherwise could evolve into a need for more formal consideration of the issue under other bodies of the Protocol. (At present there is no other forum under the Protocol where this could take place, other than the relatively infrequent meetings of the COP-MOP).

- the establishment of an implementation body of this kind would facilitate development of a common understanding of ways and means to implement the Protocol.

- this mechanism could be created under Article 29. 4 (b), which provides that the COP-MOP shall establish such subsidiary bodies as are deemed necessary for for the implementation of the Protocol

In Canada's view the specific issues that might be addressed cannot usefully be predicted in advance, and it is not our intention to attempt to do so here. It can only be assumed that issues will arise, and that they must be dealt with in a meaningful way. Accordingly, with respect to the issues in square brackets of paragraph 1 of decision UNEP/CBD/ICCP/2/6, we have restricted our present proposal to the institutional and organizational context in which they (and any other questions) ought to be addressed.

In making this proposal Canada notes the remarks in, paragraph 10 of ICCP document UNEP/CBD/ICCP/2/6 regarding a standing mechanism for review of implementation. While views among CBD members respecting the value of such a body for the operations of the Convention have varied, Canada believes that the option of the subsidiary body we are proposing above should be pursued, including consideration of its mandate. In our view this body should have the authority to refer issues and make recommendations to the COP, using an agenda that could contain items of both an ad hoc and standing nature.

Canada recognizes that the financial implications of the establishment of such a body will have to be considered in detail. It should be structured so as to minimize costs. If countries agree that our proposal is useful, one objective would then be to look at how it could be established in the most efficient and cost effective manner, recognizing that increased inclusiveness, transparency and improved communication can make a major contribution in this regard. For example, assuming that implementation issues will be brought forward on an ongoing basis, and that it may be difficult for many developing countries in particular to participate in technical experts/ working groups, we should consider whether and how an intersessional body could contribute to reducing the number of such meetings.

The scheduling of its meetings would also be a factor. Proximity to COP-MOPs would allow for some operational savings at the cost of foregoing an opportunity to bridge the time gap between them. More broadly, however, we would argue that the benefits such as transparency and improved communication resulting from an intersessional implementation body would in themselves bring efficiency gains.

EQUATORIAL GUINEA [11 January 2002]
[SUBMISSION: SPANISH]

Cuestiones que consideramos que requieren aclaraciones en este párrafo 1, son:

Categorización de los OVM para establecimiento de normativas que definan el grado de daños, asi como su compensación;

Se sugiere que en el inciso d) se aclare no solamente el problema de los movimientos transfronterizos con los paises que no son partes, sino también los paises que forman parte del convenio, en el caso de que esta cuestión no haya sido abordada en otras reuniones.

EUROPEAN UNION [21 January 2002]
[SUBMISSION: ENGLISH]

The most pressing issues with respect to the effective implementation of the Protocol are now being dealt with by the ICCP and many of them will require continuing attention after the Protocol enters into force. However, the EU strongly believes that other issues may also require clarification during ratification and implementation of the Protocol.

Article 29, para 4 of the Protocol gives the COP/MOP with a clear possibility of considering any matters necessary for the implementation of the Protocol. This Article itself already provides for various mechanisms to address these matters, such as: to make recommendations; to seek and utilize the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; to consider and adopt amendments to the Protocol and its annexes, as well as any additional annexes to the Protocol; to establish subsidiary bodies.
Other mechanisms already exist or will be in place by the time the Protocol will enter into force.
The ICCP meetings, the intersessional activities and, after the entry into force of the Protocol, the Compliance mechanism, the Roster of experts, the Facilitating decision-making mechanism (Art. 10.7) and the COP/MOP meetings themselves, all provide or will provide ample opportunities for consideration of issues, exchange views, etc.

The possibility to use the Biosafety Clearing-House as a general mechanism to host official governmental contributions, as well as contributions from IGOs, NGOs and other stakeholders, on issues requiring clarification arising during ratification and implementation of the Protocol, should also be considered.
A specific section for each issue, organized in line with the content of the articles of the Protocol, might be used.

The EU supports a non-exclusive approach as regards the list of issues that might be addressed under such mechanisms. In this regard, it could be useful to set up and to prioritize, based on views expressed by Governments, a list of issues that might be considered. However, one should avoid at this stage any discussion that could further delay the entry into force of the Protocol.

The EU would like to elaborate its comments regarding three issues that have been listed in indents (b) to (d) of paragraph 1 of Recommendation ICCP/2/6.

1. Risk assessment and risk management

Risk assessment

The Biosafety Protocol requires Parties to make an assessment of the risks of potential adverse effects of LMOs on the conservation and sustainable use of biological diversity in the likely potential receiving environment, taking also into account risks to human health. The issue of risk assessment is mainly addressed in Article 15 and Annex III of the Protocol, although other provisions also refer to risk assessment. Therefore it is necessary to look at these provisions all together.
Experience is increasing worldwide with case-by-case approaches to safety assessments. A systematic assessment of potential risks associated with the use of LMOs may be regarded as a challenging task

because a variety of factors complicate any generalizing approach. Among these, the differences in agro-ecological and socio-economic conditions between countries may be cited. However the structure of risk assessment and the issues it addresses have many points in common across countries. This is somewhat reflected in Annex III of the Protocol, where the objective, use, general principles, methodology and points to consider for risk assessment are described.

While recognizing similarities in approaches, Annex III and other provisions of the Protocol referring to risk assessment remain of general nature. Considering that risk assessment, as a support to make informed decisions regarding LMOs, is a key aspect for an effective implementation of the Protocol, the EU believes that there is a strong and urgent need to work further and bring clarification on this issue.

Various approaches, which can be seen as interlinked, could be used in this respect:

1. to develop standard formats for the risk assessment summary to be made available to the Biosafety Clearing-House (Article 20) and to the risk assessment report to be provided under Annexes I and II;
2. to set up a framework for a common approach to environmental risk assessment, thus providing guidance and facilitating completion of Annex III;
3. to try to "organize" the scientific knowledge considered being relevant for risk assessment under the Protocol, so that full use can be made of global experiences in national regulatory systems and of international developments. One of the objectives of this structurisation would be the development of a communicable basis for the scientific analysis of risks. The Biosafety Clearing-House should be a central tool in this respect.

Such a work should take into account relevant activities in other bodies and organisations (e.g. the Codex Alimentarius, IPPC, OECD, ICGEB,...) in order to promote complementarity, synergy and mutual supportiveness and to avoid duplication.

Given the importance of the provisions on risk assessment, the EU believes that this issue should be addressed as a priority in a medium-term programme of work for the COP/MOP.

Risk management

The Protocol addresses, in Article 16, the question of risk management and calls on Parties to establish and maintain appropriate mechanisms, measures and strategies to regulate, manage and control risks associated with the use, handling and transboundary movement of LMOs. Other provisions in the Protocol can also be considered as relevant in the context of risk management, such as Articles 2.2, 10.6, 11.8, 17.1, 18 and Annexes I(l), II(k), III.8(e), III.8(f) and III.9(f).

We believe that a mutual understanding on how each Party addresses these provisions could contribute to an effective implementation of the Protocol. Moreover, Article 16, para 5 of the Protocol also requests Parties to cooperate with a view to identifying LMOs or specific traits of LMOs that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and taking appropriate measures regarding the treatment of such living modified organisms or specific traits.

There is therefore a need for clarification regarding this issue. Such a clarification could be done following a step-by-step approach, starting for example with a request to Governments and relevant international organizations to provide information regarding mechanisms, measures and strategies they have established to manage and control risks associated with LMOs. Account should also be taken of relevant provisions of

the CBD, in particular Article 8(g). This information gathering could be done via the reporting process foreseen under Article 33 of the Protocol. It could lead to the establishment of a "knowledge" databank available through the Biosafety Clearing-House which could aid itself in the development of general principles or strategies for risk management and facilitate an effective design of safety management procedures.

2. Establishment of harmonized rules for unique identification systems

The issue of "unique identification" has been addressed in the context of the implementation of the pilot phase of the Biosafety Clearing-House (recommendation 2/8, para 10 of the Second Intergovernmental Committee for the Cartagena Protocol on Biosafety). The BCH should be fully operational at the latest by the time of entry into force, and therefore requires the issue of unique identification to be resolved.

A specific reference to "unique identification" only appears in the Protocol in Annex II and Art.18.2(a). However, the EU believes that "unique identification" and more specifically the establishment of harmonized rules for unique identification systems clearly belong to those issues requiring clarification for the effective implementation of the Protocol, as mentioned in paragraph 1 of recommendation 2/6.

There is now a large consensus worldwide that there is a need for unique identifiers, in particular to unequivocally identify a LMO on the basis of the authorized transformation event from which it was developed and to provide the means to search and retrieve specific information pertinent to that LMO from the Biosafety Clearing-House and interoperable systems. This is particularly relevant to be able to implement the recommended centralized approach to storage and management of information relating to procedures for LMO-FFPs.

Because the identifier has to be unique, unique identification systems need to be internationally harmonised, or else the same LMO might receive different identifications in different contexts. We believe therefore that there is a need for the COP/MOP to endorse, through a decision and according to Article 29 para 4, harmonized rules as regards the development and assignment of unique identifiers to LMOs.

Such a decision might address for example the structure of unique identifiers. In doing so, account should be taken of relevant developments in other fora. This would be consistent with recommendation 2/8 of ICCP-2 (information-sharing) that invites international organizations to make available, as soon as possible, "harmonized unique identification systems" in relation to databases on LMOs. This would include for example the ongoing work under the OECD where unique identification systems are being discussed since more than two years within the OECD's Working Group on Harmonization of Regulatory Oversight in Biotechnology, with particular reference to GM crop varieties. In this context, the EU notes and welcomes the recent adoption of "Guidance for the designation of the OECD`s Unique Identifier for Transgenic Plants" by this OECD Working Group.

The decision might also elaborate on the potential uses of unique identification systems in the context of the implementation of the Protocol.

3. Transboundary movement with non-Parties

So far the implementation of Article 24 has not been addressed by the ICCP, although it is obvious that this article will be highly relevant right from the outset, due to the fact that most signatories and other

countries will be non-Parties when the Protocol enters into force (only 50 ratifications are needed). We believe it is important:

- that Parties know how to act vis-à-vis non-Parties,
- that non-Parties, especially those being signatories, are informed about the "standards" Parties are going to apply in this respect, and
- to ensure to the extend possible a coherent application of Art. 24.

Therefore the issue of the proper implementation of Art. 24 needs to be addressed at the earliest convenience. We believe that it clearly fulfils the criteria of para 1 of decision 2/6 of ICCP-2 for inclusion in a synthesis report.

It seems, at least as a start, advisable to concentrate on providing guidance to Parties and non-Parties in the format of a recommendation, especially with regard to LMOs for intentional introduction into the environment.

The guidance should probably be limited to what is essential for the basic operations of the Protocol. In any case a kind of progressive or step-by-step development of the relationship with non-Parties has to be foreseen, like it has been the case, e.g. in CITES.

Such guidance might address for example:

- the meaning of "consistent with the objective of the Protocol",
- the relevance of certain provisions of the CBD, in particular Art. 8 (g) and Art. 19.4,
- how to implement the basic obligations of the Parties vis-à-vis non-Parties, which – at least as a starting point – have no rights or obligations under the Protocol.

The guidance would need to address how to act vis-à-vis both non-Parties being exporting countries and non-Parties being importing countries.

Possible elements to be addressed in a recommendation

A recommendation could be divided into four main sections: (i) a preamble, (ii) a section on recommendations to non-Parties, (iii) a section containing recommendations to Parties and (iv) a final section aimed at the Secretariat.

(i) In the <u>preamble</u> *inter alia* the following elements might be addressed:

- the effectiveness of the Protocol will depend on its universal application,
- trade from and to States non-Party to the Protocol might jeopardize the effectiveness of the Protocol,
- promotion of the wider application of the Protocol,
- necessity of co-operation between Parties and non-Parties,
- need to provide guidance to the Parties for the coherent implementation of Art. 24,
- need to keep non-Parties informed of the progressive implementation of the Protocol,
- need to enable non-Parties to express their views with regard to trade with Parties,

– reference to relevant provisions of the CBD, especially Art. 8 (g) and 19.4 but maybe also Articles 7, 14, 16, 17 and 18.

(ii) In the operative part dealing with recommendations to non-Parties *inter alia* the following elements might be addressed:

– encouragement of non-Parties to adhere to the Protocol (Art. 24, para 2),
– encouragement of non-Parties to implement the provisions of the Protocol on a voluntary basis in the meantime, and in particular to contribute appropriate information to the BCH

  (Art. 24, para 2) which might be expanded to address the specific information elements outlined in Art. 20, para 3, as well as to implement the AIA procedure, especially its notification component (Art. 8),
– urging non-Parties, especially those having signed the Protocol, to act in the spirit of the Protocol,
– designation of national focal point to liaise with the Secretariat,
– to inform the Secretariat of their competent national authorities with regard to export and import of LMOs.

(iii) The operative part dealing with recommendations to Parties, probably limited more or less to LMOs for intentional introduction into the environment, could be divided into three sections:

a) A sub-section dealing with recommendations with regard to exports to non-Parties might address *inter alia* the following elements:

   – notification of the non-Party or otherwise ensure that the non-Party receives information prior to export,
   – taking into account the precautionary approach,
   – provision on information regarding the extent to which it is non-confidential according to Art. 21, para 6 enabling the non-Party to assess the potential impacts of the movement and to decide accordingly,
   – to consider to carry out the risk assessments for the non-Party to provide assistance or to bear the costs with regard to developing countries or countries with an economy in transition,
   – not to proceed unless and until the consent has been received,
   – not to proceed at all if the non-Party refuses to carry out a risk assessment or an equivalent procedure.

b) The sub-section dealing with recommendations with regard to import from non-Parties could address *inter alia* the following elements:

– application of the AIA procedure or a comparable procedure,
– application of the basic requirements of Art. 10 including a risk assessment or the like according to Art. 15, para 1, and a decision based on the precautionary approach,
– application of Art. 15, para 2, second sentence and Art. 15, para 3 *mutatis mutandis*.

c) A sub-section dealing with general recommendations to the Parties could address *inter alia* following elements:

- monitoring of and reporting on trade with non-Parties,
- especially reporting on problems encountered.

(iv) In a final operative section the Secretariat might be instructed to inform the Parties e.g. on information received pursuant to the recommendations referred to under section (ii) and (iii.c) above.

REPUBLIC OF KOREA [17 January 2002]

[SUBMISSION: ENGLISH]

I. Reference (UNEP/CBD/ICCP/2/L.7)

1. ICCP invites Governments to submit comments to the Executive Secretary on mechanisms to promote consideration of issues.
    a) Categorization of LMO
    b) Risk assessment and risk management
    c) Establishment of Harmonized rules for unique identification system
    d) Transboundary rnovements, with non-Parties

II. Comments of the Republic of Korea

A. Regarding the above (a)

In order to enable the Protocol to work effectively, it's essential to categorize and classify the LMOs in a more concrete and specific way.

B. Regarding the (b)

Some countries and international organizations are trying to develop their own standards of risk assessment and management. In order to establish an international unified system, it's advisable to integrate the processes in developing different standards.

C. Regarding the above (c)

The Republic of Korea, which has already introduced a labelling system on LMO, supports the establishment of' harmonized rules regarding a unique identification mechanism.

D. Regarding the above (d)

The Republic of Korea is concerned about a possibility that trade with non-member-Parties will give adverse impact on the effectiveness and credibility of the Protocol. It is advisable to study ways for Parties to observe their obligations of the Protocol, taking into account the existing rules in the other multilateral environmental agreements including CITES, Basel convention.

SLOVENIA [18 January 2002]

[SUBMISSION: ENGLISH]

General function of the COP/MOP is followed by a list of specific functions such as keeping regularly review the implementation of the Protocol and make necessary decisions which could finally resulted in adoption of amendments to the Protocol and its annexes. COP/MOP may also provide an important addition to the work of a future compliance mechanism, and also to cooperation with other organizations having relevant experience on biosafety related issues. The practical importance of this function should be considerable in a line of mechanisms for the successfully implementation of the Protocol, too.

In addition, regional networks based on centers of excellence or regional partners have the potential to make contribution to the implementation of the Protocol by different items such could be a strategic plan process in order to promote the role of regional networks. Deficiency of some capacities in some regions may be overcome through policy resources on a regional basis. Therewith COP/MOP could consider identifying regional networks as a strictly distinct process to that of the Convention.

Undoubtedly, developing mechanisms to address this issue has been identified by the ICCP and the Draft Action Plan for Building Capacity for the Effective Implementation of the Protocol has been emerged from the Open/ended Expert Meeting on Capacity Building for the Protocol. Ensuring that all Parties shall established the basic institutional structure to participate in the Protocol process is (shall be) very important for the legitimacy of the Protocol, its implementation, and promotion.

SWITZERLAND [31 January 2002]

[SUBMISSION: ENGLISH]

Switzerland would like to submit the following proposal for a mechanism to address issues requiring clarification arising during ratification and implementation of the Protocol. Such a mechanism has to meet the criteria of efficiency, effectiveness, and transparency.

Advisory Board

Switzerland recommends the establishment by ICCP3 of a standing advisory board (hereinafter the Advisory Board), composed of 15 highly recognized experts representing all five UN regions (3 per region).

The members of the Advisory Board should act in their personal capacity. They should be nominated by the relevant region. They should serve for a period of two years and be eligible for a maximum of one consecutive term.

The main task of the Advisory Board would be to consider issues, exchange views, and provide draft guidance on scientific and technical issues requiring clarification identified by Parties and governments during the ratification and implementation of the Protocol.

Mechanism

Parties and Governments that have identified technical and scientific issues requiring clarification during ratification and implementation of the Protocol should provide them in writing to the Secretariat. The Secretariat, after consultation of the Bureau, should transmit those request to the Advisory Board for draft guidance. The draft guidance should then be submitted to COP/MOP for consideration.

VIET NAM [16 January 2002]

[SUBMISSION: ENGLISHG]

- Regarding to mechanism to promote consideration of issues, exchange views and provide on issues requiring clarification arising ratification and implementation of the Protocol: No comments

II. VIEWS ON ITEMS TO BE INCLUDED IN A MEDIUM/TERM PROGRAMME OF WORK OF THE COP/MOP (PARA 2, RECOMMENDATION 2/6)

AUSTRALIA [15 January 2002]

[SUBMISSION: ENGLISH]

Australia's view is that the medium term program of work of the COP/MOP, to be identified at the first COP/MOP, should be focused on:

- Review of the Protocol's core operational elements, such as the Biosafety Clearing House and capacity building; and

- Those issues for which a decision is *required* under the Protocol, prioritised according to the timeframes set out in the Protocol, such as detailed documentation requirements (Article 18.2a) and liability and redress (Article 27).

The COP/MOP should concentrate efforts on the above to ensure that appropriate decisions are made in the interests of effective implementation of the Protocol and to avoid a false start. Experience with the Protocol is continuing to reveal the complexity of implementation issues and the need for considerable coordination at the national and international level. It is important that the COP/MOP not develop an over-ambitious program that would lead to rushed and potentially ill-considered decisions.

Accordingly, the inclusion of non-essential items on the COP/MOP programme of work should be considered once the essential work of the MOP has been completed (or near completed). This would also allow countries time to identify what further work the COP/MOP may usefully undertake, based on their experience implementing the Protocol.

CANADA [31 January 2002]

[SUBMISSION: ENGLISH]

Regarding a medium term program of work, Canada believes it is appropriate to leave discussion on this section of the decision document until closer to the date of the first COP-MOP. In the meantime, elaboration of the infrastructure of the Protocol as proposed above, and pursuit of capacity building as a priority activity, could help build confidence with respect to the process of implementation and avoid unproductive conflict on issues related to specific provisions.

EQUATORIAL GUINEA [11 January 2002]

[SUBMISSION: SPANISH]

Se considera que se debe incluir los temas de los siguientes incisos :

Inciso b) sobre las disposiciones del párr. 4 del articulo 29.

Inciso c) las actividades en curso de otros órganos y organizaciones pertinentes;

Inciso d):

i) cuestiones estipuladas en el protocolo para su consideración por la primera reuni6n de la Conferencia de las Partes que actué como reunión de las partes del Protocolo;

ii) cuestiones que deben abordarse en momentos especificos después de la entrada en vigor del protocolo.

EUROPEAN UNION [21 January 2002]

[SUBMISSION: ENGLISH]

The adoption of a medium-term programme of work for the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol is a key element in addressing in a timely and transparent manner issues that are vital for the effective implementation of the Protocol.

The EU agrees that such a programme shall be based on the provisions of Article 29, para 4 of the Protocol, that gives the COP/MOP with the responsibility of regularly reviewing the implementation of the Protocol and taking the necessary decisions to promote its effective implementation.

We also support, as regard the implementation of the Protocol, the objective of mutual supportiveness with other relevant bodies and organizations. In that context, development and improvement of co-operation should be ensured, for example through the agreement of memorandums of understanding of a general nature if real synergies and effective mainstreaming are to be achieved.

The most pressing issues with respect to the timely entry into force of the Protocol are the subject of specific attention of the ICCP. Many of these issues will require continuing attention of the process after entry into force of the Protocol. These issues have been highlighted in paragraph 2 (d) (i) and (ii) of recommendation 2/6. All these issues are vital elements in promoting effective implementation of the Protocol but one of the most important priorities, as for any new instrument, is the development of relevant capacities, particularly in developing countries.

The issue of "unique identification" has been addressed in the context of the implementation of the pilot phase of the Biosafety Clearing-House (recommendation 2/8, para 10 of the Second Intergovernmental Committee for the Cartagena Protocol on Biosafety). The BCH should be fully operational at the latest at

the time of entry into force, and therefore requires the issue of unique identification to be resolved and more specifically harmonized rules for unique identification systems to be developed.

Other issues should also receive further attention, such as items "l" (public awareness, education and participation) and "m" (socio-economic considerations) identified in paragraph 2 of recommendation 2/6. We also think that Article 24 (Non-Parties) should require clarification, as it will be particularly relevant in the first years after the Protocol enters into force.

Finally, given the importance of the provisions on risk assessment, the EU believes that the development of guidances to assist Parties should be considered in a medium-term programme of work for the COP/MOP.

SLOVENIA [18 January 2002]

[SUBMISSION: ENGLISH]

The most important priority for the foreseeable future to promote implementation of the Protocol is development of relevant capacities, and a number of additional issues that will only become important after the Protocol enters into force. Therewith, the adoption of a medium-term programme of work for the COP/MOP should be the most important task for the Secretary in a near future. Regarding the above, the following issue in a timely manner should be address, among others mentioned in para 2, recomm.2/6, in a programme; 1.Transboudary movements of LMOs between non Parties 2.Cooperation with the others relevant bodies and organizations 3.Guidance on harmonized rules for unique identification systems and 4.Categorization of LMOs.

SWITZERLAND [31 January 2002]

[SUBMISSION: ENGLISH]

Switzerland does not have specific comments at this stage. We fully support the recommendation of ICCP2 and we do not see any need for ICCP3 to address this issue.

VIET NAM [16 January 2002]

[SUBMISSION: ENGLISH]

- Regarding to views on the item to be included in a medium-term programme of work for COP-MOP : No comments

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