

**CONVENTION ON
BIOLOGICAL
DIVERSITY**

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

Third meeting

Curitiba, Brazil, 13-17 March 2006

Item 2 of the provisional agenda*

ORGANIZATION OF THE MEETING

Revised annotations to the provisional agenda

INTRODUCTION

1. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-I/12, in paragraph 1 (a) of which it agreed to hold its second and third meetings on an annual basis in order to expedite the process of addressing those issues of the Protocol which it is required to consider and take appropriate decisions at an early stage of implementation. At its second meeting, held in Montreal from 30 May to 3 June 2005, the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol was informed of, and accepted with appreciation, the offer made by the Government of Brazil to host the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in conjunction with the eighth ordinary meeting of the Conference of the Parties to the Convention to be held in March 2006 in Brazil.

2. Accordingly, the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will take place at the Convention and Exhibition Center (Expo Trade) in Curitiba, Brazil, from 13 to 17 March 2006, back-to-back with the eighth meeting of the Conference of the Parties, which will be convened at the same venue from 20 to 31 March 2006. Informal consultations among delegations and regional groups may be held on 12 March 2006. Registration for the meeting will commence on Saturday, 11 March 2006, from 12 noon to 6 p.m., and will continue on Sunday, 12 March 2006, also from 12 noon to 6 p.m., on Monday, 13 March 2006, from 8 a.m.

* UNEP/CBD/BS/COP-MOP/3/1.

I. ORGANIZATIONAL MATTERS

ITEM 1. OPENING OF THE MEETING

3. The meeting will be opened at 10 a.m. on 13 March 2006 by the President of the seventh meeting of the Conference of the Parties to the Convention, who serves also as the President of the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in accordance with Article 29, paragraph 2, of the Protocol. It is expected that at the opening session, the Conference will hear one or more opening addresses to be made, by among others, representatives of the host country, the Executive Director of the United Nations Environment Programme (UNEP) and the Executive Secretary of the Convention on Biological Diversity.

ITEM 2. ORGANIZATION OF THE MEETING

2.1. Officers

4. The current Bureau of the Conference of the Parties to the Convention shall serve as the Bureau of the third meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol. In accordance with Article 29, paragraph 3, of the Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Protocol. As the required substitutions were already effected at a previous meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol, there will be no need for an additional election at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

2.2. Adoption of the agenda

5. In decision BS-I/12, the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the medium-term programme of work for the Conference of the Parties serving as the meeting of the Parties to the Protocol from the second to the fifth meeting meetings. In accordance with paragraph 2 of that decision and pursuant to rules 8 and 9 of the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the Executive Secretary has prepared a provisional agenda on the basis of issues identified in the medium-term programme of work and issues arising from previous decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration by the third meeting, contained in a note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/3/1). The provisional agenda reflects the standing issues and the rolling substantive issues (i.e., other issues and derived activities necessary to implement the Protocol developed in accordance with decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol) as stipulated in the medium-term programme of work.

6. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to consider and adopt the provisional agenda circulated by the Executive Secretary.

2.3. Organization of work

7. The meeting may wish to consider the proposed organization of its work as contained in annex I below, which provides for a plenary and two sessional working groups. The Executive Secretary prepared this proposal in consultation with the Bureau, with a view to assisting participants to consider all the items on its agenda in the time available. The proposal builds on the experience gained with the first and second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, during a similar arrangement was agreed.

8. Interpretation will be available for two working groups for morning and afternoon sessions. It will not, however, be available for evening sessions, should these be necessary.

9. The working documents and the information documents prepared for the meeting are listed in annex II to this document.

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

10. In accordance with rules 18 and 19 of the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the credentials of representatives to the meeting shall be examined by the Bureau of the meeting who will submit a report thereon to the plenary session of the meeting.

11. In order to assist Parties in fulfilling the requirements of rule 18, the Executive Secretary has prepared a sample format of appropriate credentials, which has been distributed to national focal points as an annex to the letter of invitation to the meeting.

12. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to consider and adopt the report on credentials submitted to it by the Bureau.

II. STANDING ISSUES

ITEM 4. REPORT OF THE COMPLIANCE COMMITTEE

13. In decision BS-I/7, the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety and established a Compliance Committee. The decision provides for this Committee to meet twice a year, unless it decides otherwise, and requests the Committee to submit its reports including recommendations with regard to the discharge of its functions to the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and appropriate action.

14. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered and approved rules of procedure for meetings of the Compliance Committee developed by the Committee at its first meeting, thereby enabling the Committee to begin its operations. A second meeting of the Compliance Committee is scheduled to take place in February 2006 to address issues arising from its functions and other matters related thereto as specified in section III of the compliance procedures set out in the annex to decision BS-I/7 and pursuant to rule 6 of the rules of procedure for meetings of the Compliance Committee. The Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to consider the report of the Compliance Committee on the work of its second meeting (UNEP/CBD/BS/COP-MOP/3/2), which will be introduced by the Chair of this Committee, and take appropriate action on the basis of Committee's recommendations.

15. Under this item, the Conference of the Parties serving as the meeting of the Parties to the Protocol is also expected to consider taking a decision as regards possible measures in cases of repeated non-compliance as envisaged in paragraph 2(d), section VI of the Procedures and Mechanisms on Compliance, annexed to decision BS-I/7. In order to assist the Conference of the Parties serving as the meeting of the Parties to the Protocol in its consideration of this matter, the Executive Secretary has prepared a note as contained in document UNEP/CBD/BS/COP-MOP/3/2/Add.1. The note provides a

summary of experiences of compliance mechanisms under other multilateral environmental agreements in addressing issues relating to possible measures that may be taken in cases of serious, repeated or frequent non-compliance.

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

16. Article 20, paragraph 1, of the Protocol establishes the Biosafety Clearing-House as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention, in order to facilitate the exchange of information and experience pertaining to living modified organisms and assist Parties to implement the Protocol. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol approved the transition of the pilot phase of the Biosafety Clearing-House to its operational phase, and adopted the modalities of its operation (decision BS-I/3). At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol reviewed the implementation of the Biosafety Clearing-House and adopted a multi-year programme of work thereof (decision BS-II/2, annex). This multi-year programme of work sets a number of objectives for the operation of the Biosafety Clearing-House and highlights possible activities to achieve these objectives. It also identifies the main actor(s) for each activity, as well as timeframes during which the activities are to be implemented or completed, as the case may be.

17. Accordingly, under this item the Executive Secretary has prepared a note conveying a progress report on the implementation of the Biosafety Clearing-House on the basis of the elements suggested in the multi-year programme of work as well as ongoing activities of the Biosafety Clearing-House deriving from previous decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol on the subject (UNEP/CBD/BS/COP-MOP/3/3).

18. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to consider the progress report and may wish to provide, as appropriate, further guidance on the operation and activities of the Biosafety Clearing-House pending the outcome of the second review of the Biosafety Clearing-House which will be considered at its fourth meeting.

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

19. In its decision BS-I/5, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted an Action Plan for Building Capacities for the Effective Implementation of the Protocol and a Coordination Mechanism for its implementation. In paragraph 5 of the decision, the Conference of the Parties serving as the meeting of the Parties to the Protocol agreed to undertake a comprehensive review and possible revision of the Action Plan at its third meeting, on the basis of the progress report to be prepared by the Executive Secretary and also on the basis of the capacity needs and priorities submitted by Parties and other Governments.

20. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-II/3, in which it adopted, *inter alia*, terms of reference for the comprehensive review of the Action Plan and outlined a process to facilitate the review and possible revision of the Action Plan at the third meeting (decision BS-II/3, paras. 24-31 and annex). Accordingly, the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to review the implementation of the Action Plan and, if necessary, consider a draft revised Action Plan for Building Capacities for the Effective Implementation of the Protocol.

21. In order to assist the meeting in its consideration of this item, the Executive Secretary has prepared a background paper (UNEP/CBD/BS/COP-MOP/3/4) describing, *inter alia*, the progress in, and effectiveness of, the implementation of the Action Plan, the unmet gaps/needs and strategic recommendations to be taken into account in the possible revision of the Action Plan.

22. If feasible and appropriate, the Executive Secretary may also prepare a draft revised Action Plan (UNEP/CBD/BS/COP-MOP/3/4/Add.1) on the basis of views, suggestions and responses to the questionnaire submitted by Parties, other Governments and relevant organizations with regard to desired revisions and improvements to Action Plan. There may also be a number of information documents on the status of capacity-building activities, such as those undertaken under the Coordination Mechanism for the implementation of the Action Plan established by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting (decision BS-I/5, annex IV).

23. The meeting may also hear reports from organizations providing support for activities in capacity building for biosafety, including, among others, the Global Environment Facility and its Implementing and/or Executing Agencies.

Roster of experts on biosafety

24. A regionally balanced roster of experts, nominated by Governments, in fields relevant to risk assessment and risk management related to the Protocol, was established by paragraph 14 of decision EM-I/3 of the Conference of the Parties to the Convention, in order to provide advice and other support, as appropriate and upon request, to developing country Parties and 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. A pilot phase of a voluntary trust fund was established by decision VI/29 of the Conference of the Parties for the specific purpose of supporting developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition to pay for the use of experts selected from the roster of experts on biosafety.

25. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted Interim Guidelines for the Roster of Experts on biosafety as well as Interim Guidelines for the Pilot Phase of the Voluntary Fund for the Roster of Experts on biosafety and requested the Executive Secretary to administer the roster and the voluntary fund (decision BS-I/4). The Conference of the Parties serving as the meeting of the Parties to the Protocol also agreed to an independent periodic review of the roster and decided that the first review should take place in two years, namely, at its third meeting (decision BS-I/4, annex I, section K).

26. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered the report of the Executive Secretary on the status of the use of the roster of experts on biosafety, and adopted decision BS-II/4 in which it, *inter alia*, requested the Executive Secretary to promote awareness about the roster and to include in the questionnaire for collecting information on the review of the Action Plan questions to assess the possible reasons behind the limited use of the roster of experts (decision BS-II/4, paras. 4-5). Paragraph 2 of decision BS-II/4 reminds Parties and other Governments to submit to the Executive Secretary reports on assistance or advice provided by the experts in accordance with section J of the Interim Guidelines, with a view to contributing to this review of the roster.

27. The third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to review the report prepared by the Executive Secretary on issues pertaining to this item (UNEP/CBD/BS/COP-MOP/3/4/Add.2) and provide, as appropriate, further guidance on the

use of the roster of experts on biosafety. Reports and views provided by Parties and other Governments concerning the roster, if any, will be made available as information documents.

ITEM 7. MATTERS RELATED TO THE FINANCIAL MECHANISM AND RESOURCES

28. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol made a recommendation to the Conference of the Parties on the guidance to the financial mechanism, focusing in particular on eligibility criteria for funding and programme priorities. The recommendation was subsequently adopted by the Conference of the Parties at its seventh meeting and integrated in decision VII/20.

29. On the basis of the reports from the Executive Secretary and the Global Environment Facility on the implementation of the guidance related to supporting activities for building capacities for the effective implementation of the Protocol, the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-II/5 outlining further steps needed to advance, strengthen and expand support for the implementation of the Protocol.

30. To assist the Conference of the Parties serving as the meeting of the Parties to the Protocol in its consideration of this item at its third meeting, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/3/5) providing updated status of implementation of the decision on matters related to the financial mechanism and resources for the implementation of the Protocol. The meeting will also have before it a report from the Global Environment Facility on its activities in response to previous biosafety-related guidance. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to take note of the reports and to consider the need for additional recommendation to the Conference of the Parties to the Convention regarding further guidance to the financial mechanism.

31. In accordance with decision BS-I/5, paragraph 5, regarding the comprehensive review and possible revision of the Action Plan for Building Capacities for the Effective Implementation of the Protocol, the Conference of the Parties serving as the meeting of the Parties to the Protocol may also review, at the same time, the guidance to the financial mechanism with a view to updating it, as appropriate.

ITEM 8. COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES

32. Under this item, the Executive Secretary will provide an update (UNEP/CBD/BS/COP-MOP/3/6) on cooperative activities between the Secretariat and other organizations, conventions and initiatives relevant for the implementation of the Protocol, in particular regarding the requests made in decision BS-II/6. The meeting will be invited to take note of the report and to provide, as appropriate, further guidance on cooperation, and/or to incorporate, as the case may be, the ongoing cooperation into its consideration of relevant items of the provisional agenda.

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

33. In its decision BS-I/10, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted a programme budget for the distinct costs of the Secretariat services for and the biosafety work programme of the Cartagena Protocol for the biennium 2005-2006. In paragraph 13 of

the decision, the Executive Secretary was requested to prepare and submit, for the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, a budget for the distinct costs of the secretariat services for the biosafety work programme of the Protocol for the biennium 2007-2008, and to report on income and budget performance as well as any adjustments made to the Protocol budget for the biennium 2005-2006. Furthermore, in paragraph 14 of the same decision, the Conference of the Parties serving as the meeting of the Parties to the Protocol noted the need to facilitate priority-setting by providing Parties with timely information on the financial consequences of different options, and to this end, it requested the Executive Secretary to include in the proposed budget for the biennium 2007-2008 two alternatives based on: (i) maintaining the core budget at the 2005-2006 level (e.g. with zero per cent nominal growth and zero per cent real growth); and (ii) increasing the core budget to five per cent nominal growth above the 2005-2006 level.

34. The meeting will be invited to review the note prepared by the Executive Secretary on budgetary matters and on the administration of the Protocol and provide, as appropriate, further guidance and take necessary action (UNEP/CBD/BS/COP-MOP/3/7). It should also be noted that, as requested in paragraph 10 of decision VII/34 of the Conference of the Parties to the Convention, the Executive Secretary will also make available for the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol the results/outcomes of further work to develop a secretariat-wide modality and tracking system for differentiating the costs for the secretariat and other services, identified as "shared" in the 2005-2006 budget for the programme of work of the Convention adopted by the Conference of the Parties at its seventh meeting, between those that are common to the Convention and its Cartagena Protocol, which are borne by Parties to the Convention, and those that are distinct to each instrument (decision VII/34, table 1).

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 10. HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION (ARTICLE 18)

35. In accordance with the medium-term programme of work adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting, the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol is expected to consider the issues under paragraph 3 of Article 18 of the Protocol, namely, the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in consultation with other relevant international bodies. The meeting will have before it a note prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/3/8/Add.2) to assist the Conference of the Parties serving as the meeting of the Parties to the Protocol in its consideration of this item. An information document compiling responses received from various relevant international organizations as regards issues relevant to paragraph 3 of Article 18 pursuant to decision BS-II/6, paragraph (f), will also be made available (UNEP/CBD/BS/COP-MOP/3/INF/3).

36. The meeting will also be expected to address the issue of the need for a stand-alone document to fulfil the identification requirements of paragraphs 2 (b) and 2 (c) of the Protocol pursuant to the decision taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting (decision BS-I/6 B, para. 2). To this end, the Conference of the Parties serving as the meeting of the Parties to the Protocol invited Parties and other Governments to submit to the Executive Secretary, no later than six months prior to its third meeting, information on experience gained with the use of a commercial invoice or other documents required or utilized by existing documentation systems as

documentation that should accompany living modified organisms for contained use and living modified organisms for intentional introduction into the environment of the Party of import as specified in paragraph 1 of decision BS-I/6 B. The meeting will have before it a note by the Executive Secretary synthesizing the information on experience gained with the use of documentation to fulfil the identification requirements under paragraphs 2 (b) and 2 (c) of Article 18 (UNEP/CBD/BS/COP-MOP/3/8/Add.1) as well as an information document compiling the views submitted to the Executive Secretary as of 13 September 2005 with regard to the experience gained (UNEP/CBD/BS/COP-MOP/3/8/INF/2). The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to provide further guidance on the question of a stand-alone document, as appropriate.

37. Under this item, the Conference of the Parties serving as the meeting of the Parties to the Protocol will also be reminded that the task of taking a decision on the detailed requirements for the identification of living modified organisms intended for direct use as food or feed, or for processing, including specification of their identity and any unique identification envisaged in the second sentence of paragraph 2 (a) of Article 18 of the Protocol is still pending. According to the Protocol, such decision should have been taken within two years after the entry into force of the Protocol. However, due to lack of consensus on this matter, the Conference of the Parties serving as the meeting of the Parties to the Protocol was unable to adopt a decision at its second meeting. The Conference of the Parties serving as the meeting of the Parties to the Protocol is therefore invited, at its present meeting, to continue with its efforts to fulfil its obligations specified in the second sentence of paragraph 2 (a) of Article 18. The Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/3/8) to assist the meeting in its further consideration of this matter.

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

38. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered Articles 15 and 16 of the Protocol, which address risk assessment and risk management, and adopted decision BS-II/9, by which it established an Ad Hoc Technical Expert Group on Risk Assessment with a mandate to: (i) consider the nature and scope of existing approaches to risk assessment based on national experiences and existing guidance materials; (ii) 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; (iii) 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; and (iv) 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 (decision BS-II/9, para. 4, and annex). Following 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, this Group will meet in Rome from 15 to 18 November 2005.

39. In considering this item, the meeting will have before it a note prepared by the Executive Secretary synthesizing the findings of the meeting of the Ad Hoc Technical Expert Group, the information on experiences gained in implementing Articles 15 and 16 received in the interim national reports, the submissions on risk assessment and risk management received from Parties, Governments and international organizations prior to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/COP-MOP/3/9), as well as the synthesis of views and compilation of guidance materials that had been prepared for that meeting (UNEP/CBD/BS/COP-MOP/2/INF/2 and UNEP/CBD/BS/COP-MOP/2/9). The report of the meeting of the Ad Hoc Technical Expert Group on Risk Assessment will also be available to the meeting as an information document (UNEP/CBD/BS/COP-MOP/3/INF/1).

40. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to consider the report of the meeting of the Ad Hoc Technical Expert Group as well as the note prepared by the Executive Secretary and provide further guidance with regard to risk assessment and risk management.

ITEM 12. LIABILITY AND REDRESS (ARTICLE 27)

41. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol established an Open-Ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Protocol to carry out the process pursuant to Article 27 of the Protocol and provided it with an indicative work plan which provides for the Working Group to complete its work in 2007 in order to allow the Conference of the Parties serving as the meeting of the Parties to the Protocol to fulfil the requirements under Article 27 of the Protocol (decision BS-I/8, paragraph 1 and annex). Paragraph 5 of the decision stipulates that the Working Group shall report on its activities and progress at each subsequent meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Working Group held its first meeting from 25 to 27 May 2005 and submitted a report which was considered by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its second meeting. The Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-II/11, in which it agreed to a second meeting of the Working Group prior to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (paragraph 3 of the decision), and invited the Working Group to develop, at its second meeting, a report on the progress made to date (paragraph 4 of the decision).

42. The second meeting of the Working Group will be held in Montreal from 20 to 24 February 2006. Its report will be available to the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/COP-MOP/3/10) and will be introduced by the Co-Chair of the Working Group. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be expected to review the progress made by the Working Group and if necessary provide further guidance to this ad hoc body, in accordance with the requirement contained in the second sentence of paragraph 5 of the annex to decision BS-I/8.

ITEM 13. SUBSIDIARY BODIES (ARTICLE 30)

43. Pursuant to Article 30, paragraph 1, of the Protocol, any subsidiary body established by or under the Convention may, upon a decision of the Conference of the Parties serving as the meeting of the Parties to the Protocol, serve the Protocol in which case the meeting of the Parties shall specify which functions that body shall exercise. In accordance with its medium-term programme of work and with decision BS-I/11, paragraph 2, the Conference of the Parties serving as the meeting of the Parties to the Protocol is expected to consider, at its third meeting, issues related to this provision including consideration of whether there is a need to establish further subsidiary bodies to enhance implementation of the Protocol, especially as regards provision of timely advice on scientific and technical issues arising in relation to the implementation of the Protocol.

44. Under this item, the meeting will have before it a note by the Executive Secretary that synthesizes views on the matter submitted by Parties and other Governments pursuant to the invitation extended in paragraph 3 of decision BS-II/14 (UNEP/CBD/BS/COP-MOP/3/11). The compilation of the views will also be made available to the meeting as an information document (UNEP/CBD/COP-MOP/3/INF/7).

45. The meeting will be invited to consider the proposals contained in the note of the Executive Secretary and take a decision regarding the need for, nature and functions of, any subsidiary that may be designated or established to serve the Protocol.

ITEM 14. MONITORING AND REPORTING (ARTICLE 33)

46. Article 33 of the Protocol requires each Party to monitor the implementation of its obligations under the Protocol and to report, at intervals determined by the Conference of the Parties serving as the meeting of the Parties to the Protocol, on measures that it has taken to implement the Protocol.

47. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-I/9 on the format and timing for reporting. The decision provides for a general frequency of every four years but specifies that in the initial four-year period, an interim national report shall be submitted by Parties two years after the entry into force of the Protocol (decision BS-I/9, para. 5 (i)). Accordingly, the Conference of the Parties serving as the meeting of the Parties to the Protocol included in its medium term programme of work consideration of interim national reports at its third meeting.

48. Under this item, the meeting will have before it a note by the Executive Secretary that analyses interim national reports received by the Secretariat as at 11 September 2005 (UNEP/CBD/BS/COP-MOP/3/12). The meeting will also have before it an information document containing detailed information supporting the analysis (UNEP/CBD/BS/COP-MOP/3/INF/8).

49. The Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to consider issues arising out of the analysis of the interim national reports as regards measures taken by Parties to implement the Protocol and provide further guidance or take the necessary action, as appropriate.

ITEM 15. ASSESSMENT AND REVIEW (ARTICLE 35)

50. Article 35 of the Protocol provides that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall undertake, five years after the entry into force of the Protocol, and at least every five years thereafter, an evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes. In decision BS-I/12, on the medium-term programme of work, the Conference of the Parties serving as the meeting of the Parties to the Protocol agreed to initiate, at its third meeting, a process of evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes with a view to meet the requirement under Article 35.

51. The meeting will have before it a note prepared by the Executive Secretary to assist the Parties in their consideration of the item, and will be invited to provide further guidance, as appropriate (UNEP/CBD/BS/COP-MOP/3/13).

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

52. The Conference of the Parties serving as the meeting of the Parties to the Protocol considered issues related to this item at its first and second meetings (decisions BS-I/11 and BS-II/14). There were two specific issues raised in decision BS-II/14 that require follow up at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The first relates to the need for subsidiary bodies and will therefore be discussed under item 13 above. The second issue

regards the clarification of the rights and obligations of transit States, particularly related to documentation. At its second meeting, 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 views on this matter, 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, for inclusion in a synthesis report to be considered at this meeting (decision BS-II/14, para. 1).

53. Submissions received as of 13 September 2005 will be compiled in an information document (UNEP/CBD/BS/COP-MOP/3/INF/9). A synthesis report prepared by the Executive Secretary based on the submissions will also be available (UNEP/CBD/BS/COP-MOP/3/14) to assist in the consideration of this item and the provision of further guidance, as appropriate.

IV. FINAL MATTERS

ITEM 17. OTHER MATTERS

54. Under this item, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to consider other matters raised and accepted for discussion in accordance with the rules of procedure.

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

55. In accordance with paragraph 2 of the rules of procedure, the Conference of the Parties serving as the meeting of the Parties to the Protocol is to decide on the date and venue of its next ordinary meeting.

56. In considering this item, the Conference of the Parties serving as the meeting of the Parties to the Protocol may also wish to give consideration to rule 4 of the rules of procedure for meetings of the Conference of the Parties, which states that ordinary meetings of the Conference of the Parties shall be held every two years. According to Article 29, paragraph 5, of the Protocol, this rule should apply, *mutatis mutandis*, to ordinary meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol. It should also be recalled that at its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-I/12 concerning its medium term programme of work (from the second to its fifth meetings), in which it also addressed the issue of the periodicity of its meetings. In paragraph 1 of the decision, it was agreed to hold the second and third meetings on an annual basis in order to expedite the process of addressing those issues of the Protocol that require consideration and appropriate decisions at an early stage of implementation. The decision further states that this arrangement may continue beyond the third meeting as necessary if so decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

57. The Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to consider a number of options and take a decision regarding the date of its next meeting taking into account, among others, the progress made in the implementation of the Protocol especially with regard to those issues that the Conference of the Parties serving as the meeting of the Parties to the Protocol was required to consider and take appropriate decisions at an early stage of implementation, and the nature and urgency of the other issues in its medium-term programme of work. It may be noted that, according to the medium-term programme of work, one of the issues that will be on the agenda of the fourth

meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol concerns review of the implementation of the Protocol. In this regard, the amount of work and the timeframe that may be needed for the assessment and review of the Protocol set out in Article 35 may serve as one of the possible factors that the Conference of the Parties serving as the meeting of the Parties to the Protocol may take into account in determining the date of its next meeting.

58. With respect to the venue of the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, rule 3 of the rules of procedure states that meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties. If any offers or expression of interest in hosting the next meeting have been communicated to the Secretariat by the time of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the Executive Secretary will inform the meeting accordingly.

ITEM 19. ADOPTION OF THE REPORT

59. The meeting will be invited to consider and adopt its report, on the basis of the draft report that will be presented by the Rapporteur. In accordance with established practice, the Conference of the Parties serving as the meeting of the Parties to the Protocol will be invited to authorize the Rapporteur to complete the final report after the meeting, with the guidance of the President and assistance of the Secretariat.

ITEM 20. CLOSURE OF THE MEETING

60. It is expected that the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol will be closed by its President in the afternoon of Friday, 17 March 2006.

Annex I

**PROPOSED ORGANIZATION OF WORK FOR THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS
THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY**

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Monday</i> <i>13 March 2006</i> 10 a.m to 11 a.m.	<i>Agenda item:</i> 1. Opening of the meeting.		
11 a.m to 1 p.m.	<i>Agenda items:</i> 2. Organizational matters: 2.1. Election of 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. 4. Report of the Compliance Committee. 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. 12. Report of the second meeting of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety.		

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
3 p.m. to 6 p.m.		<i>Agenda items:</i> 5. Operation and activities of the Biosafety Clearing-House. 10. Handling, transport, packaging and identification (Article 18). 11. Risk assessment and risk management (Articles 15 and 16). 13. Subsidiary bodies (Article 30). 16. Other scientific and technical issues that may be necessary for the effective implementation of the Protocol.	<i>Agenda items:</i> 6. Status of capacity building activities and the use of the roster of biosafety experts. 14. Monitoring and reporting (Article 33). 15. Assessment and review (Article 35).
<i>Tuesday</i> <i>14 March 2006</i> 10 a.m. to 1 p.m.		Continuation of agenda items 5, 10, 11, 13 and 16	Continuation of agenda items 6, 14 and 15
3 p.m. to 6 p.m.		Continuation of agenda items 5, 10, 11; 13 and 16	Continuation of agenda items 6, 14 and 15
<i>Wednesday</i> <i>15 March 2006</i> 10 a.m. to 11 a.m.	Plenary to review progress of the working groups		
11 a.m. to 1 p.m.	Continuation of agenda items 3, 4, 7, 8, 9 and 12		
3 p.m. to 6 p.m.		Continuation of agenda items 5, 10, 11, 13 and 16	Continuation of agenda items 6, 14 and 15

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Thursday</i> <i>16 March 2006</i> 10 a.m. to 1 p.m.		Continuation of agenda items 5, 10, 11, 13 and 16	Continuation of agenda items 6, 14 and 15
3 p.m. to 6 p.m.		Continuation of agenda items 5, 10, 11, 13 and 16	Continuation of agenda items 6, 14 and 15
<i>Friday</i> <i>17 March 2006</i> 10 a.m. to 1 p.m. <i>and</i> 3 p.m. to 6 p.m.	<i>Agenda items:</i> 17. Other matters. 18. Date and venue for the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. 19. Adoption of the report. 20. Closure of the meeting		

*Annex II***PROVISIONAL LIST OF DOCUMENTS FOR THE MEETING****A. Working documents**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/COP-MOP/3/1	Provisional agenda
UNEP/CBD/BS/COP-MOP/3/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/COP-MOP/3/1/Add.1/Rev.1	Revised annotations to the provisional agenda
UNEP/CBD/BS/COP-MOP/3/2	Report of the Compliance Committee
UNEP/CBD/BS/COP-MOP/3/2/Add.1	Measures in case of repeated non-compliance
UNEP/CBD/BS/COP-MOP/3/3	Operation and activities of the Biosafety Clearing-House
UNEP/CBD/BS/COP-MOP/3/4	Status of capacity-building activities
UNEP/CBD/BS/COP-MOP/3/4/Add.1	Draft revised Action Plan for building capacities for the effective implementation of the Protocol
UNEP/CBD/BS/COP-MOP/3/4/Add.2	Report on the use of the roster of experts on biosafety
UNEP/CBD/BS/COP-MOP/3/5	Matters related to the financial mechanism and resources
UNEP/CBD/BS/COP-MOP/3/6	Cooperation with other organizations, conventions and initiatives
UNEP/CBD/BS/COP-MOP/3/7	Report of the Executive Secretary on the administration of the Protocol and on budgetary matters
UNEP/CBD/BS/COP-MOP/3/8	Handling, transport, packaging and identification: detailed requirements of living modified organisms intended for direct use for food or feed, or for processing (Article 18, para 2 (a))
UNEP/CBD/BS/COP-MOP/3/8/Add.1	Handling, transport, packaging and identification: synthesis of information on experience gained with the use of documentation to fulfil the identification requirements (Article 18, paras. 2 (b) and (c))
UNEP/CBD/BS/COP-MOP/3/8/Add.2	Handling, transport, packaging and identification: consideration of the need for and modalities of developing standards with regard to identification, handling and transport practices in the transboundary movement of living modified organisms (Article 18, para. 3)
UNEP/CBD/BS/COP-MOP/3/9	Risk assessment and risk management (Articles 15 and 16)
UNEP/CBD/BS/COP-MOP/3/10	Report of the second meeting of Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the context of the Biosafety

<i>Symbol</i>	<i>Title</i>
	Protocol (Article 27)
UNEP/CBD/BS/COP-MOP/3/11	Subsidiary bodies (Article 30)
UNEP/CBD/BS/COP-MOP/3/12	Monitoring and reporting (Article 33)
UNEP/CBD/BS/COP-MOP/3/13	Assessment and review (Article 35)
UNEP/CBD/BS/COP-MOP/3/14	Other scientific and technical issues that may be necessary for the effective implementation of the Protocol

B. Information documents (preliminary list)

UNEP/CBD/BS/COP-MOP/3/INF/1	Risk assessment and risk management: report of the Ad Hoc Technical Expert Group on Risk Assessment
UNEP/CBD/BS/COP-MOP/3/INF/2	Handling, transport, packaging and identification: compilation of information on experience gained with the use of documentation to implement the requirements under paragraphs 2 (b) and 2 (c) of Article 18
UNEP/CBD/BS/COP-MOP/3/INF/3	Handling, transport, packaging and identification: compilation of response from various relevant international organizations as regards to issues relevant to Article 18, including the need for and modalities of developing standards as specified in paragraph 3 of Article 18
UNEP/CBD/BS/COP-MOP/3/INF/4	Capacity-building: compilation of progress reports on initiatives contributing to the implementation of the Action Plan, and views and suggestions on desired revisions to the Action Plan
UNEP/CBD/BS/COP-MOP/3/INF/5	Capacity-building: Report of the second coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities
UNEP/CBD/BS/COP-MOP/3/INF/6	Capacity-building: report of the second liaison group meeting on capacity-building for biosafety
UNEP/CBD/BS/COP-MOP/3/INF/7	Compilation of views submitted by Parties and other Governments on the need for subsidiary bodies to address scientific issues including risk assessment and risk management
UNEP/CBD/BS/COP-MOP/3/INF/8	Interim national reports
UNEP/CBD/BS/COP-MOP/3/INF/9	Compilation of views submitted by Parties, other Governments and relevant international organizations on obligations and rights of transit States
