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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

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

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## INTRODUCTION

1. In its decision BS-I/13, the Conference of the Parties to the Convention at its first meeting serving as the meeting of the Parties to the Cartagena Protocol on Biosafety decided that its second meeting serving in that capacity should be held in the second quarter of 2005, at a venue and on a date to be specified by the Executive Secretary in consultation with the Bureau. Pursuant to that decision, the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol took place in Montreal, from 30 May to 3 June 2005, on the premises of the International Civil Aviation Organization (ICAO). The meeting was held back-to-back with the first meeting of the Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress under the Protocol, which was convened at the same venue from 25 to 27 May 2005.

2. All States were invited to participate in the meeting. The following Parties to the Cartagena Protocol attended: Algeria, Antigua and Barbuda, Armenia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Colombia, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, European Community, Fiji, Finland, France, Gambia, Germany, Ghana, Grenada, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Kiribati, Lao People's Democratic Republic, Latvia, Liberia, Lithuania, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mexico, Mongolia, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Zambia, Zimbabwe.

3. The following States were represented by observers: Argentina, Australia, Canada, Chile, China, Côte d'Ivoire, Gabon, Guinea, Iceland, Morocco, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Thailand, United States of America.

4. Observers from the following United Nations bodies, Secretariat units, convention secretariats, specialized agencies and related organizations also attended: Food and Agriculture Organization of the United Nations (FAO), Global Environment Facility (GEF), Interim Commission on Phytosanitary Measures, UNEP-GEF Biosafety Clearing House Project, United Nations Environment Programme (UNEP), the United Nations University (UNU), World Bank.

5. The following other organizations were represented: African Centre for Biosafety, Agro BIO Mexico, Agrobiointitute, American Corn Growers Association, American Farm Bureau Federation, AS - PTA Brazil, Association de Réflexion, d'Échanges et d'Actions pour l'Environnement et le Développement, Ateneo de Manila University, B.E.D.E., Bayer Cropscience, Black Sea Biotechnology Association, Bogor Agricultural University, Faculty of Agriculture, Boston University, Brazilian Crop Protection Association, Californians for GE-Free Agriculture, Center for Science in the Public Interest, Centre for International Sustainable Development Law, Centre for Sustainable Development and Environment, Codex Alimentarius Commission, Commission for Environmental Cooperation (CEC), Congress of Racial Equality, Consultative Group on International Agricultural Research, Council for Biotechnology Information, CropLife International, Développement Durable, ECOROPA, Edmonds Institute, ETC Group, EUROPABIO (European Association for Bioindustries), Federation of German Scientists, Free University Amsterdam, Friends of the Earth, Fundacion Sociedades Sustentables, Global Industry Coalition, Global Justice Ecology Project, Global Justice Ecology Project, GMO Guidelines Project, GRAIN, Greenpeace, GRET, IDEC, Inter Pares, Inter-American Institute for Cooperation on Agriculture, International Centre for Genetic Engineering and Biotechnology, International Centre for Trade and Sustainable Development, International Development Research Center, International Environmental Resources, International Grain Trade Coalition, International Seed Federation, Irish Seed Savers Association, IUCN - The World Conservation Union, Laval University, McGill University,

Mexican Chamber of Maize Processors, Monsanto, National Consortium for Forest and Nature Conservation in Indonesia, National Farmers Union, Norwegian Institute of Gene Ecology, Nuffield Council on Bioethics, Organisation of economic co-operation and development (OECD), OXFAM Canada, People's Biosafety Association, Programs for Biosafety Systems, Public Research and Regulation Foundation, Quaker International Affairs Programme, Quebec Ministère de l'Agriculture, Pêcheries et Alimentation, Research and Development Consultants, Royal Institute of International Affairs, Social Equity in Environmental Decisions, South-East Asia Regional Initiatives for Community Empowerment, Swiss Federal Institute of Technology Zurich, Syngenta, Teridan, The Institute of Cultural Affairs, Third World Network, Total Média Inc., Trent University, U.S. Grains Council, Université de Sherbrooke, Université du Québec à Montréal (UQAM), University of Geneva, University of Minnesota, Washington Biotechnology Action Council / 49th Parallel Biotechnology Consortium, World Resources Institute, World Wide Fund for Nature International, Zelenyi Svit (Friends of the Earth Ukraine).

## I. ORGANIZATIONAL MATTERS

### ITEM 1. OPENING OF THE MEETING

6. The second meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety was opened at 10.15 a.m. on Monday, 30 May 2005.

#### ***1.1. Opening address by Dato' Suboh Modh Yassin, on behalf of the President of the Conference of the Parties serving as the meeting of the Parties to the Protocol***

7. At the opening of the meeting, on 30 May 2005, Dato' Suboh Mohd Yassin (Malaysia), speaking on behalf of Dato' Sothinathan Sinna Goundar, President of the Conference of the Parties serving as the meeting of the Parties to the Protocol, welcomed all participants, noting that not so long ago at the first meeting of the Parties in Malaysia a number of very important decisions had been taken to set the Protocol on the path of implementation. In the view of many, that meeting had given the Protocol strong teeth with which to begin its life, and it was the challenge of the present meeting to follow that path and to continue to strengthen the Protocol's foundations in order to increase its ability to achieve its objectives. The task of implementation could be challenging, especially for the developing countries, many of which were still in the process of developing their domestic biosafety regulatory frameworks; for them the decisions of the present meeting were a vital back-up and source of guidance in that process. The present meeting should give operational guidance and direction to the Protocol's provisions, keeping the focus on the practicalities of implementation. It was not being held in order to renegotiate the text of the Protocol.

#### ***1.2. Opening statement by Mr. Ahmed Djoghlaif, Assistant Executive Director of the United Nations Environment Programme (UNEP)***

8. Also addressing the opening session of the meeting, Mr. Ahmed Djoghlaif, Assistant Executive Director of the United Nations Environment Programme (UNEP), speaking on behalf of Mr. Klaus Töpfer, Executive Director of UNEP, warmly congratulated China on having ratified the Cartagena Protocol and Brazil for having recently enacted its national legislation on biotechnology. UNEP, with the financial support of the Global Environment Facility, was proud of having assisted China to develop its national biosafety framework and assisting its implementation through a pilot project. He urged those countries that had not yet done so to join the other 119 countries that had already ratified the Cartagena Protocol.

9. He noted that the United Nations General Assembly had approved a proposal by the Secretary-General on the adoption of an integrated framework for the development of biotechnology within the United Nations system. As a result, an inter-agency biotechnology network had been created under the direction of the United Nations Conference on Trade and Development (UNCTAD), with participation by UNEP. In the private sector as well, a study prepared by UNEP, in collaboration with the World

Sustainable Business Council, had shown that environmentally friendly business was the future for private companies.

10. Considerable progress had been made in implementing the Cartagena Protocol, supported by the US\$ 50 million UNEP/GEF biosafety programme, which had assisted some 139 countries. UNEP was also piloting the implementation of national biosafety frameworks in eight countries. Since the outset, UNEP had been determined to play its role in implementation of the innovative legal instrument represented by the Cartagena Protocol, based on a broad alliance of all stakeholders, including representatives of civil society, non-governmental organizations, the scientific community and the private sector, and would always give the Protocol its full support.

***1.3. Opening statement by Mr. Hamdallah Zedan, Executive Secretary of the Convention on Biological Diversity***

11. At the opening session of the meeting, Mr. Hamdallah Zedan, Executive Secretary of the Convention on Biological Diversity, welcomed participants and expressed his gratitude to the Governments of Austria, Denmark, Finland, France, the Netherlands, Norway, Slovenia, Sweden, Switzerland and the United Kingdom for their contributions to enable the participation of representatives from developing countries and countries with economies in transition.

12. He described the considerable progress made in the implementation and development of the Biosafety Clearing-House, which had entered its fully operational stage in April 2004. Since that time, participation by Parties and other Governments in the operation of the Biosafety Clearing-House had continued to grow. The Secretariat was continuing to work to improve the services provided by the central portal, taking into account the feedback from users and the advice from the Informal Advisory Committee of the Biosafety Clearing-House. As part of its efforts to assist Governments in using the central portal, the Secretariat had organized on 28-29 May 2005 a training workshop for national Biosafety Clearing-House focal points from 35 Parties that were not currently receiving assistance to access and use the Biosafety Clearing-House. He thanked the Government of the Netherlands and the Global Industry Coalition for their generous financial support for that workshop and other capacity-building activities to facilitate participation in the Biosafety Clearing-House.

13. The Executive Secretary also said that the inter-sessional period had seen a number of activities that had contributed to the implementation of the Coordination Mechanism for the Action Plan on Capacity-building that had been adopted in decision BS-I/5 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. A coordination meeting for academic institutions offering biosafety-related training and education programmes had been held in Geneva from 4 to 6 October 2004, with the generous support of the Government of Switzerland, and a meeting for Governments and organizations implementing or funding biosafety capacity-building activities had been held in Montreal in January 2005. The Liaison Group on Capacity-Building for Biosafety had also met and had provided the Secretariat with expert advice on a number of issues related to the Coordination Mechanism.

14. With regard to documentation and identification, a workshop on capacity-building and exchange of experiences on the safe handling, transport, packaging and identification of living modified organisms had been convened in Bonn in November 2004. That was followed by the meeting in March 2005 of the Open-ended Technical Expert Group on Identification Requirements of Living Modified Organisms Intended for Direct Use as Food or Feed, or for Processing, which had been a useful forum for discussion and had enabled Parties and other stakeholders to have a better understanding of the main issues and the various views and positions.

15. In addition, the inter-sessional period had seen the first meeting of the Compliance Committee, the main purpose of which had been to develop the Committee's rules of procedure for consideration and approval at the current meeting, and the first meeting of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress under the Biosafety Protocol, established under decision BS-I/8. Reports on the outcomes of those meetings would be provided by their respective Chairs under the corresponding agenda items at the current meeting.

16. In closing the Executive Secretary stressed that the first interim national reports of the Parties were expected by 11 September 2005. He urged all Parties to submit their reports within the timeframe stipulated in order that the Secretariat would be able to prepare a synthesis report for consideration at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

#### ***1.4. Opening statements by Parties and observers***

17. At the 1st plenary session of the meeting, general statements were made by the representatives of China, Canada, the Netherlands (on behalf of the European Union and Bulgaria), Switzerland, Brazil, Kiribati (on behalf of the Asia and Pacific Group), India (on behalf of the Group of Like-minded Megadiverse Countries), Ethiopia (on behalf of the African Group), the Islamic Republic of Iran, the Republic of Korea, the Philippines, Peru, and Zambia.

18. Statements were also heard from the representatives of the Foundation for Public Research and Regulation, the Global Industry Coalition, Greenpeace and the International Grain Trade Coalition.

19. The representative of China said that his Government had approved the Protocol on 27 April 2005, and the instrument of approval would be submitted shortly to the Depositary of the Convention and the Protocol. Subject to the special provisions regarding Hong Kong and Macao, the Protocol would not for the time being be applicable there. The Government of China attached great importance to the issue of biosafety, and had drafted a good deal of legislation in recent years. China had benefited from Global Environment Facility funding in the establishment of a national biosafety framework as well as in capacity-building.

20. The representative of Canada, noting that the decisions of the meeting must set the stage for Parties to implement the Protocol, expressed his country's concern over the difficulties experienced by certain delegations in obtaining visas for Canada. He said Canada took seriously its obligations to facilitate the entry into Canada of representatives of Parties to the Convention and the Protocol. The lessons that had been learned from the recent difficulties were helping the Canadian authorities to improve their practices and procedures, and they would continue to work with the Secretariat to ensure that delegates were able to enter Canada under the special authorities provided for that purpose in Canadian law. With regard to the meeting itself, Canada had come with a willingness to listen to and try to understand the views and concerns of all, and to assist where possible to achieve the common objective.

21. The representative of the Netherlands, speaking on behalf of the European Union and Bulgaria, said that the European Union believed that the main objective of the current meeting should be further to facilitate implementation of the Protocol, bearing in mind the needs of developing countries, small island developing States (SIDS) and countries with economies in transition, as well as the interests of both importing and exporting countries. A priority for the meeting was to adopt a decision on the documentation requirements for shipments of living modified organisms for direct use as food or feed or for processing, as required under Article 18, paragraph 2 (a), of the Protocol; that decision, which should confirm and develop the requirements set out in decision BS-I/6, would be of pivotal importance for contributing to meeting the Protocol's objectives. The European Union also attached great importance to decisions on risk assessment and risk management, capacity-building and the Biosafety Clearing-House.

22. The representative of Switzerland said that rapid and effective implementation of the Protocol was a priority for his country. The main decision the meeting had to take was the detailed requirements of identification measures in the documentation accompanying the transboundary movement of living modified organisms for direct use as food or feed or for processing. Significant progress had been made on the issue in the past five years, and a number of countries, including his own, had taken measures requiring clear identification of the shipment as containing living modified organisms. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol had started to clarify the issue by making a clear differentiation between shipments known intentionally to contain living modified organisms for direct use as food or feed, or for processing and shipments that might contain them; the meeting now had to focus on that second group. Various options had been suggested to take account of the different views and needs of exporters and importers, and any additional measures

could only be implemented in a step-by-step manner. For full and effective implementation of the Protocol, it was essential that a larger number of exporters of living modified organisms also became Parties; it was to be hoped that decisions taken at the current meeting would encourage them to do so.

23. The representative of Brazil provided details of his country's recent new biosafety law, which established safety norms and monitoring mechanisms on the development, planting, production, handling, transport, transfer, import, export, storage, research, commercialization, consumption, release into the environment and discarding of genetically modified organisms and derived products. The law strengthened the national technical commission on biosafety, and set out the monitoring role of government and the regulatory agencies. It created a national council on biosafety to advise the President of the Republic on the implementation of Brazil's national biosafety policy, and was in effect a strong two-tier risk assessment mechanism providing for adequate risk management.

24. The representative of Kiribati, speaking on behalf of the Asia and Pacific Group, expressed the Group's deep appreciation for the generous contributions that had enabled developing countries and countries with economies in transition to attend such an important meeting. She noted with satisfaction that good progress had been made on some issues such as liability and redress, compliance and the Biosafety Clearing-House, but regretted that little progress had been made on handling, packaging and identification of living modified organisms used as food or feed, or for processing. The majority of Parties wished to see the words "may contain" removed and were in favour of a separate document rather than utilizing commercial invoices. It was urgent to start negotiations on those issues as soon as possible so as to allow enough time to consult all stakeholders. Lastly, the Asia and Pacific Group strongly supported the need for capacity-building through institutional capacity-building, human-resource development, training and capacity to undertake risk assessment and risk management, as well as public awareness.

25. The representative of India, taking the floor on behalf of the Group of Like-minded Megadiverse Countries, expressed concern at the slow pace of implementation of the Convention on Biological Diversity in general and the Biosafety Protocol in particular. As living modified organisms had the potential to affect the environment, biological diversity and human welfare, sometimes gainfully but also sometimes irrevocably for the worse, it was imperative to take well-considered sound decisions expeditiously. Urgent decisions were needed on notification and on the content of documents to accompany living modified organisms used as food or feed, or for processing, while at the same time measures had to be taken to promote capacity-building in developing and least-developed countries and countries with economies in transition.

26. The representative of Ethiopia, speaking on behalf of the African Group, requested that the problem of visas be taken up by the Conference of the Parties serving as the meeting of the Parties to the Protocol, and the necessary recommendations made in order to ensure that the problems that had recently occurred did not recur. He concluded by laying emphasis on the need to conclude discussion on identification requirements for living modified organisms intended for direct use as food or feed, or for processing.

27. The representative of the Islamic Republic of Iran said that he hoped the Secretariat would ensure that there would be no future repetition of the difficulties that his and other delegations had experienced in obtaining visas to attend the first meeting of the Ad Hoc Open-ended Working Group on Liability and Redress and the second meeting of the Conference of the Parties for the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol. He stressed that Article 18, paragraphs 2 (a) and (c), should be addressed as matters of urgency.

28. The representative of the Republic of Korea said that although the Republic of Korea was not a Party to the Cartagena Protocol on Biosafety, the Korean Biosafety Clearing-House had hosted a workshop on implementation of the Biosafety Clearing-House which had been attended, *inter alia*, by representatives from Bhutan, Indonesia, Mongolia, Myanmar, the Philippines and Thailand. It had also provided the Biosafety Clearing-House with information on the import of living modified organisms for



use in food or feed, or for processing, and had successfully completed its UNEP-GEF draft national biosafety framework project.

29. The representative of the Philippines said that his country was taking steps to ratify the Cartagena Protocol and was considering establishing a framework that would integrate existing biosafety regulations and enhance coordination among biosafety agencies. Due importance should be given to the development and implementation of capacity-building programmes in all areas of biosafety, particularly risk assessment, in accordance with the provisions of the Protocol. Public participation should be encouraged in the identification of safety issues to be addressed by regulation guided by a science-based evaluation process. Countries should continue to address the socio-economic impacts of living modified organisms.

30. The representative of Peru, recognizing the importance of protecting human health and the environment against possible harm from the transboundary movement of genetically modified organisms while seeking to maximize the benefits to be derived from modern biotechnology, said that Peru was developing a national plan on biotechnology and genetic engineering that was strictly in keeping with national biosafety requirements. In order to create the right conditions for the effective implementation of the Protocol, it was necessary to strengthen the capacity of countries in terms of research, handling, release and use of genetically modified organisms. Peru also advocated the establishment of a group of experts to deal with technical and legal matters.

31. The representative of Zambia said that the implementation of the Protocol required that all Parties to the Protocol had both the capacity and the capability to meet their obligations under the Protocol and that it was essential that all outstanding issues were dealt with in the shortest period possible.

32. The representative of the Foundation for Public Research and Regulation expressed regret that the public research sector had not been well represented at the negotiation of the Cartagena Biosafety Protocol and that, as a consequence, there had been a misperception that modern biotechnology was the exclusive domain of multinational corporations. It was important to remember that Governments and organizations invested considerable funds in public research aimed at developing biotechnological applications to improve the health and livelihoods of people.

33. The representative of Greenpeace drew the attention of the Conference of the Parties serving as the meeting of the Parties to the Protocol to an incident of contamination by living modified organisms that had been shipped from Canada to Japan.

34. The representative of the International Grain Trade Coalition said that the Coalition was concerned that the Protocol might impact on the capacity and cost of moving large volumes of grains internationally for food or feed, or for processing. Of particular concern were the documentation requirements of Article 18, paragraph 2 (a) of the Protocol and the issues of liability and redress. He said that the world bulk export system was highly efficient and that a reliable and expanding trade in grains, oilseeds and pulses was critical to maintaining and improving global food security.

35. The representative of the Global Industry Coalition strongly urged Governments to apply science-based risk management approaches to all implementation activities under the Protocol and urged them to consult with industry, academia and public research organizations. He said also said that easy access to relevant and up-to-date information was essential for that purpose and he congratulated the Secretariat for its efforts in delivering an effective Biosafety Clearing-House. He was concerned however that, despite those efforts no decisions under the advance informed agreement procedure, and very few risk assessments, had as yet been registered directly with the Biosafety Clearing-House.

36. At the 2nd plenary session of the meeting, on 1 June 2005, the Conference of the Parties serving as the Meeting of the Parties to the Protocol heard an opening statement from the representative of Chile in which he expressed the hope that the outcome would be a clearer understanding of the requirements of the Protocol by countries which, like Chile, still had doubts about its application in practice. Since the Government of Chile had signed the Protocol in May 2000, it had been engaged in a broad consultation process, which together with proposed legislation on biosafety, should pave the way for an eventual

decision on ratification. Work on a technical report, which the Parliament had been carrying out with support from the UNEP-GEF, was nearing completion.

## **ITEM 2. ORGANIZATION OF THE MEETING**

### **2.1. Officers**

37. In accordance with Article 29, paragraph 3, of the Protocol, the current Bureau of the Conference of the Parties served as the Bureau for the meeting, with the substitutes for members representing Parties to the Convention that were not yet Parties to the Protocol elected at the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/COP-MOP/1/15, paragraphs 20-22).

38. It was agreed that Mr Sem Taukondjo Shikongo, Vice-President from Namibia, should serve as Rapporteur. The Bureau thus comprised:

*President:* Dato' Sothinathan Sinna Goundar (Malaysia)

*Vice-Presidents:* Ms. Birthe Ivars (Norway)  
Mr. Ronnie Devlin (Ireland)  
Mr. Moustafa Fouda (Egypt)  
Mr. Sergiy Gubar (Ukraine)  
Mr. Zamir Dedej (Albania)  
Mr. Orlando Rey Santos (Cuba)  
Mr. Antonio Matamoros (Ecuador)  
Ms. Tererei Abete-Reema (Kiribati)  
Ms. N. Oyundar (Mongolia)

*Rapporteur:* Mr. Sem Taukondjo Shikongo (Namibia)

### **2.2. Adoption of the agenda**

39. At the opening session of the meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/BS/COP-MOP/2/1):

## **I. ORGANIZATIONAL MATTERS**

1. Opening of the meeting.
2. Organization of the meeting:
  - 2.1. Officers;
  - 2.2. Adoption of the agenda;
  - 2.3. Organization of work.
3. Report on the credentials of representatives to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol on Biosafety.

## **II. STANDING ISSUES**

4. Report of the Compliance Committee.
5. Operation and activities of the Biosafety Clearing-House.
6. Status of capacity-building activities and the use of the roster of biosafety experts.
7. Matters related to the financial mechanism and resources.
8. Cooperation with other organizations, conventions and initiatives.

9. Report of the Executive Secretary on the administration of the Protocol and on budgetary matters.

**III. SUBSTANTIVE ISSUES ARISING FROM THE MEDIUM-TERM PROGRAMME OF WORK AND PREVIOUS DECISIONS OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL**

10. Notification: options for implementation of 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.
11. Risk assessment and risk management (Articles 15 and 16).
12. Handling, transport, packaging and identification (Article 18).
13. Liability and redress (Article 27).
14. Socio-economic considerations (Article 26, paragraph 2).
15. Public awareness and participation (Article 23, paragraph 1 (a)).
16. Other scientific and technical issues that may be necessary for the effective implementation of the Protocol.

**IV. FINAL MATTERS**

17. Other matters.
  18. Date and venue of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.
  19. Adoption of the report.
  20. Closure of the meeting.
40. The representative of Ethiopia said that under item 17 (Other matters), he would be raising the issue of the accessibility of the Convention Secretariat and its meetings to delegates and observers.

**2.3. Organization of work**

41. At the opening session of the meeting, on 30 May 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol approved its organization of work on the basis of the suggestions contained in annex I to the annotations to the provisional agenda (UNEP/CBD/BS/COP-MOP/2/1/Add.1).

42. Accordingly, the meeting established two working groups: Working Group I, under the chairmanship of Ms. Birthe Ivars (Norway), to consider agenda items 5 (Operation and activities of the Biosafety Clearing-House), 11 (Risk assessment and risk management (Articles 15 and 16)), 12 (Handling, transport, packaging and identification (Article 18)), and 16 (Other scientific and technical issues that may be necessary for the effective implementation of the Protocol); and Working Group II, under the chairmanship of Mr. Orlando Rey Santos (Cuba) to consider agenda items 6 (Status of capacity-building activities and the use of the roster of experts), 10 (Notification: options for implementation of Article 8 with respect to requirements, by a Party of export, to ensure notification and the accuracy of information contained in the notification by the exporter), 14 (Socio-economic considerations (Article 26, paragraph 2)), and 15 (Public awareness and participation (Article 23, paragraph 1 (a))). The remaining items would be taken up directly in plenary.

***Working of the sessional working groups***

43. Working Group I held eight meetings, from 30 May 2005 to 3 June 2005. The Working Group adopted its report (UNEP/CBD/BS/COP-MOP/2/L.1/Add.1) at its 6th meeting on 2 June 2005. The

report of the Working Group has been incorporated into the present report under the appropriate agenda items.

44. Working Group II held seven meetings, from 30 May to 2 June 2005. The Working Group adopted its report (UNEP/CBD/BS/COP-MOP/2/L.1/Add.2) at its 7th meeting on 2 June 2005. The report of the Working Group has been incorporated into the present report under the appropriate agenda items.

45. At the 2nd plenary session, on 1 June 2005, the meeting heard progress reports by the Chairs of the two working groups.

46. The final reports of the working groups were presented to the Conference of the Parties at the 3rd plenary session of the meeting, on 3 June 2005.

### **ITEM 3. REPORT ON THE CREDENTIALS OF REPRESENTATIVES TO THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY**

47. Agenda item 3 was taken up at the opening plenary session of the meeting, on 30 May 2005. The President drew attention to rule 18 of the rules of procedure on the presentation of credentials. He added that Mr. Ronnie Devlin (Ireland) had agreed to liaise with the Secretariat in examining the validity of the credentials and that he would report thereon to the Bureau, which in turn would report to the plenary in due course.

48. At the 2nd plenary session of the meeting on 1 June 2005, Mr. Devlin reported that the review of credentials was almost complete and he would make a final report to a subsequent meeting.

49. At the 3rd plenary session of the meeting on 3 June 2005, Mr. Devlin informed the meeting that, pursuant to rule 19 of the rules of procedure of the Conference of the Parties, the Bureau had examined the credentials of 78 Contracting Parties attending the meeting. The credentials of 66 delegations had been found to be in full compliance with rule 18 of the rules of procedure, while those of 12 delegations only partially complied with the rule and were therefore not in good order. A further 26 delegations had not yet submitted credentials. The 38 delegations whose credentials were not in good order or were lacking had agreed to sign a declaration undertaking to provide the Executive Secretary with their credentials in good order within 30 days of the closure of the meeting. In accordance with past practice, the Bureau accordingly recommended that the participation of those delegations in the meeting be provisionally approved on the basis of that understanding.

50. The Conference of the Parties serving as the meeting of the Parties to the Protocol took note of the report on the credentials of representatives to its second meeting.

## **II. STANDING ISSUES**

### **ITEM 4. REPORT OF THE COMPLIANCE COMMITTEE**

51. Agenda item 4 was taken up at the opening plenary session of the meeting, on 30 May 2005. In considering the item, the meeting had before it the report of the Compliance Committee on the work of its first meeting (UNEP/CBD/BS/COP-MOP/2/2).

52. Introducing the item, Mr. Veit Koester (Denmark), Chair of the Compliance Committee, said that, pursuant to decision BS-I/7, the first meeting of the Compliance Committee, attended by 11 of its 15 members, had been held in Montreal from 14 to 16 March 2005, when he had been elected Chair, with Ms. Mary Fosi Mbantekhu (Cameroon) as Vice-Chair. The meeting had discussed two substantive items, namely, rules of procedure and the work plan.

53. From the outset, the members of the Committee had reached a common understanding that the rules of procedure must facilitate smooth operation of the Committee's meetings and ensure a transparent

and efficient decision-making process. It had been agreed that, to avoid repetition, in principle, the rules of procedure for Conferences of Parties to the Convention should apply *mutatis mutandis*. However, given the size and nature of the Committee, it had been felt necessary to develop separate rules of procedure on certain items. The Committee had accordingly developed 22 rules that differed from those for Conferences of the Parties, covering purposes, definitions, dates and notice of meetings, agenda, distribution and consideration of information, publication of documents and information, members, officers, participation in proceedings of the Committee, conduct of business, voting, language, amendments to the rules of procedure and the over-riding authority of the Protocol and decision BS-I/7. In addition to developing the rules, a number of issues had been raised, as explained in paragraph 11 of the Committee's report. The draft rules of procedure set out in annex I to the Committee's report had been approved by consensus for transmission to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety for adoption.

54. The Committee had also discussed its work plan, which was based on the Committee's main functions and was set out in paragraph 15 of the report. The plan covered the period up to the review of the compliance procedures and would be subject to review at each of the Committee's meetings.

55. Following the introduction by the Chair of the Compliance Committee, statements were made by the representatives of Brazil, Cameroon, Japan, New Zealand, Senegal and Thailand.

56. In view of the different views expressed, the President proposed to set up a group of Friends of the President to address the concerns raised by representatives.

57. At the 2nd plenary session of the meeting, on 1 June 2005, the President announced that the group of Friends of the President would be composed of two representatives from each regional group as follows, with the representative of the United Kingdom acting as coordinator: Ghana and Zimbabwe (Africa); India and the Islamic Republic of Iran (Asia/Pacific); Brazil and Panama (Latin America); Belarus and Slovakia (Central and Eastern Europe); and the Netherlands and New Zealand (Western Europe and others).

58. At the 3rd plenary session of the meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol took up a draft decision on this subject submitted by the President (UNEP/CBD/BS/COP-MOP/2/L.14).

59. The coordinator of the group of Friends of the President introduced the draft decision, noting that the group had considered rules 6, 9, 11, 13, 14, 18 and 22 of the rules of procedure. She said that the group had agreed that the following sentence should be reflected in the report of the meeting:

“The Conference of the Parties serving as the meeting of the Parties to the Protocol invited the Compliance Committee to give further consideration to the issue of conflict of interest as set out in rule 11 of the rules of procedure for meetings of the Compliance Committee.”

60. The Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.14 and adopted it, as orally amended, as decision BS-II/1. The text of the decision is contained in annex I to the present report.

61. The representative of New Zealand indicated that her delegation had accepted the draft decision on the understanding that consideration by the Compliance Committee would be restricted to the functions specified in section 3 of the compliance procedures.

## **ITEM 5. OPERATION AND ACTIVITIES OF THE BIOSAFETY CLEARING-HOUSE**

62. Working Group I took up agenda item 5 at its 1st meeting, on 30 May 2005. In considering the item, the Working Group had before it a note by the Executive Secretary on the operation and activities of the Biosafety Clearing-House (UNEP/CBD/BS/COP-MOP/2/3) and an information document providing

additional information on an internal review of the activities of the Biosafety Clearing-House (UNEP/CBD/BS/COP-MOP/2/INF/1).

63. Introducing the item, the Secretariat recalled that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol approved the transition to the fully operational phase of the Biosafety Clearing-House, and adopted the modalities of its operation. In decision BS-I/3, the Conference of the Parties serving as the meeting of the Parties to the Protocol also decided to review the implementation of the Biosafety Clearing-House at its second meeting. The Secretariat undertook an internal review to provide the basis for suggestions for elements of a multi-year programme of work and drew on the findings of a user survey undertaken by the Secretariat during August and September 2004, together with database statistics and website analytics compiled after the launch of the operational phase of the Biosafety Clearing-House in February 2004. A detailed discussion of the internal review was contained in an information document (UNEP/CBD/BS/COP/MOP/2/INF/1). Under this item, the meeting also had before it a note by the Executive Secretary (UNEP/CBD/BS/COP/MOP/2/3), which provided a progress report on the operation and activities of the Biosafety Clearing-House (section II), summarized the outcomes of an internal review of the Biosafety Clearing-House (section III), addressed capacity needs of developing countries (section IV), and proposed possible elements for inclusion in a multi-year programme of work, developed on the basis of the outcomes of the review and input from the Informal Advisory Committee for the Biosafety-Clearing-House (section V). Section VI contained the elements of a draft decision on the modalities of operation of the Biosafety Clearing-House. The draft multi-year programme of work for the operation of the Biosafety Clearing-House was provided in the annex to the note by the Executive Secretary.

64. Statements under this item were made by the representatives of Antigua and Barbuda, Argentina, Belize, Brazil, Cameroon, Colombia, Cuba, Egypt, Ethiopia (on behalf of the African Group), Guatemala, Indonesia, Japan, Jordan, Kenya, Malaysia, Mali, Mexico, Namibia, the Netherlands (on behalf of the European Union), New Zealand, Nicaragua, Norway, the Republic of Korea, South Africa, Switzerland, the Syrian Arab Republic, Thailand, Uganda, the United Republic of Tanzania, and Venezuela.

65. A statement was also made by the representative of the Food and Agriculture Organization of the United Nations (FAO).

66. Statements were also made by the representatives of the Global Industry Coalition and the International Grain Trade Coalition.

67. The Chair undertook to prepare a text that would incorporate all the points raised during the discussion.

68. At its 4th meeting, on 1 June 2005, the Working Group considered a draft decision on the operations and activities of the Biosafety Clearing-House submitted by the Chair.

69. Statements were made by the representatives of Argentina, Brazil, Egypt, Mexico, and the Netherlands (on behalf of the European Union and Bulgaria).

70. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP/MOP/2/L.2.

71. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.2 and adopted it as decision BS-II/2. The text of the decision is contained in annex I to the present report.

**ITEM 6. STATUS OF CAPACITY-BUILDING ACTIVITIES AND THE USE OF THE ROSTER OF BIOSAFETY EXPERTS.**

72. Working Group II took up agenda item 6 at its 1st meeting, on 30 May 2005. In considering the item, the Working Group had before it a note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/2/4), which included a progress report on implementation of the Coordination Mechanism, a summary report on the capacity-building needs and priorities for the implementation of the Protocol, terms of reference for the comprehensive review and possible revision of the Action Plan for Building Capacities for the Effective Implementation of the Protocol, and a conclusion and recommendations. The Working Group also had before it, as information documents, a report on the needs and priorities of countries for the implementation of the Protocol and possible measures for addressing them (UNEP/CBD/BS/COP-MOP/2/INF/7), a report of the Liaison Group on Capacity-Building for Biosafety (UNEP/CBD/BS/COP-MOP/2/INF/8), a report of the coordination meeting of institutions offering biosafety-related training and education programmes (UNEP/CBD/BS/COP-MOP/2/INF/9), and a report of the coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities (UNEP/CBD/BS/COP-MOP/2/INF/10).

73. The representative of the Secretariat introduced the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/2/4), noting that in its decision BS-I/5 the Conference of the Parties had adopted an Action Plan for the Effective Implementation of the Protocol; a Coordination Mechanism had been put in place and the Executive Secretary had been requested to prepare a progress report, and lessons learned, on its implementation for consideration by the present meeting, and to compile a summary report on capacity needs and priorities.

74. The representative of Switzerland introduced the report of the coordination meeting of institutions offering biosafety-related training and education programmes, organized by the Swiss Agency for Environment, Forests and Landscape, in collaboration with the Secretariat, the UNEP/GEF Biosafety Unit and the Geneva Environment Network, and held in Geneva from 4 to 6 October 2004 (UNEP/CBD/BC/COP-MOP/2/INF/9).

75. Statements were made by the representatives of Algeria, Argentina, Australia, Barbados, Brazil, Cameroon, Colombia, Cuba, Grenada, India, Indonesia, Kiribati, Malaysia, Mexico, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway, Peru, Rwanda, Saudi Arabia, South Africa, Sri Lanka, Tunisia, the United Republic of Tanzania, the United States of America, Zambia and Zimbabwe.

76. A statement was made by the representative of the Global Environment Facility (GEF).

77. Statements were also made by the representatives of the Global Industry Coalition, the United Nations University and the Washington Biotechnology Action Council.

78. At its 5th meeting, on 1 June 2005, the Working Group took up the text of a draft decision on the status of capacity-building activities, submitted by the Chair.

79. Statements were made by the representatives of Algeria, Argentina, Australia, Brazil, Canada, Cuba, Egypt, Fiji, Ghana, the Marshall Islands, the Netherlands (on behalf of the European Union and Bulgaria), Turkey and Zambia.

80. A statement was also made by the representative of the Global Environment Facility (GEF).

81. The Working Group approved the draft decision on the status of capacity-building activities, as amended, for transmission to plenary as draft decision UNEP/CBD/BC/COP-MOP/2/L.7.

82. At the 3rd plenary session of the meeting on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.7 and adopted it, as orally amended, as decision BS-II/3. The text of the decision is contained in annex I to the present report.

*Roster of experts on biosafety*

83. At its 1st meeting the Working Group also reviewed the report by the Executive Secretary on the roster of experts on biosafety (UNEP/CBD/BS/COP-MOP/2/4/Add.1).

84. Introducing the item, the representative of the Secretariat recalled that, in paragraph 14 of decision EM-I/3, the Conference of the Parties to the Convention on Biological Diversity had established a roster of government-nominated experts to provide advice and other support on biosafety. In its decision BS-I/4, the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol adopted Interim Guidelines for the Roster of Experts on Biosafety, requesting the Executive Secretary, as administrator of the roster, to implement the functions specified therein and to report to its second meeting. A trust fund had been established on a pilot basis to receive voluntary contributions for the specific purpose of supporting developing countries Parties and Parties with economies in transition to pay for the use of experts. In the same decision, the Conference of the Parties serving as the meeting of the Parties to the Protocol also adopted Interim Guidelines for the Pilot Phase of the Voluntary Fund and requested the Executive Secretary to administer the pilot phase in accordance with the Interim Guidelines. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol had also adopted a medium-term programme of work, which included a standing item "Report on the status of capacity-building activities and the use of the roster of biosafety experts". The status report on the use of the roster of experts and the status report on the operation and use of the pilot phase of the voluntary trust fund were contained in the document before the meeting, together with a proposed recommendation for the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.

85. Statements were made by the representatives of Algeria, Argentina, Cameroon, Cuba, Gabon, Malaysia, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Peru, Saudi Arabia, Uganda and Zambia.

86. Statements were also made by the representatives of the Global Industry Coalition and the Washington Biotechnology Action Council.

87. The Chair said that he would prepare a text for the Working Group's consideration based on the views expressed.

88. At its 5th meeting, on 1 June 2005, the Working Group took up the text of a draft decision on capacity-building (roster of experts), submitted by the Chair.

89. Statements were made by the representatives of Algeria, Ghana and Zambia.

90. The Working Group approved the draft decision on capacity-building (roster of experts), as amended, for transmission to plenary as draft decision UNEP/CBD/BC/COP-MOP/2/L.8.

91. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.8 and adopted it as decision BS-II/4. The text of the decision is contained in annex I to the present report.

#### **ITEM 7. MATTERS RELATED TO THE FINANCIAL MECHANISM AND RESOURCES**

92. Agenda item 7 was taken up at the 1st plenary session of the meeting, on 30 May 2005. In considering the item, the meeting had before it a note by the Executive Secretary on matters related to the financial mechanism and resources (UNEP/CBD/BS/COP-MOP/2/5).

93. In introducing the item, the President of the Conference of the Parties invited the representative of the Global Environment Facility to present a report on the implementation of decision VII/20, on further guidance to the financial mechanism, which had been adopted by the the Conference of the Parties to the Convention on Biological Diversity at its seventh meeting.

94. The representative of the Global Environment Facility recalled that in its decision VII/20, the Conference of the Parties had invited the Global Environment Facility to extend support for demonstration projects to other eligible countries and had urged it to ensure rapid implementation of its



initial strategy for assisting countries to prepare for the ratification and implementation of the Protocol. She added that the Council of the Global Environment Facility had requested the Office of Monitoring and Evaluation to conduct an evaluation of the activities financed under the initial strategy for assisting countries to prepare for the entry into force of the Protocol. That evaluation was expected to provide valuable information and lessons for designing future support for capacity-building and it was scheduled for completion before the meeting of the Council of the Global Environment Facility in November 2005, after which consideration would be given to extending support for further demonstration projects to eligible countries as requested by decision VII/20.

95. She also said that the Secretariat of the Global Environment Facility had proposed that, pending the completion of the evaluation and the approval of a new strategy by the Council, that support be provided to countries with an urgent need to move forward in implementing their national biosafety frameworks. Support would therefore be provided to 10 to 15 countries through medium-sized projects similar in scope, activities and financing to the demonstration projects implemented under the initial strategy. It was also proposed to support one or two projects aimed at strengthening developing country regional centres of excellence.

96. The President of the Conference of the Parties proposed that, as the item was linked to capacity-building, further views could be expressed on the subject under the agenda item dealing with capacity-building.

97. At the 2nd plenary session, on 1 June 2005, the meeting took up a draft decision on the financial mechanism and resources and, after some discussion, agreed to consider a revised text at a subsequent meeting.

98. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.6 and adopted it as decision BS-II/5. The text of the decision is contained in annex I to the present report.

#### **ITEM 8. COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES**

99. Agenda item 8 was taken up at the 1st plenary session of the meeting, on 30 May 2005. In considering the item, the meeting had before it a note by the Executive Secretary on cooperative activities between the Secretariat and other organizations, conventions and initiatives relevant for the implementation of the Protocol (UNEP/CBD/BS/COP-MOP/2/6).

100. Introducing the item, the representative of the Secretariat said that the document provided an overview of cooperative activities and recalled that cooperation with other organizations, conventions and initiatives formed part of the medium-term programme of work.

101. Following the Secretariat's introduction, statements were made by the representatives of Brazil, Argentina, Mexico, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Peru and Senegal.

102. At the 2nd plenary session, on 1 June 2005, the meeting took up a draft decision on cooperation with other organizations, conventions and initiatives and, after several amendments had been made, agreed to consider a revised text at a subsequent meeting.

103. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.13 and adopted it, as orally amended, as decision BS-II/6. The text of the decision is contained in annex I to the present report.

**ITEM 9. REPORT OF THE EXECUTIVE SECRETARY ON THE  
ADMINISTRATION OF THE PROTOCOL AND ON  
BUDGETARY MATTERS**

104. Agenda item 9 was taken up at the 1st plenary session of the meeting, on 30 May 2005. In considering the item, the meeting had before it a note by the Executive Secretary containing an initial report on the administration of the Cartagena Protocol on Biosafety and the performance of the Protocol trust funds for the biennium 2005-2006 (UNEP/CBD/BS/COP-MOP/2/7), together with an addendum thereto containing an update of the status of contributions to the trust funds as of 25 May 2005 (UNEP/CBD/BS/COP-MOP/2/7/Add.1).

105. Introducing the item, the Executive Secretary said the note on the financial and administrative performance of the Secretariat since the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/COP-MOP/2/7) reported on the status of income of the three trust funds of the Protocol from 2004 to 2006, and the levels of expenditure during this period vis-à-vis the approved budgets. It also commented on the status of staffing of the Secretariat as it related to the Protocol, and the status of the fellowship and internship programmes of the Biosafety Protocol. The report highlighted that payments to the core budget (BG Trust Fund) leading up to 1 January 2005, when contributions were due, had been comparatively low with only 18 per cent of contributions received at 31 December 2004. However, as at 25 May 2005, contributions to the core budget for 2005 had increased to 44 per cent. Contributions to the core budget for 2006 as at 25 May 2005 totalled \$207,632, representing 12 per cent of the amount due.

106. Contributions to the voluntary Trust Fund for Additional Approved Activities (BH Trust Fund) had also been disappointing, but pledges and payments to the voluntary Trust Fund for Participation of Developing Countries and Economies in Transition (BI Trust Fund) were relatively high. With regard to activities undertaken since the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, he was pleased to report that all activities approved under the core budget had been successfully implemented, and that additionally the first meeting of the Ad Hoc Open-ended Working Group on Liability and Redress under the Biosafety Protocol had been convened the previous week with funding provided by various donors. Assuming that sufficient funds were received from donors for the participation of developing countries and economies in transition, a second meeting of the Ad Hoc Open-ended Working Group on Liability and Redress would be convened in 2006 prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

107. In addition to activities carried out with funding from the core budget, the following activities had been implemented with funding from donors to the voluntary trust funds (BH and BI): meeting of the Technical Group of Experts on Liability and Redress, held in Montreal in October 2004, with funding from the Government of the United Kingdom; a regional capacity-building meeting on paragraph 2 of Article 18, held in Bonn in November 2004, with funding from Canada, the European Community and Germany ; and an internal review of the Biosafety Clearing House.

108. The translation of the Biosafety Clearing-House website was under way with funding from the Netherlands, and should be completed in a few months

109. Some activities had not yet been implemented because of lack of funds including regional meetings for the Biosafety Protocol; Biosafety Clearing-House technical expert meetings; and the review of the roster of experts

110. In conclusion, he drew attention to the draft decision for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Protocol contained in the note on the financial and administrative performance of the Secretariat.

111. At the 2nd plenary session of the meeting, on 30 June 2005, the Chair reported that the draft decision was still under consideration by the Bureau.

112. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.15

and adopted it, as orally amended, as decision BS-II/7. The text of the decision is contained in annex I to the present report.

**ITEM 10. NOTIFICATION: OPTIONS FOR IMPLEMENTATION OF 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**

113. Working Group II took up agenda item 10 at its 1st and 2nd meetings on 30 and 31 May 2005. In considering the item, the Working Group had before it a note by the Executive Secretary that outlined possible options and guidance on the implementation of Article 8 of the Protocol (UNEP/CBD/BS/COP-MOP/2/8).

114. Introducing the item, the Secretariat said that the document drew on the experience gained in implementing Article 8 and described emerging modalities of implementation.

115. Statements were made by the representatives of Algeria, Argentina, Brazil, Cameroon, Canada, China, Cuba, Fiji, India, Madagascar, Malaysia, Mexico, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway, Peru, South Africa, Switzerland, Thailand, Tunisia and Zambia.

116. Statements were also made by the representatives of the Foundation for Public Research and Regulation and the Global Industry Coalition.

117. The Chair said that he would prepare a text for the Working Group's consideration based on the views expressed.

118. At its 3rd meeting, on 31 May 2005, the Working Group took up a draft decision on options for implementation of Article 8, submitted by the Chair.

119. Statements were made by the representatives of Algeria, Brazil, Cameroon, Canada, Cuba, India, Japan, Kenya, Mexico, Morocco, Namibia, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway, Panama, Rwanda, South Africa, Turkey, the United Republic of Tanzania, Zambia and Zimbabwe.

120. The Chair undertook to prepare a revised text of the draft decision, incorporating amendments proposed, for the consideration of the Working Group at a subsequent meeting.

121. At its 4th meeting, on 1 June 2005, the Working Group took up the revised text of the draft decision on options for implementation of Article 8, submitted by the Chair.

122. Statements were made by the representatives of Algeria, Argentina, Australia, Brazil, Colombia, Cuba, Egypt, Ghana, Guatemala, India, Kenya, Madagascar, Malaysia, Mexico, Namibia, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway, Rwanda, Saudi Arabia, Switzerland, Tunisia, Turkey, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.

123. The Working Group approved the draft decision on options for implementation of Article 8, as amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/2/L.3.

124. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.3 and adopted it as decision BS-II/8. The text of the decision is contained in annex I to the present report

**ITEM 11. RISK ASSESSMENT AND RISK MANAGEMENT (ARTICLES 15 AND 16)**

125. Working Group I took up agenda item 11 at its 1st meeting, on 30 May 2005. In considering the item, the Working Group had before it a note by the Executive Secretary on risk assessment and risk

management (UNEP/CBD/BS/COP-MOP/2/9). The Working Group also had before it, as an information document, a compilation of information on existing guidance material regarding risk assessment and risk management (UNEP/CBD/BS/COP-MOP/2/INF/2).

126. In introducing the item, the representative of the Secretariat recalled, that its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol had adopted a medium-term programme of work in the annex to decision BS-I/12. One of the items that had been specified for consideration at the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol had been risk assessment and risk management. The Conference of the Parties serving as the meeting of the Parties to the Protocol had requested, in its decision BS-I/11, that the Secretariat collect and collate existing guidance materials regarding the risk assessment and risk management of living modified organisms for consideration at its second meeting. The submissions regarding risk assessment and risk management had been compiled in an information document (UNEP/CBD/BS/COP-MOP/2/INF/2), while the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/2/9) highlighted the existing guidance materials related to risk assessment and risk management, summarized the views on risk assessment and risk management that had been received, and also contained considerations for a draft decision regarding risk assessment and risk management.

127. Following the introduction, statements were made by the representatives of Belize, Brazil, Colombia, Cuba, El Salvador, Ethiopia (on behalf of the African Group), India, Japan, Jordan, Kenya, Liberia, Madagascar, Malaysia, Mali, Mexico, Namibia, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway, Panama, Senegal, Switzerland, Uganda, Ukraine and Zimbabwe.

128. The Working Group continued its discussion of this agenda item at its 2nd meeting, on 31 May 2005.

129. Statements under this item were made by the representatives of Argentina, Armenia, Australia, Cameroon, China, Morocco, Nicaragua, Peru, the Philippines, the Republic of Korea, Senegal and Venezuela.

130. The representative of the Secretariat of the International Plant Protection Convention made a statement.

131. Statements were also made by the representatives of the Edmonds Institute, the Foundation for Public Research and Regulation and the Global Industry Coalition.

132. The Chair undertook to prepare a draft text that would incorporate the points raised in the discussion.

133. At its 4th meeting, on 1 June 2005, the Working Group considered a draft decision on risk management and risk assessment submitted by the Chair.

134. Statements were made by the representatives of Antigua and Barbuda, Argentina, Bahamas, Belize, Brazil, Cameroon, Côte d'Ivoire, the Islamic Republic of Iran, Japan, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Panama, Senegal, the Syrian Arab Republic, Uganda, and Zimbabwe.

135. The Chair convened a group of the friends of the chair consisting of representatives from Bahamas, Brazil, the Islamic Republic of Iran, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Senegal and Uganda to assist in preparing a revised text of the draft decision on risk assessment and risk management.

136. At its 6th meeting, on 2 June 2005, the Working Group considered a revised draft decision on risk assessment and risk management.

137. Statements were made by the representatives of Antigua and Barbuda, Brazil, Italy, the Netherlands (on behalf of the European Union and Bulgaria), the Syrian Arab Republic, New Zealand, and the United Republic of Tanzania.

138. A statement was also made by the representative of the Washington Biotechnology Action Council.

139. After an exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/2/L.11.

140. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.11 and adopted it as decision BS-II/9. The text of the decision is contained in annex I to the present report.

## **ITEM 12. HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION (ARTICLE 18)**

141. Working Group I took up agenda item 12 at its 2nd meeting, on 31 May 2005. In considering the item, the Working Group had before it the report of the Open-ended Technical Expert Group on Identification Requirements for Living Modified Organisms Intended for Food or Feed, or for Processing (UNEP/CBD/BS/COP-MOP/2/10) and a synthesis of information regarding experience in the implementation of the requirements of paragraphs 2 (b) and 2 (c) of Article 18 of the Protocol (UNEP/CBD/BS/COP-MOP/2/10/Add.1). The Working Group also had before it, as information documents, the report of the Workshop on Capacity-building and Exchange of Experiences as Related to the Implementation of Paragraph 2 of Article 18 of the Protocol (UNEP/CBD/BS/COP-MOP/2/INF/3) and a compilation of information submitted by Parties, other Governments and by organizations on experience gained with the use of documentation requirements under paragraphs 2 (b) and 2 (c) of Article 18 (UNEP/CBD/BS/COP-MOP/2/INF/4).

142. The representative of the Secretariat said that several events had taken place during the inter-sessional period. A Workshop on Capacity-building and Exchange of Experiences as Related to the Implementation of Paragraph 2 of Article 18 of the Biosafety Protocol had been held in Bonn in November 2004, and the Open-ended Technical Expert Group on the Requirements of Paragraph 2 (a) of Article 18 had met in Montreal in March 2005. In addition, the Secretariat had compiled information submitted by Parties and other Governments and organizations on the experience gained with the use of documentation requirements of paragraphs 2 (b) and (c) of Article 18 of the Protocol and had prepared a synthesis of that information (UNEP/CBD/COP-MOP/2/10/Add.1) which also contained elements of a draft decision for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

### *Paragraph 2 (a) of Article 18*

143. With regard to paragraph 2 (a) of Article 18, the report of the Open-ended Technical Expert Group on Identification Requirements of Living Modified Organisms Intended for Food, Feed, or for Processing was introduced by Mr. François Pythoud (Switzerland), Chair of the Open-ended Technical Expert Group, at the 2nd meeting of Working Group I, on 31 May 2005.

144. Mr. Pythoud said that the Expert Group had met for three days and had been unable to fulfil its mandate to prepare a draft decision for consideration at the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. Instead the meeting had put forward a Chair's text which, he stressed, was not a consensus document. The Chair's text was attached as an annex to the report of the meeting of the Technical Expert Group (UNEP/CBD/BS/COP-MOP/2/10). Mr. Pythoud said that the issue of the identification requirements of living modified organisms intended for

food, feed or for processing had been one of the last items to be negotiated in the Protocol and had continued to remain unresolved. He stressed that paragraph 2 (a) of Article 18 required the Conference of the Parties serving as the meeting of the Parties to the Protocol to take a decision on the detailed requirements for documentation no later than two years after the entry into force of the Protocol.

145. Statements were made by the representatives of Argentina, Australia, Bahamas, Brazil, Canada, China, Cuba, Cameroon, Ethiopia (on behalf of the African Group), the European Community, Gambia, India, Indonesia, Japan, Jordan, Kenya, Liberia, Malaysia, Morocco, Mexico, Namibia, New Zealand, Norway, Panama, Peru, Senegal, South Africa, Switzerland, the Syrian Arab Republic, Uganda, Ukraine, the United Republic of Tanzania, Zambia and Zimbabwe.

146. A statement was made by a representative of the Secretariat of the Codex Alimentarius Commission.

147. The representatives of the International Grain Trade Coalition and the Washington Biotechnology Action Council also made statements.

148. Following the statements, the Chair convened a contact group co-chaired by Mr. François Pythoud (Switzerland) and Mr. Nematollah Khansari (Islamic Republic of Iran). Parties to the Protocol were invited to participate, and observers were invited to be present.

149. At the 5th meeting of Working Group I, on 1 June 2005, Mr. Pythoud reported that the contact group had had three meetings and had prepared a text that would serve as the basis for further deliberations by the contact group.

150. At the 6th meeting of the Working Group, on 2 June 2005, Mr. Pythoud reported on the further progress of the contact group.

151. At the 7th meeting of the Working Group, on 2 June 2005, the Chair presented a revised draft decision to the Working Group and asked Mr. Pythoud to report on the progress of the contact group.

152. Mr. Pythoud said that the contact group had held several meetings and had reached agreement on a number of issues, but that there was as yet no consensus on certain paragraphs in the draft decision.

153. A statement was made by the representative of the Fundacion Sociedades Sostenables.

154. The Chair asked the contact group to continue its work and present a revised text to the subsequent meeting of the Working Group.

155. At the 8th meeting of Working Group I, on 3 June 2005, Mr. Nematollah Khansari (Islamic Republic of Iran), Co-Chair of the contact group, reported that there continued to be no consensus on the revised text and that the co-chairs of the contact group had therefore returned to the original wording of the revised draft decision as submitted by the Chair of Working Group I.

156. Statements were made by the representatives of Brazil, Cameroon, the Islamic Republic of Iran, New Zealand, Ukraine and Zambia.

157. Mr. Pythoud then introduced a compromise text, on behalf of Switzerland, for discussion by the Working Group.

158. Statements were made by the representatives of Belize, Brazil, Colombia, Cuba, Ethiopia (on behalf of the African Group), the European Community (on behalf of its member States and Bulgaria and Romania), India, the Islamic Republic of Iran, Japan, Kiribati (on behalf of the Asia and Pacific Group), Malaysia, Mexico, New Zealand, Nicaragua, Norway, Panama, Peru, the Syrian Arab Republic, Turkey, the United Republic of Tanzania and Venezuela.

159. The representative of Panama wished it noted that Panama could not support the wording of the compromise text as proposed by the representative of Switzerland.

160. After some discussion, the Chair said that she would submit the compromise text as a draft decision from the Chair of Working Group I for consideration by the plenary.

161. At the 3rd plenary session the Conference of the Parties serving as the meeting of the Parties to the Protocol took up the draft decision as submitted by the Chair of Working Group I .

162. Statements were made by the representatives of Brazil, the European Community (on behalf of its Member States and Bulgaria and Romania), Panama, Mexico, and New Zealand,

163. The representatives of Brazil and New Zealand formally objected to the adoption of the draft decision.

164. The representative of Panama wished it noted that Panama did not support the use of certain terms in the draft decision.

165. The statements of the representatives of the European Community and Brazil are attached in annex II to the present report.

166. The President of the Conference of the Parties said that in view of the objections to the draft decision as submitted by the Chair of Working Group I, it could not be adopted by the meeting. For reference purposes, the text of the draft decision is reproduced in annex III to the present report.

*Paragraphs 2 (b) and 2 (c) of Article 18*

167. With regard to paragraphs 2 (b) and (c) of Article 18, the Chair asked the Working Group at its 2nd meeting, on 31 May 2005, to consider the elements of a draft decision contained in the synthesis of information regarding experience in the implementation of the requirements of paragraphs 2 (b) and 2 (c) of Article 18 of the Protocol. (UNEP/CBD/BS/COP-MOP/2/10/Add.1).

168. Statements were made by the representatives of Antigua and Barbuda, Argentina, the Islamic Republic of Iran, Japan, the Netherlands (on behalf of the European Union and Bulgaria), Norway, and Switzerland.

169. The Chair said that a revised text, taking into account comments made during the meeting, would be submitted for the consideration of the Working Group at a future meeting.

170. At its 4th meeting, on 1 June 2005, the Working Group considered a draft decision on paragraphs 2(b) and 2(c) of Article 18 submitted by the Chair.

171. Statements were made by the representatives of Bahamas, Brazil, India, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Switzerland, and the Syrian Arab Republic.

172. At its 5th meeting, on 1st June 2005 the Working Group continued to discuss the draft decision.

173. Statements were made by the representatives of Brazil and the Netherlands (on behalf of the European Union and Bulgaria).

174. After an exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/2/L.5.

175. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.5 and adopted it as decision BS-II/10. The text of the decision is contained in annex I to the present report.

**III. SUBSTANTIVE ISSUES ARISING FROM THE MEDIUM-TERM PROGRAMME OF WORK AND PREVIOUS DECISIONS OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL**

**ITEM 13. LIABILITY AND REDRESS (ARTICLE 27)**

176. Agenda item 13 was taken up at the 1st plenary session of the meeting, on 30 May 2005. In considering the item the meeting had before it the report of the first meeting of the Ad Hoc Open-ended Working Group on Liability and Redress (UNEP/CBD/BS/COP-MOP/2/11) and, as an information

document, the report of the meeting of the Technical Group of Experts on Liability and Redress (UNEP/CBD/BS/COP-MOP/2/INF/5).

177. Mr. René Lefeber (Netherlands), Co-Chair of the Ad Hoc Open-ended Working Group on Liability and Redress, presented the report of the Working Group and said that the meeting had heard two expert presentations on the topic of risk assessment and the concepts of State responsibility and international liability. The Working Group had had constructive discussions and had made good progress on a number of issues. However, due to budgetary constraints, the Ad Hoc Working Group had already found itself behind in its work and the Co-Chair called upon donor countries to make financial contributions available to ensure that a second meeting of the Ad Hoc Working Group could take place before the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. To that end, US\$ 270,000 would be required to support the participation of developing countries and countries with economies in transition.

178. The Conference of the Parties serving as the meeting of the Parties of the Protocol took note of need for resources to organize a second meeting of the Ad Hoc Working Group before the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

179. At the 2nd plenary session, on 1 June 2005, the meeting took up a draft decision on liability and redress and, after some discussion, agreed to consider a revised text at a subsequent meeting.

180. At the 3rd plenary session of the meeting on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.10 and adopted it as decision BS-II/11. The text of the decision is contained in annex I to the present report.

#### **ITEM 14. SOCIO-ECONOMIC CONSIDERATIONS (ARTICLE 26, PARAGRAPH 2)**

181. Working Group II took up agenda item 14 at its 2nd meeting, on 31 May 2005. In considering the item, the Working Group had before it a note by the Executive Secretary that reviewed relevant processes and arrangements where the socio-economic impacts of modern biotechnology had been taken into account, and which explored opportunities for cooperation among Parties on research and information exchange (UNEP/CBD/BS/COP-MOP/2/12).

182. Introducing the item, the representative of the Secretariat said that the note by the Executive Secretary presented the background to Article 26, paragraph 2, of the Protocol; a summary of processes where socio-economic impacts of technologies in general, and socio-economic impacts of living modified organisms in particular, had been under consideration; opportunities for cooperation on research and exchange of information regarding socio-economic impacts of living modified organisms; and elements of a draft decision.

183. Statements were made by the representatives of Algeria, Argentina, Australia, Brazil, Cameroon, Cuba, Fiji, Ghana, Grenada, India, Kenya, Madagascar, Malaysia, Morocco, Namibia, the Netherlands (on behalf of the European Union and Bulgaria), Norway, Panama, Peru, Saudi Arabia, Turkey, the United Republic of Tanzania, the United States of America, Venezuela, Zambia and Zimbabwe.

184. Statements were also made by the representatives of the Foundation for Public Research and Regulation and the Global Industry Coalition.

185. At the conclusion of the discussion, the Chair undertook to prepare a revised text embodying the elements of a draft decision and taking into accounts the comments made.

186. At its 6th meeting, on 2 June 2005, the Working Group took up the revised text of the draft decision on socio-economic considerations, submitted by the Chair.

187. Statements were made by the representatives of Algeria, Argentina, Armenia, Australia, Brazil, Canada, Cuba, Fiji, India, Madagascar, Malaysia, Mexico, Namibia, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway, Peru, Rwanda, Saudi Arabia, South Africa, Switzerland and Venezuela.



188. A statement was also made by the representative of the Foundation for Public Research and Regulation.

189. The Working Group approved the draft decision on socio-economic considerations, as amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/2/L.12.

190. The representatives of the Netherlands (on behalf of the European Union and Bulgaria) and Norway expressed their support for the amended text of the draft decision on the understanding that it would not serve to limit the submission of information.

191. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.12 and adopted it as decision BS-II/12. The text of the decision is contained in annex I to the present report.

**ITEM 15. PUBLIC AWARENESS AND PARTICIPATION (ARTICLE 23,  
PARAGRAPH 1 (a))**

192. Working Group II took up agenda item 15 at its 2nd meeting, on 31 May 2005. In considering the item, the Working Group had before it a note by the Executive Secretary on options for cooperation of Parties with other States and international bodies on the promotion and facilitation of public awareness, education and participation concerning living modified organisms (UNEP/CBD/BS/COP-MOP/2/13).

193. Introducing the item, the Secretariat indicated that the document dealt with the current status of implementation of Article 23, paragraph 1 (a), possible options for cooperation in promoting and facilitating public awareness, education and participation regarding living modified organisms, together with possible elements for a draft decision.

194. Statements were made by the representatives of Algeria, Argentina, Australia, Brazil, Côte d'Ivoire, Cuba, Gabon, Grenada, Guatemala, India, Japan, Kiribati, Malaysia, the Marshall Islands, Mexico, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway, Turkey, Uganda and the United States of America.

195. Statements were also made by the representatives of the Foundation for Public Research and Regulation and the Global Industry Coalition.

196. The Chair agreed to prepare a revised text of the draft decision based on the views expressed.

197. At its 5th meeting, on 1 June 2005, the Working Group took up the revised text of the draft decision on public awareness and participation, submitted by the Chair.

198. Statements were made by the representatives of Argentina, Armenia, Australia, Brazil, India, the Netherlands (on behalf of the European Union and Bulgaria), Peru, South Africa, Turkey, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.

199. A statement was also made by the representative of the Foundation for Public Research and Regulation.

200. The Working Group approved the draft decision on public awareness and participation, as amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/2/L.9.

201. At the 3rd plenary session of the meeting on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.9 and adopted it as decision BS-II/13. The text of the decision is contained in annex I to the present report.

**ITEM 16. OTHER SCIENTIFIC AND TECHNICAL ISSUES THAT MAY  
BE NECESSARY FOR THE EFFECTIVE IMPLEMENTATION  
OF THE PROTOCOL**

202. Working Group I took up agenda item 16 at its 3rd meeting, on 31 May 2005. In considering the item, the Working Group had before it a note by the Executive Secretary on other scientific and technical

issues that might be necessary for the effective implementation of the Protocol (UNEP/CBD/BS/COP-MOP/2/14). The Working Group also had before it, as an information document, a compilation of views submitted by Parties, other Governments and relevant international organizations on other scientific and technical issues that might be necessary for the effective implementation of the Protocol (UNEP/CBD/BS/COP-MOP/2/INF/6).

203. Introducing the item, the Secretariat said that, in paragraph 4 of decision BS-I/11, the Conference of the Parties serving as the meeting of the Parties to the Protocol had invited Parties, other Governments and relevant international organizations to submit their views to the Executive Secretary on other scientific and technical issues that might need to be addressed as a matter of priority in order to formulate common approaches towards those issues and to promote the effective implementation of the Protocol, for inclusion in a synthesis report for consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Executive Secretary had gathered and compiled the submissions in an information document (UNEP/CBD/BS/COP-MOP/2/INF/6). Section II of a note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/2/14) synthesized the issues raised in those submissions and section III contained recommendations on options for addressing those issues.

204. Statements under this item were made by the representatives of Argentina, Canada, Ethiopia (on behalf of the African Group), Japan, the Netherlands (on behalf of the European Union and Bulgaria), New Zealand, Norway and Switzerland.

205. A statement was made by the representative of the Secretariat of the Codex Alimentarius Commission.

206. The representatives of the Foundation for Public Research and Regulation and the Global Industry Coalition also made statements.

207. The Chair undertook to prepare a text that would incorporate all the points raised during the discussion.

208. At its 5th meeting on 1 June 2005, the Working Group considered a draft decision on other scientific and technical issues necessary for the effective implementation of the Protocol submitted by the Chair.

209. Statements were made by the representatives of Malaysia and the Netherlands (on behalf of the European Union and Bulgaria).

210. A statement was also made by the representative of the Foundation for Public Research and Regulation.

211. The Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/2/L.4.

212. At the 3rd plenary session of the meeting, on 3 June 2005, the Conference of the Parties serving as the meeting of the Parties to the Protocol, considered draft decision UNEP/CBD/BS/COP-MOP/2/L.4 and adopted it as decision BS-II/14. The text of the decision is contained in annex I to the present report.

#### **IV. FINAL MATTERS**

##### **ITEM 17. OTHER MATTERS**

213. At the 3rd plenary session of the meeting, on 3 June 2005, the President recalled that the representative of the Ethiopia had requested that the problem of Canadian visas be taken up by the meeting.

214. The representative of Ethiopia said that a meeting had been held with the Canadian delegation and with Canadian officials responsible for visa matters. Assurances had been given that the problems encountered would not be repeated and, on that basis, he proposed that the issue be considered closed for the moment. He nevertheless reserved the right to raise it anew should the problem recur.

215. The representative of Canada thanked those delegations that had explained the difficulties experienced and had made suggestions on how procedures could be improved.

216. The representative of Cameroon stated Cameroon's position regarding commitments under the Protocol, which should be respected by all that had signed the instrument in the same way as commitments under other international instruments had to be respected, bearing in mind that the ultimate goal should be to protect mankind.

217. The representative of Australia also made a statement, which, as requested, is attached to the present report in annex II.

**ITEM 18. DATE AND VENUE OF THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY**

218. At the 3rd plenary session of the meeting, on 3 June 2005 the Secretariat recalled that, at the seventh meeting of the Conference of the Parties to the Convention on Biological Diversity, Brazil had offered to host the eighth meeting. Subsequently, Brazil had expressed its willingness to host the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, in conjunction with the Conference of the Parties. Accordingly, the third meeting would be held from 13 to 17 March 2006 in Curitiba, Brazil.

219. The representative of Brazil said that his Government was honoured to host the eighth meeting of the Conference of the Parties and the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and he invited all Parties, international and non-governmental organizations, and representatives of civil society and industry to attend. Curitiba was known as the ecological capital of Brazil and was a symbol of Brazil's commitment to the goals of Agenda 21 adopted in Rio de Janeiro.

**ITEM 19. ADOPTION OF THE REPORT**

220. The present report was adopted at the 3rd plenary session of the meeting, on 3 June 2005, on the basis of the draft report presented by the Rapporteur (UNEP/CBD/BS/COP-MOP/2/L.1) and the reports of Working Group I (UNEP/CBD/BS/COP-MOP/2/L.1/Add.1) and Working Group II (UNEP/CBD/BS/COP-MOP/2/L.1/Add.2).

**ITEM 20. CLOSURE OF THE MEETING**

221. After the customary exchange of courtesies, the President declared the second meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol on Biosafety closed at 6.15 p.m. on Friday, 3 June 2005.

*Annex I*

**DECISIONS ADOPTED BY THE CONFERENCE OF THE PARTIES SERVING AS THE  
MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY AT ITS  
SECOND MEETING**

*Montreal, 30 May-3 June 2005*

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**BS-II/1. Rules of procedure for meetings of the Compliance Committee**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling its decision BS-I/7,*

*Recalling also paragraph 7 of section II of the procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety that requires the Compliance Committee to submit its rules of procedure to the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration and approval,*

*Taking note of the report of the Compliance Committee under the Cartagena Protocol on Biosafety on the work of its first meeting (UNEP/CBD/BS/COP-MOP/2/2),*

*Approves the rules of procedure for the meetings of the Compliance Committee under the Cartagena Protocol on Biosafety as annexed to the present decision, with the exception of rule 18.*

*Annex*

**RULES OF PROCEDURE FOR THE MEETINGS OF THE COMPLIANCE COMMITTEE  
UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY**

**I. PURPOSES**

***Rule 1***

These rules of procedure shall apply to any meeting of the Compliance Committee under the Cartagena Protocol on Biosafety and shall be read together with and in furtherance of the procedures and mechanisms set out in decision BS-I/7 of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.

***Rule 2***

The rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity, as applied, *mutatis mutandis*, to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, shall apply, *mutatis mutandis*, to any meeting of the Compliance Committee under the Cartagena Protocol on Biosafety, except as otherwise provided in the rules set out herein and in decision BS-I/7, and provided that rules 16 to 20, on representation and credentials of the rules of procedure for the meetings of the Conference of the Parties to the Convention on Biological Diversity shall not apply.

**II. DEFINITIONS**

***Rule 3***

For the purposes of these rules:

(a) “Protocol” means the Cartagena Protocol on Biosafety to the Convention on Biological Diversity adopted in Montreal on 29 January 2000;

(b) “Party” means a Party to the Protocol;

(c) “Conference of the Parties serving as the meeting of the Parties to the Protocol” means the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety as provided for under Article 29 of the Protocol;

(d) “Committee” means the Compliance Committee established by decision BS-I/7 of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(e) “Chair” and “Vice-Chair” mean, respectively, the chairperson and the vice chairperson elected in accordance with rule 12 of the present rules of procedure;

/...

(f) “Member” means a member of the Committee elected in accordance with paragraph 2 of section II of the compliance procedures or a replacement appointed in accordance with paragraph 2 of rule 10 of the present rules of procedure;

(g) “Secretariat” means the Secretariat referred to in Article 31 of the Protocol.

(h) “The Compliance Procedures” means the procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety adopted by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and set out in the annex to decision BS-I/7.

### **III. DATES AND NOTICE OF MEETINGS**

#### ***Rule 4***

The Committee shall decide on the dates and duration of its meetings.

#### ***Rule 5***

The Secretariat shall notify all members of the Committee of the dates and venue of a meeting at least six weeks before the meeting is due to commence.

### **IV. AGENDA**

#### ***Rule 6***

The agenda of the Committee shall include items arising from its functions as specified in section III of the Compliance Procedures and other matters related thereto.

#### ***Rule 7***

To the extent possible, the provisional agenda, together with supporting documents, shall be distributed by the Secretariat to all members of the Committee at least four weeks before the opening of the meeting.

### **V. DISTRIBUTION AND CONSIDERATION OF INFORMATION**

#### ***Rule 8***

1. Members of the Committee shall be informed immediately by the Secretariat that a submission has been received under paragraph 1 of section IV of the compliance procedures.

2. A submission received in accordance with paragraph 1 (a) of section IV of the Compliance Procedures shall be transmitted by the Secretariat to the members of the Committee as soon as possible but no later than ninety days of receipt of the submission. A submission received in accordance with paragraph 1 (b) and any response and information received under paragraph 3 of section IV of the Compliance Procedures shall be transmitted by the Secretariat to the members of the Committee as soon as practicable.

3. The information received in accordance with paragraph 2 of section V of the Compliance Procedures shall be transmitted by the Secretariat to the members of the Committee within fifteen days of receipt of such information. The Committee shall determine the relevance of the information before placing it on the agenda. Any such information that will be considered by the Committee shall, as soon as practicable, be made available to the Party concerned.

### **VI. PUBLICATION OF DOCUMENTS AND INFORMATION**

#### ***Rule 9***

The provisional agenda, reports of meetings, official documents and, subject to rule 8 above and paragraph 4 of section V of the Compliance Procedures, any other relevant documents shall be made available to the public.

## **VII. MEMBERS**

### ***Rule 10***

1. The term of office of a member shall commence on 1 January of the calendar year immediately following his or her election and end on 31 December, two or four years thereafter, as applicable.
2. If a member of the Committee resigns or is unable to complete his or her term of office or to perform his or her functions, the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol shall, in consultation with the appropriate regional group, appoint a replacement to serve the remainder of that member's term of office.

### ***Rule 11***

Each member of the Committee shall, with respect to any matter that is under consideration by the Committee, avoid direct or indirect conflicts of interest. Where a member finds himself or herself faced with a direct or indirect conflict of interest, that member shall bring the issue to the attention of the Committee before consideration of that particular matter. The concerned member shall not participate in the elaboration and adoption of a recommendation of the Committee in relation to that matter.

## **VIII. OFFICERS**

### ***Rule 12***

1. The Committee shall elect a Chair and a Vice-Chair for a term of two years. Subject to rule 10 of the present rules of procedure, they shall serve in those capacities until their successors take office.
2. No officer shall serve for more than two consecutive terms.

## **IX. PARTICIPATION IN PROCEEDINGS OF THE COMMITTEE**

### ***Rule 13***

A Party in respect of which a submission is made or which makes a submission as referred to in paragraph 1 of section IV of the Compliance Procedures shall be invited to participate in the deliberations of the Committee. The Party concerned shall be given an opportunity to comment in writing on any recommendation of the Committee. Any such comments shall be forwarded with the report of the Committee to the Conference of the Parties serving as the meeting of the Parties to the Protocol.

## **X. CONDUCT OF BUSINESS**

### ***Rule 14***

1. The Committee shall decide on whether it will meet in open or closed sessions. Such decisions, including reasoning, shall be reflected in the reports of the Committee.
2. The Party concerned is entitled to participate in the meetings of the Committee pursuant to paragraph 4 of section IV of the compliance procedures.
3. Any person invited by the Committee may attend the meetings of the Committee.

### ***Rule 15***

Electronic means of communication may be used by the members of the Committee for the purpose of conducting informal consultations on issues under consideration. Electronic means of communication shall not be used for making decisions on matters of substance.

### ***Rule 16***

Ten members of the Committee shall constitute a quorum.

## **XI. VOTING**

### ***Rule 17***

Each member of the Committee shall have one vote.

### ***Rule 18***

[1. The Committee shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, any decision shall, as a last resort, be taken by a two-thirds majority of the members present and voting or by eight members, whichever is the greater. Where consensus is not possible, the report shall reflect the views of all members of the Committee.

2. For the purposes of these rules, the phrase “members present and voting” means members present at the session at which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting.]

## **XII. LANGUAGE**

### ***Rule 19***

The working language of the Committee shall be English or any other official United Nations language agreed by the Committee.

### ***Rule 20***

The submissions from the Party concerned, the response and the information, as referred to in section IV of the Compliance Procedures, shall be made in one of the six official languages of the United Nations. The Secretariat shall make arrangements to translate them into English if they are submitted in one of the languages of the United Nations other than English.

## **XIII. AMENDMENTS TO RULES OF PROCEDURE**

### ***Rule 21***

Any amendment to these rules of procedure shall be adopted by consensus by the Committee and submitted to the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and approval.

## **XIV. OVERRIDING AUTHORITY OF THE PROTOCOL AND DECISION BS-I/7**

### ***Rule 22***

In the event of a conflict between any provision in these rules and any provision in the Protocol or decision BS-I/7, the provisions of the Protocol or decision BS-I/7 shall prevail.



**BS-II/2. Operations and activities of the Biosafety Clearing-House**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol,*

*Having examined* the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/2/3), reviewing the operation and development of the Biosafety Clearing-House,

*Welcoming and taking into account* the outcomes of the internal review of the operation of the Biosafety Clearing-House conducted by the Secretariat,

*Welcoming with appreciation* the transition of the pilot phase to the fully operational Biosafety Clearing-House, and the ongoing development of its Central Portal,

*Emphasizing* the need for capacity-building to enable developing countries to effectively use the Biosafety Clearing-House, including managing their obligations to report information, and *welcoming* in this regard the continuing efforts of the Global Environment Facility to expand its support to building capacity for effective participation in the Biosafety Clearing-House and its recent extension of country eligibility for this purpose,

*Welcoming with appreciation* the capacity-building activities of the Secretariat, such as the Biosafety Clearing-House training workshop, and *extending its thanks* to the Government of the Netherlands and the Global Industry Coalition for their generous sponsorship of this workshop, and the UNEP/GEF biosafety team for their collaboration,

*Recalling* that the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting encouraged the Organisation for Economic Co-operation and Development and other organizations involved in the development of unique identification systems for living modified organisms to initiate or enhance their activities towards the development of a harmonized system of unique identifiers for genetically modified micro-organisms and animals (decision BS-I/6 C, paragraph 3),

*Noting* that the provision of relevant information is essential for the effective operation of the Biosafety Clearing-House,

1. *Adopts* the multi-year programme of work contained in the annex to the present decision;
2. *Welcomes* the participation of Governments and international organizations that have provided information to the Biosafety Clearing-House, either directly through the Management Centre of the Central Portal, or through the development of nodes that are interoperable with the Central Portal of the Biosafety Clearing-House;
3. *Encourages* Parties, Governments and other users to continue to use the Management Centre to provide information, and/or to develop national, regional, subregional and institutional nodes that are interlinked and interoperable with the Central Portal, as appropriate;
4. *Urges* all Parties, Governments and other users to provide relevant information to the Biosafety Clearing-House as soon as possible, including information pertaining to decisions on the release or import of living modified organisms and risk assessments taken prior to entry into force of the Protocol, and to undertake regular review of the information they have previously made available;
5. *Invites* Parties, Governments and other users to identify constraints on making information available in a timely manner, and to implement strategies to overcome these difficulties;
6. *Invites* Parties, Governments and international organizations to make relevant biosafety information available through the Biosafety Information Resource Centre;
7. *Calls upon* each Party that has not yet done so to designate an appropriate national focal point for the Biosafety Clearing-House;
8. *Invites* donor Governments and organizations to assist developing country Parties, in particular the least developed and small island developing States among them, and countries with

economies in transition, as well as countries that are centres of origin and centres of genetic diversity, to access and use the Biosafety Clearing-House, particularly in the areas of improved capacity for data collection and data management at a national level, strengthening of core human resources at a national level, and the establishment of appropriate infrastructure to share information at both national, regional and international levels;

9. *Requests* the Executive Secretary to continue to support capacity-building efforts to meet the needs of developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition, as well as countries with limited capacity that are centres of origin and centres of genetic diversity, to enable their active participation in the Biosafety Clearing-House.

#### *Annex*

### **MULTI-YEAR PROGRAMMME OF WORK FOR THE OPERATION OF THE BIOSAFETY CLEARING-HOUSE**

#### ***Programme element 1: Structure and function of the central portal***

*Objective: Improve ease of reporting and accessing information in the Biosafety Clearing-House in response to identified needs of users.*

Possible activities:

- Expand the general user base of the Biosafety Clearing-House by making it more accessible to novice users, for example by making the information more intuitively easy to find (while maintaining as much of the existing structure as is feasible), clustering search results, improving support functions such as an interactive Biosafety Clearing-House user guide. *Main actor: Secretariat, with input from Governments and relevant organizations. Timeframe: ongoing.*
- Ensure that common formats are flexible enough to enable full reporting of information (for example, able to accommodate reporting of data produced prior to entry into force of the Protocol, such as risk assessments conducted outside the annex III format; able to accommodate data reported through product-based regulatory models), while maintaining backwards compatibility with existing information-exchange partners. *Main actor: Secretariat, with input from Governments and relevant organizations. Timeframe: annual review of common formats.*
- Expand controlled vocabularies as required to reflect changing technologies and types of information that are being reported to the Biosafety Clearing-House. *Main actor: Secretariat, with input from other organizations maintaining multilingual thesauri. Timeframe: annual.*
- Differentiate between null responses where information is not available because it does not exist, versus information that has not been reported on. *Main actor: Secretariat, with input from Governments and relevant organizations. Timeframe: December 2005.*
- Maintain support for interoperability options with partner Governments and organizations. *Main actor: Secretariat with input from Governments and relevant organizations. Timeframe: ongoing.*

#### ***Programme element 2: Information content and management***

*Objective: Increase the amount of information that is currently being reported to the Biosafety Clearing-House, and ensure it is provided in a timely manner.*

Possible activities:

- Appoint national focal points (or, where appropriate, institutional focal points) for the Biosafety Clearing-House, to actively make information available through the Biosafety Clearing-House. *Main actor: Governments. Timeframe: To be appointed by mid-2005.*

- Collate information relating to obligations of Governments to provide certain data within particular time-limits and make this more visible through the Biosafety Clearing-House. *Main actor: Secretariat. Timeframe: To be made available by mid-2005.*
- Compile existing biosafety information required to be reported under the Protocol (see section A of the Modalities of Operation of the Biosafety Clearing-House) and ensure it has been made available to the Biosafety Clearing-House where appropriate. *Main actor: Governments. Timeframe: December 2005.*
- Review existing information in the Biosafety Clearing-House to ensure it has been accurately reported and categorized. *Main actor: Governments. Timeframe: quarterly.*
- Improve user documentation to assist focal points and other authorized users by providing clear examples and descriptions of data required in each field within the common formats. *Main actor: Secretariat, in collaboration with capacity-building organizations. Timeframe: as appropriate.*
- Identify constraints on making information available in a timely manner and implement strategies to overcome these difficulties. *Main actor: Governments. Timeframe: December 2005.*
- Share experiences with the use of the Biosafety Clearing-House, particularly by providing case-studies of experiences with national management and clearance of information (“validation”). *Main actor: Governments. Timeframe: December 2005.*
- Continue to encourage Governments to provide information to the Biosafety Clearing-House through, for example, reminders of information-exchange requirements and provision of tools to allow Governments to assess their performance in meeting their reporting requirements to the Biosafety Clearing-House. *Main actor: Secretariat. Timeframe: ongoing.*

**Programme element 3: Sharing information on and experience with LMOs**

*Objective: Make a broader range of biosafety information accessible to users of the Biosafety Clearing-House.*

Possible activities:

- Continue to develop the Biosafety Information Resource Centre. *Main actor: Secretariat. Timeframe: December 2005.*
- Collect information relevant to biosafety issues, and make it available through the Biosafety Information Resource Centre. *Main actor: Governments and relevant organizations. Timeframe: biannual.*
- Make use of information-sharing mechanisms such as discussion forums and online conference facilities through the Biosafety Clearing-House to facilitate a broad exchange of views on experience with LMOs. *Main actor: Secretariat with Governments and relevant organizations. Timeframe: as appropriate.*
- Consult among national, regional, subregional and institutional centres with relevant expertise, as well as non-governmental organizations and the private sector, to maximize use of existing experience and expertise. *Main actor: Secretariat with relevant organizations. Timeframe: Initial consultations to be completed by June 2006.*

**Programme element 4: Capacity-building and non-Internet accessibility**

*Objective: Ensure that countries have the necessary capabilities to access the Internet-based central Portal and are able to access information through the Biosafety Clearing-House in a timely manner.*

Possible activities:

- Continue to take into account the identified capacity-building constraints and financial limitations of developing countries with regard to effective participation in the Biosafety Clearing-House, placing a high priority on data collection and data management, strengthening of core human resources at a national level, and the establishment of appropriate infrastructure to share information at national, regional and international levels. *Main actor: Donor governments and relevant organizations. Timeframe: ongoing.*
- Incorporate the facility for users to download records from the central portal of the Biosafety Clearing-House to a local database in both the central portal and the simple national Biosafety Clearing-House application. *Main actor: Secretariat, if adequate resources are made available. Timeframe: mid 2006.*
- Examine the feasibility of expanding existing web features to enable distribution by e-mail and fax (for example, participation in discussion forums). *Main actor: Secretariat, if adequate resources are made available. Timeframe: December 2005.*
- Circulate regularly updated CD-ROM versions of information in the Biosafety Clearing-House to those users without good access to the Internet. *Main actor: Secretariat, if adequate resources are made available. Timeframe: biannual.*
- Take advantage of opportunities for providing training in the use of the Biosafety Clearing-House, such as meetings of the Parties to the Protocol, taking into account the need for the Biosafety Clearing-House to be used in the broader context of Protocol implementation. *Main actor: Secretariat, if adequate resources are made available. Timeframe: ongoing.*

**Programme element 5: Review of activities**

*Objective: Ensure that the programme of work is achieving the goals of the Biosafety Clearing-House effectively.*

Possible activities:

- Continue to review the operation of the Biosafety Clearing-House, including through the use of targeted follow-up surveys and usability studies, and by providing user feedback mechanisms directly on the Biosafety Clearing-House, subject to available resources. *Main actor: Secretariat with input from Governments and relevant organizations. Timeframe: ongoing.*
- Conduct a second review of the Biosafety Clearing-House, and compare improvements against existing baseline data, as part of the review of the implementation of the Protocol envisaged in the medium-term programme of work for the Protocol. *Timeframe: for consideration at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol*

**BS-II/3. Status of capacity-building activities**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* its decision BS-I/5 on capacity-building,

*Welcoming* the note prepared by the Executive Secretary on the status of capacity-building for the effective implementation of the Protocol (UNEP/CBD/BS/COP-MOP/2/4),

*Reaffirming* the critical importance of capacity-building for the effective implementation and compliance with the provisions of the Protocol by developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition,

*Noting* that the lack of adequate financial and technological resources is a significant constraint to effective capacity-building,

*Reiterating* the importance of adopting needs-based, country-driven and target-oriented approaches to capacity-building,

*Noting* the urgent need to enhance human resources development and recognizing the role of academic and other training institutions in addressing the needs of different countries in this regard,

*Emphasizing* the need to ensure the sustainability of capacity-building activities,

*Acknowledging* that a lack of information in the Biosafety Clearing-House (BCH) is an impediment to implementation of the Coordination Mechanism,

**A. Coordination Mechanism**

1. *Welcomes* the progress report on the implementation of the Coordination Mechanism prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/2/4, section II);

2. *Urges* Parties, other Governments and relevant organizations to share their information through the Coordination Mechanism and the Biosafety Clearing-House and to ensure reliable quality of that information;

3. *Invites* regional and subregional institutions to contribute to capacity-building in biosafety and to actively participate in the Coordination Mechanism;

4. *Welcomes* the generous offer by the Government of Norway to sponsor and host a coordination meeting in early 2006 for representatives of Governments and organizations implementing or funding biosafety capacity-building activities;

5. *Takes note* of the report of the coordination meeting for academic and other institutions offering biosafety-related training and education programmes, which was organized and hosted by the Government of Switzerland in Geneva from 4 to 6 October 2004 (UNEP/CBD/COP-MOP/2/INF/9) and the report of the coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities, held in Montreal on 26-27 January 2005 (UNEP/CBD/COP-MOP/2/INF/10);

6. *Welcomes* the compendium of biosafety training and education courses developed by the above-mentioned coordination meeting for institutions offering biosafety-related training and education programmes made available through the Biosafety Clearing-House;

7. *Invites* Parties, other Governments and relevant organizations to submit for the compendium information on existing biosafety training courses and to use the compendium to identify and take advantage of available training and education opportunities in biosafety;

8. *Urges* countries to identify their biosafety training and education needs and communicate the information to the Biosafety Clearing-House to enable relevant institutions to design appropriate training programmes and packages;

9. *Invites* developed country Parties, other developed States, the Global Environment Facility and relevant organizations to:

(a) Provide financial resources and other support for training and education in biosafety, including the provision of scholarships and fellowships for students from developing countries, in particular the least developed and the small island developing States among them, and countries with economies in transition as well as support for “training-of-trainers” programmes and “re-training” courses;

(b) Assist countries to incorporate specific components on training and education in their capacity-building project proposals, for example for the implementation of the national biosafety frameworks;

10. *Encourages* Parties, other Governments and relevant organizations to:

(a) Endeavour to create opportunities and career paths for local professionals trained in biosafety, especially young graduates, in order for them to utilize their skills;

(b) Actively involve academic and training institutions in relevant national and international biosafety processes, including the development and implementation of national biosafety frameworks;

11. *Invites* institutions offering biosafety training and education courses to:

(a) Regularly update information in the compendium regarding their courses;

(b) Take into account the training needs of countries in order to develop appropriate (demand-driven) training programmes, including those targeted for specific audiences or addressing specific needs;

(c) Participate proactively in relevant biosafety processes at the national, regional and international levels in order to be acquainted with the emerging issues, needs and challenges in biosafety;

(d) Establish collaborative partnerships with other institutions, especially those in developing countries, with a view to transferring skills, sharing experience and course materials as well as fostering harmonization and mutual recognition of the course offerings;

(e) Develop and facilitate distance-learning tools, such as online courses;

12. *Requests* the Executive Secretary to further develop the Coordination Mechanism, including needs assessment and coordination, taking into account the Bali Strategic Plan for Technology Support and Capacity-Building adopted by the Governing Council of the United Nations Environment Programme in February 2005 with a view to creating synergies and avoiding unnecessary duplication of work;

***B. Capacity-building needs and priorities and possible measures for addressing them***

13. *Takes note* of the report on the needs and priorities for building capacities for the effective implementation of the Protocol (UNEP/CBD/BS/COP-MOP/2/INF/7) and requests the Executive Secretary to make it available to donor Governments and relevant organizations;

14. *Invites* developed country Parties, Governments and relevant organizations to consider the information contained in the report in the development of their assistance programmes;

15. *Reminds* Parties and other Governments that have not yet done so to submit to the Biosafety Clearing-House information on their capacity-building needs and priorities and all those that have done so to update their records on a regular basis;

16. *Invites* developed countries and relevant international organizations to provide support to developing country Parties, in particular the least developed and small island developing states among them, including countries among those that are centres of origin and centres of genetic diversity, as well as Parties with economies in transition, in the field of capacity-building, in particular for the development and implementation of national biosafety frameworks;

17. *Further invites* organizations and initiatives involved in biosafety capacity-building which have in-country infrastructure, such as biosafety projects funded by the Global Environment Facility, to assist countries in assessing and submitting their capacity-building needs and priorities to the Biosafety Clearing-House;

18. *Urges* Parties and other Governments to prioritize among the different possible measures for addressing their needs and gaps in building capacities for the effective implementation of the Protocol;

19. *Encourages* Parties and other Governments that have not yet done so to develop national strategies for capacity-building in biosafety, prioritizing the needs for capacity-building activities in the different components of the national biosafety frameworks, in order to facilitate a proactive, systematic and coordinated approach addressing the country capacity-building needs and gaps;

20. *Further encourages* Parties and other Governments to address the issue of sustainability of capacity-building by designing in their national capacity-building plans and programmes elements that may help them to incorporate follow-up actions as part of their regular national programmes;

21. *Urges* Parties and other Governments and relevant organizations to promote regional and subregional initiatives and approaches to address common needs and priorities and encourages them to make effective use of locally existing facilities and expertise, including through exchange of experts;

22. *Invites* donor countries and relevant organizations to assist developing countries, in particular the least developed and the small island developing States among them, and countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, to build capacity for conducting independent biosafety-related research;

23. *Further invites* donor countries and organizations supporting capacity-building activities to:

- (a) Consider simplifying the procedures for making resources available, and harmonize them to the extent possible, in order to improve access to resources for capacity-building by recipient countries;
- (b) Provide training in project-proposal development to interested recipient countries;
- (c) Consider requiring that countries seeking support for capacity-building initiatives provide information on other related ongoing initiatives in order to minimize duplication of capacity-building assistance;

### ***C. Comprehensive of the review of the Action Plan***

24. *Adopts* the terms of reference for the comprehensive review of the Action Plan for the Effective Implementation of the Cartagena Protocol on Biosafety contained in the annex to the present note;

25. *Invites* Parties, other Governments and relevant organizations to submit to the Secretariat, no later than three months prior to its third meeting, progress reports on their initiatives contributing to the implementation of the Action Plan, including their effectiveness, as well as views and suggestions on desired revisions to the Action Plan, taking into account the terms of reference for the review mentioned above;

26. *Requests* the Executive Secretary to prepare a questionnaire to assist Parties, other Governments and relevant organizations in submitting information requested in paragraph 25 above;

27. *Invites* relevant organizations and initiatives that have in-country contacts and infrastructure, such as the biosafety-related projects under the Global Environment Facility, to assist, in collaboration with the Executive Secretary, countries in responding to the questionnaire;

28. *Requests also* Executive Secretary to include in the questionnaire referred to in paragraph 26 above elements to assess the constraints encountered with the implementation of the Coordination Mechanism and the possible reasons behind the limited use of the roster of biosafety experts;

29. *Urges* Executive Secretary to complement the questionnaire referred to in paragraph 26 above with results available from other relevant assessments and evaluation studies of capacity-building programmes including, *inter alia*, the evaluation by the Global Environment Facility of the activities financed under its Initial Strategy for Assisting Countries to Prepare for the Entry into Force of the Cartagena Protocol and the ongoing assessment study by the United Nations University;

30. *Further requests* the Executive Secretary to prepare, on the basis of the submissions received, a background paper describing, *inter alia*, the progress in, and effectiveness of, the implementation of the Action Plan, the unmet needs/gaps and strategic recommendations to be taken into account in the possible revision of the Action Plan at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

31. *Further requests* the Executive Secretary to prepare, depending on the outcome of the review, a draft revised Action Plan for consideration at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

#### *Annex*

### **TERMS OF REFERENCE FOR THE COMPREHENSIVE REVIEW AND POSSIBLE REVISION OF THE ACTION PLAN FOR BUILDING CAPACITIES FOR THE EFFECTIVE IMPLEMENTATION OF THE PROTOCOL**

#### ***A. Introduction***

1. The Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol was developed in 2002 by the Intergovernmental Committee for the Cartagena Protocol on Biosafety and was endorsed in February 2004 by the first meeting of the Conference of the Parties serving as the meeting of the Parties. At the time it was developed, a number of things were unclear. For example, the capacity needs of countries were not well understood and the coverage of the few then existing biosafety capacity-building projects was unknown. Since then, a number of developments have taken place. Many countries have assessed and submitted their needs and priorities to the Biosafety Clearing-House. As well, a number of capacity-building projects have been initiated and some operational experience gained.

2. In light of the new developments, it is important to review and, if necessary, revise the Action Plan so that it is relevant to the prevailing circumstances and response to the needs and priorities of countries, taking into account experience gained and the lessons learned.

#### ***B. Objectives of the review***

3. The purpose of the review is to examine the way and the extent to which the Action Plan has been implemented, analyse the unmet needs and gaps, review the lessons learned and identify areas that need to be updated or streamlined. The ultimate objective is to ensure that the Action Plan is current, relevant and effective in providing a coherent framework for capacity-building efforts consistent with the needs and priorities of Parties and other Governments.



**C. Process of collecting information to facilitate the review**

4. The review will be based primarily on information provided by Parties and other Governments. Information submitted by relevant organizations will also be taken into account. A questionnaire will be used as the main tool for gathering the information. The Executive Secretary will design the questionnaire and send it to all Parties, Governments and relevant organizations. The questionnaire will be simple to complete and also easily accessible through the Biosafety Clearing-House. For example check-boxes and yes/no questions will be used. The preliminary set indicators for monitoring implementation of the Action Plan, which were adopted in decision BS-I/5 of the Conference of the Parties serving as the meeting of the Parties to the Protocol, will be used, as appropriate, in the design of the questionnaire.

5. Respondents will be invited to submit the completed questionnaire and any additional information to the Secretariat no later than three months prior to third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. In the preparation of their submissions, they will also be encouraged to use preliminary set indicators for monitoring implementation of the Action Plan

6. The Executive Secretary will collaborate with organizations and initiatives that have in-country contacts and infrastructure, such as the GEF biosafety-related projects, in order to assist countries in responding to the questionnaire so as to maximize the number and quality of responses. The Executive Secretary will make use of other relevant information, including reports and other information submitted by countries under the biosafety projects funded by the Global Environment Facility.

**D. Type of information needed to facilitate the review**

7. Respondents will be invited to submit information particularly related to the following aspects:

(a) Overview of the progress made in, and the effectiveness of, the implementation of the Action Plan, including the extent of coverage of its different elements, the specific achievements made, the experience gained and the lessons learned;

(b) Elements of the Action Plan successfully implemented and consequently considered to be secondary priorities;

(c) The gaps/weaknesses in the implementation of the Action Plan elements;

(d) The unmet and emerging needs and priorities requiring urgent attention;

(e) The main limitations and constraints encountered, including lack of institutional capacity;

(f) Constraints encountered with the implementation of the Coordination Mechanism and the possible reasons behind the limited use of the roster of biosafety experts;

(g) Existing opportunities that could be taken into account while reviewing the Action Plan;

(h) Views on the relevance of the different components of the current Action Plan in relation to the needs and priorities of countries;

(i) Suggestions on the desired revisions and improvements to the Action Plan, including elements, processes and activities of the current Action Plan should be removed or modified, and why, and new ones that should be added;

(j) Suggestions of measures to improve the delivery of capacity-building initiatives and to enhance their effectiveness in responding to the needs and priorities of countries.

**E. Expected outcomes of the review**

8. The main outcome of the review process prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will be a background paper prepared by the Executive Secretary, on the basis of the above-mentioned submissions, outlining strategic

recommendations to be taken into account in the possible revision of the Action Plan in order to enhance the effectiveness, efficiency, timeliness and sustainability of capacity-building measures.

9. Depending on the submissions received, the Executive Secretary may prepare a draft revised Action Plan for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its third meeting.

**BS-II/4. Capacity-building (roster of experts)**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* its decision BS-I/4 on the roster of experts on biosafety,

*Reiterating* the importance of the roster of experts in assisting developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of living modified organisms,

*Reaffirming* the need to ensure the regional and gender balance on the roster of experts,

*Noting with concern* the limited use to date of the roster of experts and of the Voluntary Fund for the Roster of Experts,

1. *Reiterates* its call to Parties and Governments to:
  - (a) Submit nominations of experts to the Secretariat in accordance with the Interim Guidelines for the roster of experts on Biosafety, using the nomination form available through the Biosafety Clearing-House or from the Secretariat;
  - (b) Update, or request their nominated experts to update, the information currently contained in the roster, for each field of the nomination form, with a view to providing sufficient detail to discern the particular areas of knowledge and specialization for each expert; and
  - (c) Use the roster of biosafety experts in accordance with the Interim Guidelines for the Roster of Experts on Biosafety;
2. *Reminds* Parties and Governments to submit to the Executive Secretary reports on the assistance or advice provided by the experts in accordance with section J of the Interim Guidelines, with a view to contributing to the review of the roster that will be undertaken two years after the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;
3. *Reiterates* its invitation to Governments and other donors to make contributions to the pilot phase of the Voluntary Fund for the Roster of Experts;
4. *Requests* the Executive Secretary to promote awareness about the roster of experts and publicize the available funding from the pilot phase of the Voluntary Fund for the Roster of Experts;
5. *Requests also* the Executive Secretary to include in the questionnaire for collecting information to facilitate the review of the Action Plan, referred to in paragraph 26 of decision BS-II/3, on the status of capacity-building activities, questions to assess the possible reasons behind the limited use of the roster of biosafety experts to facilitate the review of the roster in accordance with decision BS-I/4, annex I, section K.

**BS-II/5. Matters related to the financial mechanism and resources**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* paragraph 2 (a) of decision III/5, paragraph 1 of decision V/13, paragraph 10 (b) of decision VI/17 and paragraphs 21-26 of decision VII/20, in which the Conference of the Parties to the Convention on Biological Diversity provided guidance to the financial mechanism in respect of capacity-building in biosafety,

*Also recalling* decision III/8 of the Conference of the Parties, concerning the Memorandum of Understanding between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility,

*Having considered* the note by the Executive Secretary on matters related to the financial mechanism and resources (UNEP/CBD/BS/COP-MOP/2/5),

*Welcoming* the statement made by the representative of the Global Environment Facility providing updates on its activities in response to biosafety-related guidance from the Conference of the Parties to the Convention on Biological Diversity,

*Noting with appreciation* the letter jointly signed by the Chief Executive Officer/Chairman of the Global Environment Facility and the Executive Secretary of the Convention on Biological Diversity clarifying the procedures to be followed in the implementation of the eligibility criteria for the Parties to the Convention that are not yet Parties to the Protocol,

*Taking note* of the ongoing evaluation of the activities financed under the initial strategy approved by the Council for assisting countries to prepare for the entry into force of the Cartagena Protocol, which is being undertaken by the Office of Monitoring and Evaluation of the Global Environment Facility and which is expected to be completed in time for submission to the meeting of the Council of the Global Environment Facility in November 2005,

1. *Encourages* all donors and their agencies as well as the Global Environment Facility to simplify, to the extent possible, their project cycle requirements in order to expedite access, by developing country Parties, in particular the least developed and the small island developing States among them, and the Parties with economies in transition, to the financial resources needed to assist the implementation of the Protocol;

2. *Welcomes* the continuing efforts of the Global Environment Facility to expand its support for the national components of the Biosafety Clearing-House as well as for development and implementation of the national biosafety frameworks, taking into account lessons learned and experience gained from its initial biosafety strategy;

3. *Invites* the Office of Monitoring and Evaluation of the Global Environment Facility to make its biosafety-related review reports available to the Conference of the Parties to the Convention on Biological Diversity prior to the third meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety;

4. *Invites* countries that have received funding from the Global Environment Facility for activities referred to in paragraph 21 (b) of decision VII/20 to report to the Executive Secretary of the Convention on actions being taken towards becoming Parties to the Protocol, and *requests* the Executive Secretary to compile the national reports that he receives and distribute the compiled reports to the Parties to the Convention on Biological Diversity and to the Council of the Global Environment Facility for information;

5. *Encourages* the Global Environment Facility and the Executive Secretary of the Convention to continue their strong collaboration in advancing support to the implementation of the Protocol;

6. *Also encourages* the Global Environment Facility to further develop its funding modalities for organizing its support to the Protocol in a systematic and flexible manner;

7. *Requests* the Executive Secretary, in collaboration with the Global Environment Facility and with the Coordination Mechanism for the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety, to assess status of funding and promote coordination, coherence and synergies in financing for biosafety activities among donors and their agencies in order to facilitate the avoidance of duplication of work, identify gaps in funding activities and possible options to address them;

8. *Invites* the Executive Secretary to cooperate, upon request and subject to availability of financial resources, with relevant stakeholders in providing advice, know-how and expertise in respect of development and implementation as well as oversight and evaluation of biosafety-project activities.

**BS-II/6. Cooperation with other organizations, conventions and initiatives**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Having considered* the note by the Executive Secretary on cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/2/6),

*Requests* the Executive Secretary:

(a) To pursue efforts to obtain observer status for the Secretariat of the Convention on Biological Diversity with the World Trade Organization's Committees on Sanitary and Phytosanitary Measures and on Technical Barriers to Trade;

(b) To continue the involvement of the Secretariat of the Convention on Biological Diversity in discussions in the World Trade Organization's Committee on Trade and Environment on issues relevant to the Protocol;

(c) To reinforce cooperation with the Codex Alimentarius Commission, the Office International des Epizooties and the International Plant Protection Convention on issues of mutual relevance;

(d) To intensify cooperation with the Aarhus Convention secretariat in the United Nations Economic Commission for Europe on matters of public awareness and participation;

(e) To follow developments in competent regional and international organizations with a view to exchanging experience and building capacity on sampling plans and methods of analysis, through easy to handle, rapid, reliable and cost-effective detection techniques for living modified organisms;

(f) To establish cooperation with the World Customs Organization, the International Organization for Standardization (ISO), the United Nations Transport of Dangerous Goods Sub-Committee, the International Air Transport Association and other relevant customs and transport organizations where biosafety issues are considered, with a view to developing a harmonized approach for the packaging and transport of living modified organisms in preparation for the consideration at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol of the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in accordance with the medium-term programme of work.

**BS-II/7. Administration of the Cartagena Protocol and performance of the Protocol trust funds for the 2005-2006 biennium**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Having considered* the report of the Executive Secretary on the administration of the Cartagena Protocol on Biosafety and the performance of the Protocol Trust Funds,

1. *Takes note* of the income and budget performance of the following trust funds established by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety:

(a) The General Trust Fund (BG) for the Core Programme Budget of the Cartagena Protocol on Biosafety for the biennium 2005-2006;

(b) The Special Voluntary Trust Fund (BH) for Additional Voluntary Contributions in Support of Approved Activities for the Biennium 2005-2006;

(c) The Special Voluntary Trust Fund (BI) for Facilitating Participation of Developing Country Parties, for the biennium 2005-2006;

2. *Urges* Parties that have not yet done so to pay their 2005 contributions to the BG Trust Fund as soon as possible in order to enable the Secretariat to plan and execute the Protocol programme in a timely manner;

3. *Invites* all Parties to the Protocol to note that contributions to the core budget (BG Trust Fund) are due on 1 January of the year in which these contributions have been budgeted for, and to pay them promptly, and urges Parties in a position to do so to pay by 15 November 2005 for the calendar year 2006 the contributions required to finance the Protocol expenditures approved and, in this regard, requests that Parties be notified of the amount of their contributions by 15 October of the year preceding the year in which the contributions are due;

4. *Notes with concern* the shortfalls in contributions for supporting approved activities and participation of developing country Parties and Parties with economies in transition in meetings organized under the Protocol, and *urges* all Parties and States not Parties to the Protocol, as well as governmental, intergovernmental and non-governmental organizations and other sources, to contribute to the Special Voluntary Trust Funds (BH and BI) of the Cartagena Protocol on Biosafety to enable the Secretariat to implement approved activities in a timely manner.

**BS-II/8. Options for implementation of Article 8**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* Article 8 of the Protocol,

*Recalling also* decision BS-I/12 on the medium-term programme of work which requires, at the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Convention, consideration of options for implementation of 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,

*Recognizing* the need to provide guidance to Parties on implementing notification requirements spelled out in Article 8 of the Protocol,

*Noting* that, pursuant to decision BS-I/9 on monitoring and reporting, Parties are requested to submit interim national reports on implementation of the Protocol no later than 11 September 2005 in which more information on national implementation of the advanced informed agreement procedure will become available,

*Recalling also* Articles 6 and 7 of the Protocol,

1. *Decides* to keep the item on notification referred to in decision BS-I/12 under review with a view to elaborating and developing, if appropriate, at its fourth meeting, modalities of implementation with respect to notification requirements under Article 8 of the Protocol, taking into account the information on national implementation and experiences on this matter gathered through interim national reports and the Biosafety Clearing-House;

2. *Recommends* to Parties to the Protocol to consider elements and options relevant to Article 8 of the Protocol, as well as the following elements, pending development of modalities referred to in paragraph 1 above:

- (a) Applying necessary measures to enforce the notification requirements;
- (b) Requiring the exporter to use the language as determined by the Party of import in the notification;
- (c) Acknowledging the right of a Party of transit to regulate the transport of living modified organisms through its territory, including requiring communication in writing to the competent national authority of the Party of transit if so required by the regulations of that Party of transit.



**BS-II/9. Risk assessment and risk management**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Noting* the review of existing guidance materials relevant to risk assessment and risk management (UNEP/CBD/BS/COP-MOP/2/9), prepared by the Executive Secretary for the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

*Recalling* its decision to consider, at its second meeting, the development of guidance and a framework for a common approach in risk assessment and risk management (decision BS-I/12, annex, paragraph 4 (b)), and *noting* that there are various approaches for guidance on risk assessment and risk management, as reflected in paragraph 8 of review of existing guidance materials (UNEP/CBD/BS/COP-MOP/2/9),

*Acknowledging* that any guidance on risk assessment and risk management developed by the Conference of the Parties serving as the meeting of the Parties to the Protocol should support a harmonized approach, in accordance with annex III of the Protocol, taking into account internationally agreed principles and techniques developed by relevant international organizations and bodies,

*Recalling* that risk assessment and other scientific and technical expertise, and risk management, have been identified as key elements requiring concrete action under the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety (decision BS-I/5, annex I, paragraph 3),

*Recalling also* its decision I/9, adopted at its first meeting, requesting Parties to submit interim national reports on implementation of the Cartagena Protocol on Biosafety two years after the entry into force of the Protocol, and *noting* that the format for reporting includes a section on risk assessment and risk management,

1. *Requests* the Executive Secretary to include the materials listed in the annex of the review of existing guidance materials (UNEP/CBD/BS/COP-MOP/2/9) in the Biosafety Information Resource Centre on the Biosafety Clearing-House, and *encourages* Parties, other Governments and relevant organizations to contribute further to the Biosafety Information Resource Centre on the Biosafety Clearing-House, by registering additional guidance materials and other scientific and technical information;

2. *Requests* the Executive Secretary to convene, prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and subject to the necessary financial resources being made available, regional workshops on capacity-building and exchange of experiences on risk assessment and risk management of living modified organisms, taking into account the results of the meeting of the Ad Hoc Technical Expert Group on Risk Assessment referred to in paragraph 4 below, and also taking into account experience and expertise in the context of relevant international agreements and bodies;

3. *Reminds* Parties to submit their interim reports on implementation of the Protocol by 11 September 2005, in accordance with decision BS-I/9, and *encourages* Parties to include, in accordance with the section of the reporting format related to risk assessment and risk management, information on experiences and progress in implementing Articles 15 and 16, including any obstacles or impediments encountered;

4. *Decides* to establish an Ad Hoc Technical Expert Group on Risk Assessment, according to the specific terms of reference annexed to the present decision, and *welcomes* the generous offer of the Government of Italy to provide the necessary financial support for a meeting of the Group prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

5. *Requests* the Executive Secretary to compile the information on risk assessment and risk management submitted by Parties in their interim national reports, for inclusion in a synthesis report for consideration by the Ad Hoc Technical Expert Group referred to in paragraph 4 above;

6. *Requests* the Executive Secretary to prepare for the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, a pre-sessional paper regarding risk assessment and risk management that synthesizes:

(a) The findings of the meeting of the Ad Hoc Technical Expert Group on Risk Assessment referred to in paragraph 4 above;

(b) Information on experiences and progress in implementing Articles 15 and 16 received in the interim national reports under the Protocol, noting that this information will be reviewed in a synthesis report prepared in advance of the meeting of the Ad Hoc Technical Expert Group on Risk Assessment;

(c) The submissions on risk assessment and risk management received from Parties, other Governments and international organizations (UNEP/CBD/BS/COP-MOP/2/INF/2), as well as the synthesis of views and compilation of guidance materials (UNEP/CBD/BS/COP-MOP/2/9).

*Annex*

**TERMS OF REFERENCE FOR THE AD HOC TECHNICAL EXPERT GROUP ON  
RISK ASSESSMENT**

1. The Ad Hoc Technical Expert Group shall:

(a) Include experts from relevant international organizations and bodies as observers;

(b) Consider the nature and scope of existing approaches to risk assessment based on national experiences and existing guidance materials;

(c) Evaluate the relevance of existing approaches and guidance materials to risk assessment under the Protocol, and identify gaps in those existing approaches and guidance materials;

(d) Identify specific areas where limitations in capacity may be an impediment to effective implementation of the risk assessment provisions of the Protocol at national level, and where capacity-building activities may be particularly important,

(e) Submit a report for consideration by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

2. The deliberations of the Ad Hoc Technical Expert Group shall be based primarily on:

(a) Information provided in the interim national reports referred to in paragraphs 3 and 5 of this decision;

(b) Guidance materials listed in the annex to the review of existing guidance material relevant to risk assessment and risk management (UNEP/CBD/BS/COP-MOP/2/9);

(c) Any other relevant materials made available by the Secretariat.

**BS-II/10. Paragraphs 2 (b) and 2 (c) of Article 18**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* paragraph 2 of decision BS-I/6 B, 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 to the Executive Secretary information on their experience gained with the use of commercial invoices or other documents required or utilized by existing documentation systems, with a view to the future consideration of a stand-alone document,

*Considering* the information received from Parties, other Governments and relevant international organizations on their experience gained with the use of commercial invoices or other documents required or utilized by existing documentation systems,

1. *Takes note* of the efforts, with appreciation, that exporters of living modified organisms are making to implement the requirements specified under paragraphs 2 (b) and 2 (c) of Article 18 of the Protocol in accordance with the provisions of the Protocol as further elaborated by decision BS-I/6 B, other existing international or national requirements, and established practices;

2. *Urges* Parties to the Protocol and invite other Governments to take necessary measures, taking into account their specific capabilities, to make sure that those requirements of paragraphs 2 (b) and 2 (c) of Article 18 of the Protocol as elaborated by decision BS-I/6 B are fully complied with;

3. *Further urges* Parties, especially those Parties of import, to make available to the Biosafety Clearing-House information on their domestic requirements concerning imports of living modified organisms in general, and documentation requirements in particular, with respect to living modified organisms for contained use and for intentional introduction into the environment, as part of the requirement set out in paragraph 3 of Article 20 of the Protocol for each Party to make available its laws, regulations and guidelines relevant to the implementation of the Protocol;

4. Without prejudice to the future consideration of a stand-alone document at its third meeting, *decides* that the documentation requirements of Article 18 paragraphs 2 (b) and (c), and experiences in implementing them, will be considered in the context of the review of implementation of the Protocol as provided for under Article 35 of the Protocol.

**BS-II/11. Liability and redress (Article 27)**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* Article 27 of the Cartagena Protocol on Biosafety,

*Also recalling* its decision BS-I/8, in which it decided to establish an Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress, with the terms of reference set out in the annex to the decision, to carry out the process pursuant to Article 27 of the Protocol,

*Conscious* of the provision in Article 27 of the Protocol that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall endeavour to complete this process within four years of the first meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol,

*Noting* the report of the Technical Group of Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety, which met in Montreal from 18 to 20 October 2004 in preparation for the first meeting of the Open-ended Ad Hoc Working Group (UNEP/CBD/BS/COP-MOP/2/INF/5),

*Having considered* the report of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress on the work of its first meeting, held in Montreal from 25 to 27 May 2005 (UNEP/CBD/BS/COP-MOP/2/11),

*Recalling* that, in accordance with paragraph 5 of the terms of reference of the Working Group, at its first meeting held two years after the establishment of the Working Group, the Conference of the Parties serving as the meeting of the Parties to the Protocol to review progress and as necessary provide guidance to the Group,

1. *Takes note* of the report of the Open-ended Ad Hoc Working Group and the conclusions contained therein (UNEP/CBD/BS/COP-MOP/2/11, para. 44);

2. *Calls upon* Parties, other Governments and other stakeholders in a position to do so to provide financial resources for the organization of the meetings of the Working Group envisaged in the indicative work plan contained in decision BS-I/8;

3. *Agrees* that the second meeting of the Working Group should be convened before the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and *calls upon* Parties, other Governments and other stakeholders in a position to do so to provide the necessary financial resources to enable the participation of developing country Parties and Parties with economies in transition as provided for in decision BS-I/10;

4. *Invites* the Working Group at its second meeting to develop, for the consideration of the third meeting of the Conference of the Parties serving as the meeting of the Parties, a report on the progress made to date.

***BS-II/12. Socio-economic considerations***

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* paragraph 2 of Article 26 of the Biosafety Protocol, which encourages Parties to cooperate on research and information exchange on socio-economic impacts of living modified organisms, especially on indigenous and local communities,

*Taking note of* the wide range of opportunities available for cooperation on research and information exchange regarding socio-economic impacts of modern biotechnology in general, and that of living modified organisms in particular,

1. *Invites* Parties and other Governments to continue to cooperate within relevant processes under other organizations and arrangements, such as those referred to in section III of the note by the Executive Secretary on socio-economic considerations: cooperation on research and information exchange (UNEP/CBD/BS/COP-MOP/2/12), which deal with socio-economic impacts of living modified organisms;

2. *Urges* Parties, other Governments and relevant organizations to provide more emphasis to research on socio-economic impacts of living modified organisms and to allocate resources for that purpose;

3. *Invites* Parties, other Governments and organizations with research activities related to socio-economic impacts of living modified organisms arising from the impacts of these organisms on the conservation and sustainable use of biological diversity, to share information with other Parties, other Governments, and other stakeholders through the Biosafety Clearing-House, on their research methods and results, both positive and negative;

4. *Further invites* Parties and other Governments to share, through the Biosafety Clearing-House, their information and experiences in taking into account socio-economic impacts including experiences in implementing the Akwé:Kon Voluntary Guidelines;

5. *Requests* Parties, other Governments and relevant international organizations to provide to the Executive Secretary not later than six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, their views and case-studies, where available, concerning socio-economic impacts of living modified organisms;

6. *Requests* the Executive Secretary to prepare a synthesis of the views submitted in accordance with paragraph 5 above for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its fourth meeting.

**BS-II/13. Public awareness and participation**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* Article 23 of the Protocol on public awareness and participation,

*Emphasizing* the importance of public awareness, education and participation in promoting transparency, public confidence and broad-based support for the effective implementation of the Protocol,

*Underlining* the importance of making the information concerning the safe transfer, handling and use of living modified organisms available to different stakeholders in comprehensible formats and adapting awareness materials to local languages and situations,

*Emphasizing* the need for cooperative efforts to promote education and public awareness to increase the knowledge and understanding concerning the safe transfer, handling and use of living modified organisms,

1. *Takes note* of the options for facilitating cooperation of Parties with other States and relevant international bodies in the promotion of public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms contained in the note by the Executive Secretary on options for cooperation of Parties with other States and international bodies on the promotion and facilitation of public awareness, education and participation concerning living modified organisms (UNEP/CBD/BS/COP-MOP/2/13) prepared for the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

2. *Encourages* Parties and other States, as part of their efforts in implementing Article 23, paragraph 1 (a), to seek and leverage opportunities for cooperation with other Parties, other States and relevant international bodies at subregional, regional and international levels, taking into account the options referred to in paragraph 1 above;

3. *Urges* Parties and other States to develop and implement national programmes for public awareness, education and participation, including public access to information, concerning the safe transfer, handling and use of living modified organisms;

4. *Invites* the Global Environment Facility, donors, other funding institutions and relevant international bodies to provide financial and other support to developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition for the public awareness, education and participation projects and activities concerning the safe transfer, handling and use of living modified organisms;

5. *Further invites* Parties, other States, and relevant international bodies to share, through the Biosafety Information Resource Centre in the Biosafety Clearing-House, information, awareness materials and case-studies about their ongoing initiatives on public awareness, education and participation, including major accomplishments, success stories, best practices and lessons learned as well as limitations experienced;

6. *Encourages* Parties and other States to make effective use of the media to promote public awareness and education concerning the safe transfer, handling and use of living modified organisms;

7. *Urges* Parties, other Government and relevant international bodies to develop and support subregional and regional public awareness and education initiatives concerning the safe transfer, handling and use of living modified organisms, including through educational systems and regional centres;

8. *Reminds* Parties and other States to submit to the Biosafety Clearing-House information regarding their capacity needs, gaps, programmes and priorities with respect to public awareness, education and participation;

9. *Encourages* Parties, other States and relevant international bodies to make effective use of the tools and mechanisms established under the Global Initiative on Communication, Education and Public Awareness (CEPA) under the Convention on Biological Diversity;

10. *Invites* Parties, other States and relevant international bodies to include in their programmes for implementing the United Nations Decade of Education for Sustainable Development specific activities related to promoting 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;

11. *Invites* Parties, other States and concerned relevant international bodies to explore and maximize opportunities for cooperation in the promotion of public awareness, education and participation concerning living modified organisms through the frameworks provided by related national and international instruments, in particular the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;

12. *Requests* the Executive Secretary to continue promoting public awareness and education on the Protocol, including through the Protocol website, the outreach strategy for the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/1/INF/16) as well as publications such as a handbook reflecting developments in the Protocol process;

13. *Decides* to consider, and review progress on the implementation of Article 23, paragraph 1 (a), of the Protocol at its fifth meeting;

14. *Further requests* the Executive Secretary to prepare, on the basis of the submissions made in accordance with paragraph 5 above, a synthesis report on the status of implementation of Article 23, paragraph 1 (a), of the Protocol for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fifth meeting.

***BS-II/14. Other scientific and technical issues that may be necessary for the effective implementation of the Protocol***

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Having examined the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/2/14) on other scientific and technical issues that may be necessary for the effective implementation of the Protocol, and taking note of the submissions received on this issue,*

*Obligations and rights of transit States*

1. *Invites* Parties, other Governments and relevant international organizations to submit views, not later than six months prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, regarding clarification of the rights and/or obligations of transit States, particularly related to documentation, for inclusion in a synthesis report to be considered by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

*Exchange of information on biosafety research*

2. *Encourages* Parties, other Governments and relevant organizations to share the results of public research related to biosafety through the Biosafety Information Resource Centre of the Biosafety Clearing-House;

*Consideration of the need for a subsidiary body to address scientific issues including risk assessment and risk management*

*Recalling* paragraph 2 of its decision BS-I/11, in which it decided to consider, at its third meeting, the need for designating or establishing a permanent subsidiary body that provides the Conference of the Parties serving as the meeting of the Parties to the Protocol with timely advice on scientific and technical issues arising in relation to the implementation of the Protocol,

*Recognizing* that consideration of risk assessment and risk management issues will be ongoing as particular issues arise, including but not necessarily limited to cooperation in the identification of living modified organisms and traits that may have adverse effects on the conservation and sustainable use of biological diversity, as envisaged by paragraph 5 of Article 16,

3. *Invites* Parties and other Governments to submit views to the Executive Secretary, in conjunction with the interim national reports under the Protocol that will be submitted in accordance with decision BS-I/9, regarding the need to designate or establish a permanent subsidiary body to provide the Conference of the Parties serving as the meeting of the Parties to the Protocol with timely advice on scientific and technical issues arising in relation to the implementation of the Protocol including risk assessment and risk management, and also views regarding the nature of any such body should it be established and particular issues that it could address, such as issues related to paragraph 5 of Article 16, for inclusion in a synthesis report to be considered by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.



*Annex II*

**STATEMENTS REQUESTED FOR INCLUSION IN THE REPORT OF THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY**

***A. Statement made by the European Community on behalf of its member States and Bulgaria and Romania at the 3rd (final) plenary session of the meeting under agenda item 12***

The European Community and its member States and Bulgaria and Romania had come to this meeting with the sincere commitment to fulfil the mandate set out in paragraph 2 (a) of Article 18 of the Cartagena Protocol.

Despite our intense efforts during the past five days to reach out to other delegations and to find common ground, this meeting has failed to take a decision on the detailed requirements for transboundary movements of living modified organisms intended for direct use as food or feed, or for processing.

We are deeply disappointed by this outcome and we feel uncomfortable since this failure may have a negative impact on the achievement of the objectives of the Protocol. Moreover, we do not meet the needs of Parties, in particular developing countries, in relation to documentation requirements.

Having said this, we want to emphasize that in the absence of a decision the mandate in paragraph 2(a) of Article 18 still applies. The next Conference of the Parties serving as the meeting of the Parties to the Protocol, to be held in Brazil in March 2006, will therefore have to re-examine the issue of documentation requirements.

In the meantime, we will of course comply—as I am sure other Parties will—with the documentation requirements as set out in paragraph 2 (a) of Article 18 of the Protocol itself and developed by decision BS-I/6 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. As stated in that decision, these requirements will continue to apply until the decision referred to in the second sentence of paragraph 2 (a) of Article 18 on the detailed requirements is taken.

I would request that the text of this statement is attached to the formal record of this meeting.

In closing, I would like to thank you, the Chairs and Co-Chairs, the Secretariat and all other delegations that have constructively contributed to our work this week.

***B. Statement by Brazil at the 3rd (final) plenary session of the meeting under agenda item 12***

Mr. President,

Brazil also regrets that we come to the end of the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol without agreement on all issues of our agenda.

We feel, nonetheless, that important progress was made in our week spent together here.

My delegation participated proactively in all negotiations of the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. We took part in all Working Group and contact group sessions, as well as in smaller Friends of the Chair groups in issues of critical importance such as compliance, risk assessment and documentation and identification.

In all negotiating contexts, we brought forth proposals and sought ways to move forward.

This reflects our commitment to implementing the provisions of the Cartagena Protocol on Biosafety.

Mr. President,

An adequate, gradual, realistic, step-by-step approach to the development of balanced and effective international rules requires negotiations based on a wide diversity of views.

Our decision to join the Biosafety Protocol, taken after a comprehensive domestic debate, reflected precisely our interest in contributing from within to the process of implementing the Protocol.

However, Mr. President, we feel compelled to express our strong reservations to the manner in which process was carried out in this meeting.

Finally, we look forward to welcoming all here to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in Curitiba next March and continuing to work together toward our common objective of strengthening the Protocol.

We also request this text to be annexed to the records of this meeting.

***C. Statement by Australia at the 3rd (final) plenary session of the meeting under agenda item 17***

Mr. President,

Thank you for giving me the floor to make this statement on behalf of the Government of Australia. We would also like to thank you, Mr. President, and other officials who have facilitated this second meeting of the Parties to the Biosafety Protocol.

Mr. President, it is not well known that Australia is a megadiverse country with about 10 per cent of the world's biodiversity. We have a strong and abiding interest in the conservation and sustainable use of biodiversity.

Australia is, and will continue to be, an active party to the Convention on Biological Diversity. We take very seriously our obligations under the Convention on Biological Diversity and other international environment conventions and agreements.

Australia is also a centre for research, development and investment in modern biotechnology. Therefore, Australia is pursuing the *responsible* management of biotechnology by maintaining a strong science-based domestic regulatory regime. We are watching with interest as many countries in the Asia-Pacific region, and many of our important trading partners, develop their biotechnology policy settings and approaches. And where possible, we would like to work together to maximize the mutual benefits of rigorous, science-based biosafety frameworks.

Australia has, therefore, a range of interests at stake in the discussions under the Cartagena Protocol on Biosafety. Although we are a non-Party, we have sought to better inform ourselves about the workings of this new international instrument. And we are closely following the progress towards implementation by Parties.

Mr. President, we recognize the spirit of compromise which delegations have shown during the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in progressing the implementation of the Protocol, while pursuing their important national interests. My delegation has sought to contribute positively to the process, by drawing on our national experiences as a megadiverse nation with an effective biotechnology regulatory system.

We trust that this contribution to a better understanding of conventional and biotech exporter country positions, particularly the importance of practical, cost-effective outcomes that are consistent with other international obligations.

Mr. President, we have observed this week's proceedings with great interest and have developed a better understanding of the Protocol's and Parties' interests over the past week. But there are aspects of the process that has characterized this meeting, and some of the decisions agreed today, which Australia can not support. Many of our concerns are based on the view that effective implementation of existing commitments under the Protocol will achieve more practical progress towards the Protocol's objective of

“contributing to ensuring an adequate level of protection in the safe transfer, handling and use of living modified organisms”, than seeking to expand the agenda and workload of the Protocol.

We understand effective implementation to consist of measures that are science-based and avoid undue burdens and compliance costs. In that context, we welcome decisions which are based on practical experience.

This applies particularly in circumstances where many Parties are encountering challenges in developing their national regulatory frameworks and fully meeting their existing commitments. In particular, Mr. President, we are concerned about:

The apparent desire of many parties to reinterpret or expand closely negotiated text of the Biosafety Protocol, that ignores the intent and content of the compromises in the Protocol

Many Parties’ willingness to expand their work into policy areas which we believe are not central to the Protocol, such as socio-economic considerations, and the potential duplication of work within existing international organizations such as the Codex Alimentarius or the International Plant Protection convention which develop recognized standards.

The unnecessary haste in pursuing the establishment of a liability and redress regime under the Protocol, without any common understanding of the nature of damage which might result from transboundary movements of living modified organisms or the scope of such a liability regime, and

Any suggestion that decision-making under the Protocol and its associated bodies should be anything other than based on consensus, with maximum transparency and due process for all concerned.

Mr. President, during the past week my delegation has highlighted the importance of governments taking responsibility for the effective implementation of the Biosafety Protocol at the national level. The Protocol is not a substitute for rigorous, science-based national biosafety frameworks. National, not international, action is required to establish robust institutional frameworks for legislative, science-based risk assessment and decision-making and border control measures.

Australia recognizes that effective capacity building can assist the many parties facing challenges in implementing their obligations under the Protocol. We have, therefore, been a significant contributor to the Global Environment Facility, committing 184 million Australian dollars since 1981. And we continue to work with countries in the Asia-Pacific region to develop their institutional biosafety capabilities.

In conclusion, Australia notes that Parties were not able to reach a decision on documentation requirements. Mr. President, no decision is better than a bad decision. Clearly parties have decided that more time and experience are necessary before making any decision on this important and complex subject. We believe this is wise. Decision taken by parties will have significant impacts on us all as beneficiaries of the international trade in essential food, feed and fibre. Adventitious presence of genetically modified organisms in non-genetically modified shipments should not be a trigger for documentation under Article 18 paragraph 2 (a). Australia remains willing to work with others on these important issues.

Mr. President, thank you for the opportunity to present Australia’s views. I request that this statement be incorporated into the formal record of this meeting. Thank you.

*Annex III***DRAFT DECISION ON HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION  
(ARTICLE 18, PARAGRAPH 2 (a)) SUBMITTED BY THE CHAIR OF WORKING GROUP I**

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,*

*Recalling* the second sentence of paragraph 2 (a) of Article 18, which requires the Conference of the Parties serving as the meeting of the Parties to the Protocol to take a decision on the detailed requirements of those elements specified in the first sentence of the same paragraph, including specification of the identity of the living modified organisms in question and any unique identification, no later than two years after the date of entry into force of the Protocol,

*Recalling further* decision BS-I/6 A of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

*Noting* the revised Chair's text contained in the annex to the report of the Open-ended Technical Expert Group on Identification Requirements of Living Modified Organisms Intended for Direct Use as Food or Feed, or for Processing, convened from 16 to 18 March 2005,

*Recognizing* the potential role of thresholds for adventitious or technically unavoidable presence of authorized living modified organisms as a practical tool for implementing documentation requirements,

*Recognizing* that, pursuant to Article 2 paragraph 4 of the Protocol, nothing in the Protocol "shall be interpreted as restricting the right of a Party to take action that is more protective of the conservation and sustainable use of biological diversity than that called for in this Protocol, provided that such action is consistent with the objective and provisions of this Protocol and is in accordance with that Party's other obligations under international law",

1. *Requests* Parties to the Protocol and *urges* other Governments to take measures to ensure the use of a commercial invoice, or an annex to a commercial invoice, or a stand-alone document, or other document required or utilized by existing documentation systems, or documentation as required by domestic regulatory framework as documentation that should accompany living modified organisms that are intended for direct use as food or feed, or for processing. Such documentation should allow for easy recognition, transmission, and effective integration of the information requirements, with consideration of the use of standard formats;

2. *Requests* Parties to the Protocol and *invites* other Governments to submit to the Executive Secretary, not later than six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, information on experience gained with the use of documentation referred to in paragraph 1 above, including information on cost-benefit analyses where possible or appropriate, with a view to the future consideration of a stand-alone document or further harmonization of a documentation format to fulfil the identification requirements, and *requests* the Executive Secretary to compile the information and to prepare a synthesis report for consideration by the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3 (a). *Requests* Parties to the Protocol and *urges* other Governments to take measures ensuring that documentation accompanying intentional transboundary movements of LMOs-FFP:

(i) Clearly identifies that the shipment may contain LMOs-FFP that have been approved in the Party of import;

(ii) States that the LMOs are not intended for intentional introduction into the environment;

(iii) Includes the common, scientific and, where available, commercial names of the living modified organisms;

(iv) Includes the unique identifier code of the living modified organisms if registered in the Biosafety Clearing-House, or in the absence of such code, the transformation event code of the living modified organisms;

(v) Provides the Internet address of the Biosafety Clearing-House for further information;

(vi) Provides the details of a contact point for further information: the exporter and the importer in the supply chain, and/or appropriate authority, when designated by a Government as the contact point;

3 (b). *Requests* Parties to the Protocol and urges other Governments to take measures ensuring that documentation accompanying intentional transboundary movements known to intentionally contain LMOs-FFP:

(i) Clearly states that the shipment contains LMOs-FFP and specifies the LMOs that are known to be in the shipment;

(ii) States that the LMOs are not intended for intentional introduction into the environment;

(iii) Includes the common, scientific and, where available, commercial names of the living modified organisms;

(iv) Includes the unique identifier code of the living modified organisms if registered in the Biosafety Clearing-House, or in the absence of such code, the transformation event code of the living modified organisms;

(v) Provides the Internet address of the Biosafety Clearing-House for further information;

(vi) Provides the details of a contact point for further information: the exporter and the importer in the supply chain, and/or appropriate authority, when designated by a Government as the contact point;

4. *Notes* that thresholds may be adopted or applied on a national basis, by a national authority under its domestic regulatory framework consistent with the objective of the Protocol, for the adventitious or technically unavoidable presence of living modified organisms that have been authorized for the placing on the market as living modified organisms for food, feed, or for processing in that country;

5. *Encourages* Parties and other Governments to cooperate in exchanging experiences and building capacities in the use and development of easy to use, rapid, reliable and cost-effective sampling and detection techniques for living modified organisms;

6. *Decides* to review, at its fourth meeting, available sampling and detection techniques, with a view to harmonization, taking into account the work of relevant regional and international organizations with a view to avoid duplication of efforts;

7. *Requests* Parties to the Protocol and *invites* other Governments, regional and international organizations and interested stakeholders, to submit to the Executive Secretary, not later than three months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, information on experience gained with the use of sampling and detection techniques, and *requests* the Executive Secretary to compile the information received and to prepare a synthesis report, including an analysis of existing gaps, for consideration by the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

8. *Decides* to further consider, at its third meeting, the documentation requirements contained in this decision, taking into account experience gained, with a view to further elaboration of detailed requirements.