



**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

Second meeting

Montreal, 30 May–3 June 2005

Item 16 of the provisional agenda*

**OTHER SCIENTIFIC AND TECHNICAL ISSUES THAT MAY BE NECESSARY FOR THE
EFFECTIVE IMPLEMENTATION OF THE PROTOCOL**

Note by the Executive Secretary

I. INTRODUCTION

1. The Conference of the Parties serving as the meeting of the Parties to the Protocol, at its first meeting, adopted decision BS-I/11 regarding consideration of other issues necessary for the effective implementation of the Protocol (e.g., Article 29, paragraph 4).
2. The only element of decision BS-I/11 which requires follow-up, and which has not been integrated into other items in the medium-term programme of work, is paragraph 4, in which the Conference of the Parties serving as the meeting of the Parties to the Protocol invited Parties, other Governments, and relevant international organizations to submit their views to the Executive Secretary on what other scientific and technical issues may need to be addressed as a matter of priority in order to formulate common approaches towards these issues and to promote the effective implementation of the Protocol, for inclusion in a synthesis report to be considered by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.
3. In response to this invitation, submissions were received from Canada, Lithuania, Slovenia, Switzerland, the United States of America, and the Global Industry Coalition. The submissions are compiled in an information document (UNEP/CBD/BS/COP-MOP/2/INF/5).
4. Section II of the present note synthesizes the issues raised in submissions, and section III contains recommendations on options for addressing them.

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II. SYNTHESIS OF VIEWS

Obligations and rights of transit States

5. Two submissions noted the need for clarification of the rights and/or obligations of transit States, in particular related to documentation.

6. One of those submissions suggested that the Conference of the Parties serving as the meeting of the Parties to the Protocol, preferably at its second meeting, should provide a clear definition of transit and should clarify that a Party acting as a transit State does not have the obligations of a Party of export, particularly those obligations relevant to Article 18, paragraph 2 (a). An example of a definition of transit is provided in the submission as follows:

“LMO shipments shall be deemed to be in transit across the territory of a Party when the passage across such territory, with or without transshipment, warehousing, breaking of bulk, or change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of the Party across whose territory the LMO shipment passes.”

7. The other submission did not express a particular view but requested clarification of the issue with respect to documentation requirements at the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, in order to facilitate ratification and implementation by Governments.

Pharmaceutical products for veterinary use

8. One submission noted the need for clarification regarding the status of, and documentation requirements for, transboundary movements of living modified organisms that are pharmaceutical products for veterinary use. It noted that such products are not intended for intentional introduction into the environment, and that, in contrast to living modified organisms intended for direct use as food or feed or for processing, they are not specifically excluded from the Advance Informed Agreement procedure (see paragraph 2 of Article 7).

Exchange of information on biosafety research

9. One submission noted that awareness of the results of biosafety research will be essential to capacity-building and to supporting development of effective legislative and policy frameworks, as well as effective monitoring mechanisms. The submission also noted the importance of coordination of such information-exchange, and suggested that a mechanism could be set up on the Biosafety Clearing-House or through a link from the Biosafety Clearing-House to another appropriate site.

Biotechnology developments in the public research sector

10. One submission noted the need for a mechanism to ensure that biotechnology-development activities in the public research sector are taken into account in the Protocol implementation process.

Testing and detection

11. One submission noted that the issue of testing and detecting LMOs may arise, and suggested that testing implemented by countries should be science-based, transparent, reliable, validated, and done with a clear objective for biosafety. The submission also noted the importance of considering the costs and benefits of testing.

Thresholds and adventitious presence

12. One submission noted that the term “adventitious presence” should be clearly defined by the Conference of the Parties serving as the meeting of the Parties to the Protocol when it addresses this issue, and suggests a definition as “unintentional presence of approved LMOs in a non-LMO shipment”. The submission suggested that a practical definition would serve to meet the objectives of the Protocol without impeding the flow of the global grain trade. The submission also noted that a “zero threshold” is unrealistic, and that very low levels would be impractical and costly.

III. RECOMMENDATIONS

13. Based on the submissions reviewed above, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to address one or more of the issues raised during its second meeting.

14. In the event that the Conference of the Parties serving as the meeting of the Parties to the Protocol is not in a position to fully consider some of the issues during its second meeting, it may wish to consider:

(a) Integrating those issues into its work on other closely related items for consideration at future meetings; or

(b) Deferring those issues, pending consideration at its third meeting of the need to designate or establish a permanent subsidiary body to provide timely advice on scientific and technical issues arising in relation to the implementation of the Protocol (decision BS-I/11, paragraph 2).

15. In addition, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to consider soliciting the views of Parties and Governments in preparation for its consideration at its third meeting of the need to designate or establish a permanent subsidiary body to provide it with timely advice on scientific and technical issues arising in relation to the implementation of the Protocol (decision BS-I/11, paragraph 2), as well as the nature of any such body and particular issues that it could address.
