



CONVENTION ON BIOLOGICAL DIVERSITY

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CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

First meeting

Kuala Lumpur, 23-27 February 2004

Agenda item 7 of the provisional agenda *

MEDIUM-TERM PROGRAMME OF WORK FOR THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE BIOSAFETY PROTOCOL (FROM THE SECOND TO THE FIFTH MEETINGS)

Note by the Executive Secretary

I. INTRODUCTION

1. As envisaged in the work plan for the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP) adopted by the fifth meeting of the Conference of the Parties (decision V/1, annex), ICCP, at its second meeting, considered other issues necessary for the effective implementation of the Protocol, and identified some major elements that needed to be addressed in the process of preparing for entry into force. One of these elements was a medium-term programme of work for the Conference of the Parties serving as the meeting of the Parties to the Protocol, for which ICCP requested views from Governments and provided detailed guidance with regard to its coverage of time and issues.

2. Following the guidance by the ICCP and the views submitted by few Governments concerning items to be included in the medium-term programme of work, the Executive Secretary prepared a draft medium-term programme of work and submitted it for ICCP for its consideration at its third meeting (UNEP/CBD/ICCP/3/9/Add.1, annex). In its recommendation 3/8, ICCP took note of the draft medium-term programme of work and stated that it considered it necessary to solicit more views on items to be addressed. Accordingly, it requested Parties to the Convention and other States to further provide the Executive Secretary with their views.

3. In response to that request, the Executive Secretary has received additional views from a number of countries and has prepared a revised proposal for a medium term programme of work, which is annexed to the present note. The proposal has been developed on the basis of criteria identified by the ICCP at its second meeting, the views of Parties to the Convention and other States, and similar

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experience gained in the process of the Convention. The proposed programme of work is prepared on the assumption that the Conference of the Parties serving as the meeting of the Parties to the Protocol might wish to decide to hold its second and third meetings on a yearly basis and, thereafter, its ordinary meetings would be held on a biennial schedule, in conjunction with the ordinary meetings of the Conference of the Parties, as provided for under paragraph 6 of article 29 of the Protocol.

4. The present document also contains a synthesis of views submitted in accordance with the request of the third meeting of the ICCP (section II), and a draft decision for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Protocol (section III).

II. SYNTHESIS OF VIEWS ON ITEMS TO BE INCLUDED IN A MEDIUM-TERM PROGRAMME OF WORK

5. As of 22 October 2003, only Australia and Canada had submitted their views regarding items to be included in a medium-term programme of work for the Conference of the Parties serving as the meeting of the Parties to the Protocol in response to the request of ICCP at its third meeting. However, a number of other Governments (Equatorial Guinea, the European Union, Slovenia, Switzerland and Viet Nam) had submitted views on this item for the third meeting of the ICCP. The full texts of the submissions are available in an information document (UNEP/CBD/BS/COP-MOP/1/INF/11). The synthesis presented in this section focuses only on the two submissions provided in response to the request of ICCP at its third meeting, as the synthesis of earlier submissions had already been taken into account in preparing the draft medium term programme of work that ICCP considered at its third meeting, as stated in paragraph 3 above.

6. Both submissions suggest that the programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol should focus, at this stage, on those elements of the Protocol that require immediate action and clarification. According to one of the submissions, these priority and operational elements include Biosafety Clearing-House and capacity-building, and those issues for which decisions are required under the Protocol, such as taking a decision on detailed requirements for identification of living modified organisms that are intended for direct use as food or feed, or for further processing (LMOs-FFP) under paragraph 2(a) of Article 18, and the adoption of a process under Article 27 of the Protocol. Prioritization of these issues should be made according to the timeframes set out in the relevant provisions of the Protocol. The submission advises that it is important for Parties not to develop an over-ambitious work programme that would lead to rushed and potentially ill considered decisions. It suggests to identify those issues that are essential and to focus on them at this stage, and resort to the non-essential ones only after building experience from the handling and implementation of those priority and essential issues.

7. The other submission generally welcomes the draft medium-term programme of work submitted for ICCP at its third meeting. The submission supports the inclusion of standing issues for consideration at the second to fifth meetings. It welcomes if additional items that address implementation issues are added to the programme of work. The submission suggests that issues relating to risk assessment and risk management should be addressed jointly and not separated. It recommends that Conference of the Parties serving as the meeting of the Parties to the Protocol considers, as part of its programme of work, the issue of international harmonization of testing and sampling techniques and, in so doing, to consider work already being done by other scientific and technical international organizations. The submission suggests also considering the relationship that exists between decision-making procedures, the roster of experts and the Biosafety Clearing-House.

III. DRAFT DECISION

The Conference of the Parties serving as the meeting of the Parties to the Protocol

1. Decides:

(a) To hold its second and third meetings on an annual basis in order to expedite the process of addressing those issues of the Protocol which it is required to consider and take appropriate decisions at an early stage of implementation;

(b) To adopt the medium-term programme of work for the period covering from the second to the fifth meetings as annexed to the present decision,

(c) To review, at its subsequent meetings, the medium-term programme of work in light of new developments and achievements in the implementation of the Protocol;

2. *Requests* the Executive Secretary to prepare the draft provisional agenda of subsequent meetings, pursuant to rules 8 and 9 of the rules of procedure, on the basis of issues identified in the medium-term programme of work for the respective meetings, and issues arising from any meeting preceding the current one.

Annex

MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL (FOR THE PERIOD FROM THE SECOND TO THE FIFTH MEETING)

1. The medium-term programme of work will consist of standing and rolling issues.

2. Standing issues will include:

(a) Matters relating to the financial mechanism and resources;

(b) Report from the Secretariat on the administration of the Protocol;

(c) Programme of work and budget for the Secretariat as regards its costs of distinct secretariat services for the Protocol;

(d) Report from, and consideration of recommendations from the [Compliance Committee];

(e) Report on the operation of the Biosafety Clearing-House;

(f) Report on the status of capacity-building activities and the use of the roster of biosafety experts;

(g) Cooperation with other organizations, initiatives and conventions.

3. The other issues and derived activities necessary to implement the Protocol should be dealt with on the basis of a specific agenda that would be adopted for each meeting, on the understanding that these rotating issues will be developed and continually dealt with, in accordance with the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol, by the relevant subsidiary

bodies, including any eventual working groups established by the Conference of the Parties serving as the meeting of the Parties.

4. *At its second meeting*, the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:

- (a) Notification:
 - (i) To consider options for implementing Article 8 with respect to requirements, by a Party of export, to ensure notification and the accuracy of information contained in notification by the exporter;
- (b) Risk assessment and risk management:
 - (i) To consider clarification of the issues involved;
 - (ii) To consider the development of guidance and a framework for a common approach in risk assessment and risk management;
 - (iii) Cooperation in identifying living modified organisms or specific traits 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, (Article 16, paragraph 5);
- (c) Handling, transport, packaging and identification:
 - (i) To consider a decision on the detailed requirements for the identification of living modified organisms intended for direct use as food or feed, or for processing, including specification of their identity and any unique identification under paragraph 2(a) of Article 18;
- (d) Liability and redress:
 - (i) To consider the first progress report of the process established for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms;
- (e) Subsidiary bodies:
 - (i) To consider the need for designating one or the other subsidiary body of the Convention to serve the Protocol and specifying the functions which that body should handle, in accordance with Article 30, paragraph 1, of the Protocol;
 - (ii) To consider whether there is a need to establish further subsidiary bodies to enhance the implementation of the Protocol.

5. *The third meeting* of the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:

- (a) Handling, transport, packaging and identification;

- (i) To consider the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in consultation with other relevant international bodies (Article 18, paragraph 3);
 - (b) Public awareness and participation:
 - (i) To consider options for cooperation, as appropriate, with other States and international bodies, on the promotion and facilitation of 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 into account also risks to human health (Article 23, paragraph 1(a));
 - (c) Liability and redress:
 - (i) To consider the progress report of the process established for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms;
 - (d) Monitoring and reporting:
 - (i) To consider interim national reports* by Parties on the implementation of the Protocol.
 - (e) Assessment and review:
 - (i) To initiate a process of evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes with a view to meet the requirement under Article 35 of the Protocol.
6. At its *fourth meeting*, the Conference of the Parties serving as the meeting of the Parties to the Protocol might wish to consider, *inter alia*, the following items:
- (a) Socio-economic considerations:
 - (i) Cooperation on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities (Article 26, paragraph 2);
 - (b) Monitoring and reporting:
 - (i) To consider the first regular national reports by Parties on the implementation of the Protocol;
 - (c) Review of the implementation of the Protocol:
 - (i) To consider and adopt, as required, amendments to the Protocol and its annexes, as well as additional annexes, that are deemed necessary for the implementation of the Protocol (Article 35 and Article 29, paragraph 4(e));

* This proposal takes into account the recommendation of the ICCP to the Conference of the Parties serving as the meeting of the Parties to the Protocol in note by the Executive Secretary on monitoring and reporting (UNEP/CBD/BS/COP-MOP/1/10) requesting Parties to submit an interim report two years after the entry into force of the Protocol and 12 months prior to the meeting at which the report will be considered.

- (ii) Review of the decision-making procedures and mechanisms adopted in accordance with paragraph 7 of Article 10;
- (iii) Review of the compliance procedures and mechanisms.

7. At its *fifth meeting*, the Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, inter alia, the following items:

- (a) Application of the advance informed agreement procedure:
 - (i) To consider a modality that might enable to identify living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, with a view to arrive at a decision in accordance with paragraph 4 of Article 7;
- (b) Review of the medium-term programme of work (second to fifth meeting)
 - (i) To undertake an overall review of the medium-term programme and consider a long-term programme of work.
