



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

Fifth meeting

Nagoya, Japan, 11-15 October 2010

ORGANIZATION OF WORK

Annotations to the provisional agenda

INTRODUCTION

1. Following the offer of the Government of Japan, which was welcomed by the Conference of the Parties to the Convention on Biological Diversity in its decision IX/35, the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety will be held in at the Nagoya Congress Centre, Nagoya, Aichi Prefecture, Japan. The meeting will take place from 11 to 15 October and will be held in conjunction with the tenth ordinary meeting of the Conference of the Parties. Consultations among delegations and preparatory meetings of regional groups may be held on 10 October 2010. Details concerning registration and other practical arrangements for the meeting will be circulated in an information note for participants.

I. ORGANIZATIONAL MATTERS

ITEM 1. OPENING OF THE MEETING

2. The meeting will be opened at 10 a.m. on 11 October 2010 by the President of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in accordance with rule 21, paragraph 2, of the rules of procedure for meetings of the Conference of the Parties. Opening statements may also be made by, among others, representative(s) of the host country, the Executive Director of the United Nations Environment Programme (UNEP) and the Executive Secretary of the Convention on Biological Diversity.

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ITEM 2. ORGANIZATION OF THE MEETING

2.1. Officers

3. The current Bureau of the Conference of the Parties to the Convention shall serve as the Bureau of the fifth 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.

4. To date the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol comes before the meeting of the Conference of the Parties to the Convention. Bureau members are elected at the commencement of the meeting of the Conference of the Parties. In the past, there were occasions where one or more Bureau members were elected from Parties to the Convention that were not Parties to the Protocol. This has resulted in affecting the full representation of some regions in the Bureau. In order to overcome this, it has been suggested that there was a need to elect reserve Bureau member, at least one from each region, for substitution, as appropriate, in the event that the Conference of the Parties at its tenth meeting elects Bureau members from Parties to the Convention not Parties to the Protocol.

2.2. Adoption of the agenda

5. In their decision BS-I/12, the Parties to the Protocol adopted the medium-term programme of work for the Parties to the Protocol from the second to the fifth 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 to the Convention on Biological Diversity, the Executive Secretary has prepared a provisional agenda (UNEP/CBD/BS/COP-MOP/5/1) on the basis of the issues identified in the medium-term programme of work and issues arising from previous decisions of the Parties for consideration by the fifth meeting. 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 Parties 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 proposal for organization of its work as contained in annex I below, which provides for a plenary and two working groups. The Executive Secretary prepared this proposal in consultation with the Bureau, with a view to assisting the Parties to the Protocol to consider all the items on its agenda in the timeframe available. The proposal builds on the experience gained with the past four meetings of the Parties, during which two working groups were established.

8. Interpretation will be available for the two working groups for morning and afternoon sessions.

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 FIFTH 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, the credentials of representatives to the fifth meeting of the Parties to the Protocol shall be examined by the Bureau of the meeting who will submit a report thereon to the plenary for appropriate decision.

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 Parties will be invited to consider and adopt the report on credentials submitted to them by the Bureau.

II. STANDING ISSUES

ITEM 4. REPORT OF THE COMPLIANCE COMMITTEE

13. At their fourth meeting, the Parties to the Protocol considered the report of the third and fourth meetings of the Compliance Committee and reviewed and adopted recommendations submitted to it by the Committee. In their decision BS-IV/1, the Parties to the Protocol invited Parties to submit their views on how the supportive role of the Compliance Committee could be improved for consideration at their fifth meeting. The Parties also encouraged the Compliance Committee to meet less than twice a year and elected new members to the Committee to replace those whose terms expired at the end of 2008.

14. The Compliance Committee held its fifth meeting from 19 to 21 November 2008 in Kuala Lumpur and its sixth meeting from 4 to 6 November 2009, in Montreal. The Committee reviewed general issues of compliance based on the revised analysis of first national reports and information from the Biosafety Clearing-House. The Committee agreed to further consider issues, including this matter at its seventh meeting. The seventh meeting of the Committee is planned to take place in June 2010 in Montreal. At that meeting, the Committee will consider further, mainly, how the rate of national reporting could be improved in terms of the number of the reports and the quality of information provided. The Committee is expected to finalize its report and recommendations for submission to the fifth meeting of the Parties to the Protocol.

15. The Parties to the Protocol are therefore expected to consider the report of the Compliance Committee (UNEP/CBD/BS/COP-MOP/5/2), which includes recommendations and to take a decision, as appropriate. A compilation of views of Parties on how the supportive role of the Compliance Committee could be improved will also be made available (UNEP/CBD/BS/COP-MOP/5/2/Add.1).

16. The Parties to the Protocol will also be invited to elect new members to the Compliance Committee in order to replace those whose term comes to an end at the end of 2010.

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

17. Article 20, paragraph 1, of the Protocol establishes the Biosafety Clearing-House (BCH) 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 (LMOs) and assist

Parties to implement the Protocol. At their second meeting, the Parties to the Protocol reviewed the implementation of the Biosafety Clearing-House and adopted a multi-year programme of work (decision BS-II/2, annex), which sets out a number of objectives for the operation of the Biosafety Clearing-House. It also highlights possible activities to achieve these objectives.

18. Accordingly, under this item, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/5/3) outlining the progress made on the implementation of the Biosafety Clearing-House. It contains a progress report on the programme elements identified in the multi-year programme of work and provides a synthesis of the study on users and potential users of the Biosafety Clearing-House requested in decision BS-IV/2 (UNEP/CBD/BS/COP-MOP/5/INF/1).

19. At their fifth meeting, the Parties to the Protocol will be invited to consider the progress report and to provide further guidance on the operation and activities of the Biosafety Clearing-House.

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

20. At their first meeting, the Parties to the Protocol adopted, in decision BS-I/5, an Action Plan for Building Capacities for the Effective Implementation of the Protocol and established a Coordination Mechanism for its implementation. In the same decision, the Parties to the Protocol invited Parties and other Governments to submit to the Biosafety Clearing-House information about their capacity-building needs and priorities and to periodically update their records. They also requested the Executive Secretary to compile, on the basis of that information, a summary report on the capacity-building needs and priorities for consideration at their regular meetings.

21. At their third meeting, the Parties to the Protocol adopted an updated version of the Action Plan and decided to conduct comprehensive reviews of the Action Plan every five years, based on an independent evaluation (decision BS-III/3). Under section 6 of the updated Action Plan, the Executive Secretary is also requested to prepare, on the basis of submissions by Governments, reports on the steps being taken towards the implementation of the Action Plan and submit them to the Parties to the Protocol.

22. At their fourth meeting, the Parties to the Protocol invited Parties, other Governments and relevant organizations to provide information on their capacity-building activities to the Secretariat and the Biosafety Clearing-House at least six months before its regular meetings in order to facilitate more comprehensive reporting on the implementation of the capacity-building Action Plan and the sharing of experiences in capacity-building activities. The Parties also welcomed the offer by the United Nations Environment Programme (UNEP) to undertake an expert review of capacity-building activities in collaboration with Global Environment Facility (GEF), its agencies and the Executive Secretary, with a view to assessing the effectiveness of various approaches to capacity-building and developing lessons learned.

23. Under this item, the Parties to the Protocol will be invited to consider a status report on the implementation of the updated Action Plan and a summary report on the capacity-building needs and priorities of Parties and other Governments. It will also consider the outcomes of the expert review of capacity-building activities commissioned by UNEP. On the basis of those reports, the Parties are expected to provide, as appropriate, further guidance for improvement. In order to facilitate the next comprehensive review of the Action Plan, the meeting will also consider draft terms of reference for the independent evaluation of the effectiveness and outcomes of capacity-building initiatives implemented in support of the Action Plan.

24. To facilitate discussions under this item, the Parties will have before them a note prepared by the Executive Secretary (UNEP/CBD/COP-MOP/5/4) containing summaries on the status of implementation of the updated Action Plan, the capacity-building needs and priorities of Parties and other Governments, outcomes of the expert review of capacity-building activities and draft terms of reference for the independent evaluation of the effectiveness of the Action Plan. The meeting will also have before it, as information documents, reports of the sixth and seventh meetings of the Liaison Group on Capacity-building for Biosafety (UNEP/CBD/COP-MOP/5/INF/3), the fifth and sixth coordination meetings for Governments and organizations implementing and/or funding biosafety capacity-building activities ((UNEP/CBD/COP-MOP/5/INF/4) and the third international meeting of academic institutions and organizations involved in biosafety education and training (UNEP/CBD/COP-MOP/5/INF/7) and a compilation on ongoing biosafety capacity-building initiatives (UNEP/CBD/COP-MOP/5/INF/8).

Roster of experts on biosafety

25. In its decision EM-I/3, paragraph 14, the Conference of the Parties to the Convention on Biological Diversity established a regionally balanced roster of experts nominated by Governments 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. In paragraph 27 of decision VI/29, the Conference of the Parties also established, on a pilot basis, a Voluntary Fund to support eligible countries to pay for the use of experts selected from the roster.

26. At their first meeting, the Parties to the Protocol adopted Interim Guidelines for the Roster describing its administrative and operational modalities. It also adopted Interim Guidelines for the Pilot Phase of the Voluntary Fund for the Roster (decision BS-I/4). In the guidelines, the Executive Secretary is requested to submit to the Parties to the Protocol, at their regular meetings, reports on the status of the roster and on the operation and use of the voluntary fund for the roster.

27. At fourth meeting, the Parties to the Protocol, in decision BS-IV/4, adopted a number of measures aimed at revamping and improving the quality and operation of the roster. These include: new criteria and minimum requirements for experts to be nominated to the roster, revised guidelines for the roster and a new nomination form. Parties and other Governments were requested to make fresh nominations using the new form and in accordance with new criteria and guidelines. The Parties to the Protocol also decided to revitalize the pilot phase of the Voluntary Fund for the Roster of Experts and invited developed country Parties and other donors to make contributions to the Fund.

28. The Parties to the Protocol will have before them a note by the Executive Secretary, providing an update on the current status of the roster and the use of the Voluntary Fund for the Roster of Experts for its review and decisions, as appropriate (UNEP/CBD/BS/COP-MOP/5/4/Add.1), together with an information document containing the report of the expert review of the effectiveness of various approaches to capacity-building and the lessons learned (UNEP/CBD/BS/COP-MOP/5/INF/9).

ITEM 7. MATTERS RELATED TO THE FINANCIAL MECHANISM AND RESOURCES

29. At their previous meetings, the Parties to the Protocol have adopted decisions on matters related to the financial mechanism and resources which included recommendations to the Conference of the Parties to the Convention on Biological Diversity regarding guidance to the financial mechanism with respect to biosafety (decisions BS-III/5 and BS-IV/5).

30. At their fifth meeting, the Parties to the Protocol will review the status of implementation of its previous decisions, including the guidance provided to the financial mechanism with respect to biosafety, and consider the need for further guidance.

31. To assist the Parties in their consideration of this item, the Executive Secretary will prepare a note (UNEP/CBD/BS/COP-MOP/5/5) providing a summary report on the status of implementation of the previous guidance to the financial mechanism with respect to biosafety and information on other financial resources for the implementation of the Protocol. The Parties will also have before them the full report submitted by the secretariat of the Global Environment Facility (GEF) to the tenth meeting of the Conference of the Parties to the Convention on the status of implementation of the guidance to the financial mechanism, including the guidance with respect to biosafety (UNEP/CBD/COP/10/8).

ITEM 8. COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES

32. At their fourth meeting, the Parties to the Protocol adopted decision BS-IV/6, on cooperation with other organizations, conventions and initiatives and requested the Executive Secretary to:

(a) Continue pursuing, reinforcing and intensifying, as the case may be, cooperative arrangements with all the organizations referred to in decision BS-II/6;

(b) Further explore the potential of other relevant organizations and processes that can contribute, financially or otherwise, to the effective implementation of the Protocol, in particular with regard to building capacities in developing countries;

(c) Report to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its fifth meeting on the implementation of this decision.

33. Under this item, the Executive Secretary will provide an update (UNEP/CBD/BS/COP-MOP/5/6) on cooperative activities between the Secretariat and other organizations, conventions and initiatives relevant to the implementation of the Protocol including the Green Customs Initiative, the International Plant Protection Convention and the Secretariat of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. The Parties 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 its agenda.

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

34. In its decision BS-IV/7, the Parties to the Protocol adopted a programme budget for the distinct costs of the Secretariat services and for the biosafety work programme of the Cartagena Protocol for the biennium 2009-2010. In paragraph 20 of the decision, the Parties to the Protocol requested the Executive Secretary to prepare and submit, for their fifth meeting, a programme budget for secretariat services and the biosafety work programme of the Protocol for the biennium 2011-2012, and to provide 3 alternatives for the budget based on: (a) assessment of the required rate of growth for the programme budget; (b) increasing the core programme budget (BG Trust Fund) from the 2009-2010 level by 10 per cent in nominal terms; (c) maintaining the core programme budget (BG Trust Fund) from the 2009-2010 level in nominal terms. Furthermore, in paragraph 22 of the same decision, the Parties to the Protocol requested the Executive Secretary, in presenting the proposed programme budget for the biennium 2011-2012, to

use the tracking mechanism to review the 85:15 cost-sharing ratio for the secretariat services between the Convention on Biological Diversity and the Protocol.

35. The Parties will be invited to review the notes prepared by the Executive Secretary on the administration of the Protocol and on budgetary matters (UNEP/CBD/BS/COP-MOP/5/7 and Add.1) and provide, as appropriate, further guidance and take necessary action.

III. SUBSTANTIVE ISSUES ARISING FROM THE MEDIUM-TERM PROGRAMME OF WORK AND PREVIOUS DECISIONS OF THE PARTIES TO THE PROTOCOL

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

36. In paragraph 1 of decision BS-III/10, the Parties to the Protocol requested Parties and urged other Governments to take measures to ensure that existing documentation or documentation required by domestic regulatory frameworks accompanies shipments of living modified organisms intended for direct use as food or feed, or for processing (LMOs-FFP) to fulfil the identification requirements particularly those specified in paragraph 4 of the decision. Paragraph 2 of decision BS-III/10 calls for the submission of information to the Executive Secretary on experience gained with the use of the documentation referred to above. This information is to be submitted with a view to further harmonization of a documentation format to fulfil the identification requirements set out in paragraph 4 of the decision, including consideration of the need for a stand-alone document. The Executive Secretary was requested to compile the information and prepare a synthesis report for consideration by the Parties at their fifth meeting.

37. In addition, the Parties to the Protocol decided to review and assess at their fifth meeting, experience gained with the implementation of paragraph 4 of decision BS-III/10 with a view to considering a decision at their sixth meeting to ensure that documentation accompanying LMOs-FFP covered by paragraph 4 of the decision clearly states that the shipment contains LMOs-FFP and includes the detailed information in paragraphs 4 (c)-(f). This review is also to include an examination of capacity-building efforts in developing countries.

38. Accordingly, at their fifth meeting, the Parties to the Protocol will have before them a note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/5/8) synthesizing the information that may be submitted by Parties, other Governments and relevant international organizations in accordance with the requests or invitations described above as well as information documents compiling the information received.

39. In decision BS-III/9, the Parties requested the Executive Secretary to gather information on existing rules and standards with a view to making available the information, including on the experiences of relevant international bodies in the establishment and implementation of rules and standards relevant to Article 18, at the fourth and fifth meetings of the Parties to the Protocol (paragraph 3). Furthermore, at their fourth meeting, the Parties requested the Executive Secretary to organize an online conference to: (i) identify the relevant standards with regard to handling, transport, packaging and identification of living modified organisms; (ii) identify where gaps exist; and (iii) suggest possible modalities to fill the gaps. The Executive Secretary was requested to prepare a summary of the outcome of the conference, reflecting the full range of views expressed, for the consideration of the fifth meeting of the Parties to the Protocol.

40. The Parties to the Protocol will therefore have before them a note by the Executive Secretary summarizing the outcome of the online conference (UNEP/CBD/BS/COP-MOP/5/9) as well as an information note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/5/INF/6) on existing rules and standards relevant to Article 18.

ITEM 11. RIGHTS AND/OR OBLIGATIONS OF PARTIES OF TRANSIT OF LIVING MODIFIED ORGANISMS

41. At their third meeting, the Parties to the Protocol considered the clarification of the rights/obligations of Parties of transit in the context of transboundary movements of living modified organisms, particularly with respect to issues related with documentation. Submissions were requested and received to assist the consideration of the item at the third meeting of the Parties to the Protocol. At their third meeting, the Parties to the Protocol noted that definitions of transit exist in various multilateral agreements at international level, and recognized that trade and environment agreements should be mutually supportive (decision BS-III/16).

42. At their third meeting, the Parties to the Protocol also invited Parties, Governments and relevant international organizations to provide further views and information on experience on the rights and/or obligations of Parties of transit including whether or not a Party acting only as a Party of transit takes on obligations of a Party of export under the Protocol, for consideration at its fifth meeting.

43. The views that may be received on this matter will be compiled/synthesized and made available in a note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/5/10).

ITEM 12. LIABILITY AND REDRESS (ARTICLE 27)

44. At their first meeting, the Parties to the Protocol established, in decision BS-I/8, 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 to undertake the process referred to in Article 27 of the Protocol. The Working Group completed its work and submitted its final report to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.

45. After reviewing the report of the Working Group and the work undertaken in-session during their fourth meeting, the Parties to the Protocol decided in their decision BS-IV/12 to establish a Group of the Friends of the Co-Chairs with a mandate to further negotiate international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Protocol on the basis of the text annexed to the decision.

46. The first meeting of the Group of Friends of the Co-Chairs on Liability and Redress was held from 23 to 27 February 2009 in Mexico City and the second one from 8 to 12 February 2010 in Kuala Lumpur. The Group further negotiated international rules and procedures on liability and redress for damage resulting from transboundary movements of living modified organisms, and agreed to work towards a legally binding instrument in the form of a supplementary protocol with the understanding that the final decision in this regard would only be taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

47. At the conclusion of its second meeting, the Group agreed to hold a third meeting from 17 to 19 June 2010, subject to the availability of funds and an offer to host. It also requested the Executive Secretary to communicate to Parties to the Protocol the proposal for a supplementary protocol contained in annex I to appendix I of its report, in accordance with the six-month rule under paragraph 3 of Article 28 of the Convention to Biological Diversity.

48. The final report of the Group of Friends of the Co-Chairs concerning Liability and Redress in the context of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/5/11) will be made available to the fifth meeting of the Parties to the Protocol or their consideration and appropriate action.

**ITEM 13. RISK ASSESSMENT AND RISK MANAGEMENT
(ARTICLES 15 AND 16)**

49. At their fourth meeting, the Parties to the Protocol, in considering the need for further guidance on specific aspects of risk assessment and risk management, established an open-ended online forum on specific aspects on risk assessment through the Biosafety Clearing-House and an Ad Hoc Technical Expert Group (AHTEG) on Risk Assessment and Risk Management with the terms of reference as annexed to decision BS-IV/11. In addition, the Parties to the Protocol requested the Executive Secretary to convene: (i) ad hoc discussion groups and at least one real-time online conference per region prior to each of the meetings of the AHTEG, with the view to identifying major issues related to specific aspects of risk assessment and risk management as referenced in the annex to the decision; and (ii) two meetings of the AHTEG prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

50. Further, the Parties to the Protocol, in considering capacity-building relevant to risk assessment and risk management, also requested the Executive Secretary to: (i) convene a subregional workshop on capacity-building and exchange of experiences on risk assessment and risk management of living modified organisms in the Pacific subregion; (ii) to coordinate and facilitate, along with other relevant United Nations bodies and other international organizations, the development of training on risk assessment and risk management in relation to living modified organisms; and (iii) to convene prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties, regional or subregional training courses to enable countries to gain hands-on experience in preparing and evaluating risk assessment reports in accordance to the articles and Annex III of the Protocol.

51. At their fifth meeting, the Parties to the Protocol will be invited to consider:

(a) Pursuant to paragraphs 1 through 9 of decision BS-IV/11, the outcomes and recommendations by:

- (i) The Open-ended Online Expert Forum on Risk Assessment and Risk Management; and
- (ii) The Ad Hoc Technical Expert Group on Risk Assessment and Risk Management with regard to the development of draft guidance on specific aspects of risk assessment and risk management; and considerations on modalities for cooperation in identifying living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health;

(b) Pursuant to paragraphs 10-15 of decision BS-IV/11:

- (i) The development of training on risk assessment and risk management in relation to living modified organisms;
- (ii) Reports of the training courses; and
- (iii) Any further need with regard to capacity-building relevant to risk assessment and risk management; and

(c) Pursuant to paragraph 7 (c) (i) of the annex to decision I/12, in which the Parties decided to consider at their fifth meeting a modality that might enable the identification of living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, with a view to arrive at a decision in accordance with paragraph 4 of Article 7.

52. In considering this item, the Parties will have before them a note prepared by the Executive Secretary (UNEP/CBD/COP-MOP/5/12) together with a number of information documents containing a compilation of submissions on the identification of living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health (UNEP/CBD/BS/COP-MOP/5/INF/11) and the reports on intersessional activities on risk assessment and risk management (UNEP/CBD/BS/COP-MOP/5/INF/12-17).

ITEM 14. PUBLIC AWARENESS AND PARTICIPATION (ARTICLE 23, PARAGRAPH 1)

53. At their second meeting, the Parties to the Protocol adopted decision BS-II/13 on public awareness and participation and agreed, in paragraph 13 of the decision to consider and review progress on the implementation of paragraph 1 (a) of Article 23 at their fifth meeting. In order to facilitate that review, the Parties, at their fourth meeting, considered an interim report on the initiatives undertaken by Governments, including the experiences gained and the lessons learned during the development of public awareness and participation during the interim period (UNEP/CBD/BS/COP-MOP/4/16).

54. In paragraph 1 of decision BS-IV/17, the Parties also agreed to develop a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms. In this regard, Parties, other Governments and relevant organizations were invited to submit to the Executive Secretary, at least twelve months before the fifth meeting, their views on the possible elements of a programme of work. The Executive Secretary was also requested to prepare a synthesis of the submissions and develop a draft programme of work for consideration at the fifth meeting of the Parties.

55. Accordingly, the present meeting of the Parties will review the progress with the implementation of paragraph 1 (a) of Article 23 and consider a draft programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms prepared by the Executive Secretary based on the submissions made by Parties, other Governments and relevant organizations as well as information contained in the first national reports and documents on public awareness, education and participation made available through the Biosafety Clearing-House.

56. The Parties to the Protocol will have before them a note prepared by the Executive Secretary containing a summary report on the initiatives undertaken to implement paragraph 1 (a) of Article 23, including mechanisms established through the national biosafety frameworks, a synthesis of the submissions made on the possible elements of a programme of work and a draft programme of work (UNEP/CBD/BS/COP-MOP/5/13). A compilation of all the submissions will be made available as an information document (UNEP/CBD/BS/COP-MOP/5/INF/18).

ITEM 15. MONITORING AND REPORTING (ARTICLE 33)

57. Article 33 of the Protocol requires each Party to report, at intervals to be 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.

58. In that regard, in decision BS-I/9, the Parties at their first meeting requested Parties to submit their reports on a general frequency of every four years and that in the initial four-year period an interim report was to be submitted two years after the entry into force of the Protocol. At their third meeting, in decision BS-III/14, the Parties to the Protocol requested Parties to submit their first regular national reports. The reports covered the period between the entry into force of the Protocol for each individual Party and the reporting date, i.e., 12 months prior to the fourth meeting of the Parties to allow consideration of the reports at that meeting. At their fourth meeting, in decision BS-IV/14, the Parties to the Protocol requested the Executive Secretary to propose improvements to the reporting format, to be considered at their fifth meeting, based on: (i) experiences gained through the analysis of the first national reports; (ii) the recommendations of the Compliance Committee; and (iii) suggestions made by Parties.

59. Accordingly, under this item, the Executive Secretary has prepared a note (UNEP/CBD/BS/COP-MOP/5/14) containing a draft template for the second national report that Parties must submit 12 months prior to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and approval by Parties, as appropriate.

ITEM 16. ASSESSMENT AND REVIEW (ARTICLE 35)

60. Article 35 of the Protocol requires the Conference of the Parties serving as the meeting of the Parties to the Protocol to 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.

61. In their decision BS-IV/15, the Parties to the Protocol, *inter alia*, requested the Executive Secretary to: (i) develop a sound methodological approach to contribute to an effective second assessment and review of the Protocol, its annexes, procedures and mechanisms, on the basis of the information contained in the first national reports, answers to the “effectiveness questionnaire”, the reports of the Compliance Committee, information on the Biosafety Clearing-House and any other relevant documents; and (ii) draft criteria or indicators that could apply in the evaluation of the effectiveness of the Protocol and provide an indication of the utility.

62. Accordingly, the Parties to the Protocol will have before them a note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/5/15) setting out a proposed framework for the next period of evaluation of effectiveness under Article 35 of the Cartagena Protocol on Biosafety for its consideration and decision.

ITEM 17. STRATEGIC PLAN OF THE PROTOCOL AND PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

63. In their decision BS-IV/15, the Parties to the Protocol invited Parties to make submissions on a Strategic Plan for the Protocol, and requested the Executive Secretary to present a draft Strategic Plan for consideration of the Parties. Accordingly, the Executive Secretary invited Parties to make submissions on a Strategic Plan for the Protocol.

64. Further, at the request of the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol, the Secretariat undertook a process of consultation on the draft elements of the Strategic Plan both at biosafety meetings of the Secretariat and through an online process using the Biosafety Clearing-House. On the basis of the comments received on the draft Strategic Plan, the Executive Secretary intends to propose a draft multi-year programme of work of the Conference of the

Parties serving as the meeting of the Parties to the Protocol along with the draft Strategic Plan, for the consideration and possible adoption by Parties.

65. The Parties to the Protocol will have before them a note (UNEP/CBD/BS/COP-MOP/5/16) prepared by the Executive Secretary containing draft elements of a Strategic Plan for the Protocol covering the period 2011–2020 and made up of a vision, a mission, strategic objectives, operational objectives, impacts, outcomes and indicators for its consideration and decision, including a proposal for a programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

IV. FINAL MATTERS

ITEM 18. OTHER MATTERS

66. 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 19. DATE AND VENUE OF THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY

67. In accordance with paragraph 2 of rule 4 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.

ITEM 20. ADOPTION OF THE REPORT

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

ITEM 21. CLOSURE OF THE MEETING

69. It is expected that the fifth 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, 15 October 2010.

Annex I

PROPOSED ORGANIZATION OF WORK FOR THE FIFTH 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>
<p><i>Monday</i> <i>11 October 2010</i> 10 a.m to 11 a.m.</p>	<p><i>Agenda item:</i></p> <p>1. Opening of the meeting</p>		
<p>11 a.m to 1 p.m.</p>	<p><i>Agenda items:</i></p> <p>2. Organizational matters: 2.1. Officers; 2.2. Adoption of the agenda; 2.3. Organization of work.</p> <p>3. Report on the credentials of representatives to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol on Biosafety.</p> <p>4. Report of the Compliance Committee.</p> <p>7. Matters related to the financial mechanism and resources.</p> <p>8. Cooperation with other organizations, conventions and initiatives.</p>		

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
	<p>9. Report of the Executive Secretary on the administration of the Protocol and on budgetary matters.</p> <p>12. Liability and redress (Article 27).</p>		
3 p.m. to 6 p.m.		<p><i>Agenda items:</i></p> <p>4. Report of the Compliance Committee.</p> <p>11. Rights and/or obligations of Parties of transit of living modified organisms.</p> <p>15. Monitoring and reporting (Article 33).</p> <p>16. Assessment and review (Article 35).</p> <p>17. Strategic Plan of the Protocol and programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol.</p>	<p><i>Agenda items:</i></p> <p>5. Operation and activities of the Biosafety Clearing-House.</p> <p>6. Status of capacity-building activities and the use of the roster of biosafety experts.</p> <p>10. Handling, transport, packaging and identification (Article 18).</p> <p>13. Risk assessment and risk management (Articles 15 and 16).</p> <p>14. Public awareness and participation (Article 23).</p>
<p><i>Tuesday</i> <i>12 October 2010</i> 10 a.m. to 1 p.m.</p>		<p><i>Agenda items:</i> Continuation of agenda items 4, 11, 15, 16 and 17</p>	<p><i>Agenda items:</i> Continuation of agenda items 5, 6, 10, and 14</p>
3 p.m. to 6 p.m.		<p><i>Agenda items:</i> Continuation of agenda items 4, 11, 15, 16 and 17</p>	<p><i>Agenda items:</i> Continuation of agenda items 5, 6, 10, 13 and 14</p>

	<i>Plenary</i>	<i>Working Group I</i>	<i>Working Group II</i>
<i>Wednesday</i> <i>13 October 2010</i> 10 a.m. to 11 a.m.	Plenary to review progress of the working groups		
11 a.m. to 1 p.m.	<i>Agenda items:</i> Continuation of agenda items 3, 4, 7, 8, 9 and 12		
3 p.m. to 6 p.m.		<i>Agenda items:</i> Continuation of agenda items 4, 11, 15, 16 and 17	<i>Agenda items:</i> Continuation of agenda items 5, 6, 10, 13 and 14
<i>Thursday</i> <i>14 October 2010</i> 10 a.m. to 1 p.m.		<i>Agenda items:</i> Continuation of agenda items 4, 11, 15, 16 and 17	<i>Agenda items:</i> Continuation of agenda items 5, 6, 10, 13 and 14
3 p.m. to 6 p.m.		<i>Agenda items:</i> Continuation of agenda items 4, 11, 15, 16 and 17	<i>Agenda items:</i> Continuation of agenda items 5, 6, 10, 13 and 14
<i>Friday</i> <i>15 October 2010</i> 10 a.m. to 1 p.m. <i>and</i> 3 p.m. to 6 p.m.	<i>Agenda items:</i> 18. Other matters 19. Date and venue for the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol 20. Adoption of the report 21. Closure of the meeting		

Annex II

**PROVISIONAL LIST OF DOCUMENTS FOR THE FIFTH 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**

A. Working documents

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/COP-MOP/5/1	Provisional agenda
UNEP/CBD/BS/COP-MOP/5/1/Add.1	Annotations to the provisional agenda
UNEP/CBD/BS/COP-MOP/5/2	Report of the Compliance Committee
UNEP/CBD/BS/COP-MOP/5/2/Add.1	Compilation of views on how the supportive role of the Compliance Committee could be improved
UNEP/CBD/BS/COP-MOP/5/3	Operation and activities of the Biosafety Clearing-House
UNEP/CBD/BS/COP-MOP/5/4	Status of capacity-building activities
UNEP/CBD/BS/COP-MOP/5/4/Add.1	Report on the use of the roster of experts on biosafety
UNEP/CBD/BS/COP-MOP/5/5	Matters related to the financial mechanism and resources
UNEP/CBD/BS/COP-MOP/5/6	Cooperation with other organizations, conventions and initiatives
UNEP/CBD/BS/COP-MOP/5/7	Report of the Executive Secretary on the administration of the Protocol
UNEP/CBD/BS/COP-MOP/5/7/Add.1	Report of the Executive Secretary on budgetary matters
UNEP/CBD/BS/COP-MOP/5/8	Handling, transport, packaging and identification: Review of experience gained with documentation accompanying living modified organisms intended for direct use as food or feed, or for processing (paragraph 2 (a) of Article 18)
UNEP/CBD/BS/COP-MOP/5/9	Handling, transport, packaging and identification: the need for and modalities of developing standards (paragraph 3 of Article 18)
UNEP/CBD/BS/COP-MOP/5/10	Rights and/or obligations of Parties of transit of living modified organisms
UNEP/CBD/BS/COP-MOP/5/11	Liability and Redress in the context of the Biosafety Protocol (Article 27)
UNEP/CBD/BS/COP-MOP/5/12	Risk assessment and risk management (Articles 15 & 16)
UNEP/CBD/BS/COP-MOP/5/13	Public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms (Article 23)
UNEP/CBD/BS/COP-MOP/5/14	Monitoring and reporting (Article 33): proposed reporting format for the second national reports
UNEP/CBD/BS/COP-MOP/5/15	Assessment and review: approach and criteria (Article 35)

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/COP-MOP/5/16	Strategic Plan of the Protocol and programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol

B. Information documents (preliminary list)

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/COP-MOP/5/INF/1	Study of users and potential users of the Biosafety Clearing-House
UNEP/CBD/BS/COP-MOP/5/INF/2	Report of intersessional meetings of the Informal Advisory Committee on the Biosafety Clearing-House
UNEP/CBD/BS/COP-MOP/5/INF/3	Capacity-building: reports of the Liaison Group on Capacity-building for Biosafety
UNEP/CBD/BS/COP-MOP/5/INF/4	Capacity-building: report of the coordination meetings for Governments and organizations implementing and/or funding biosafety capacity-building activities
UNEP/CBD/BS/COP-MOP/5/INF/5	Handling, transport, packaging and identification: Compilation of submissions on experience gained with documentation accompanying living modified organisms intended for direct use as food or feed, or for processing (paragraph 2 (a), Article 18)
UNEP/CBD/BS/COP-MOP/5/INF/6	Updated summary of information on standards and standard-setting bodies relevant to the handling, transport, packaging and identification of living modified organisms
UNEP/CBD/BS/COP-MOP/5/INF/7	Report of the third international meeting of academic institutions and organizations involved in biosafety education and training, Nagoya, Japan
UNEP/CBD/BS/COP-MOP/5/INF/8	Update on ongoing biosafety capacity-building initiatives: a compilation of submissions made by Parties, other Governments and relevant organization
UNEP/CBD/BS/COP-MOP/5/INF/9	Report of the expert review of the effectiveness of various approaches to capacity-building and the lessons learned
UNEP/CBD/BS/COP-MOP/5/INF/10	Summary report on the survey on the application of and experience in the use of socio-economic considerations in decision-making on living modified organisms
UNEP/CBD/BS/COP-MOP/5/INF/11	Compilation of submissions on the identification of living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/BS/COP-MOP/5/INF/12	Report of the first open-ended subregional online conferences on risk assessment
UNEP/CBD/BS/COP-MOP/5/INF/13	Report of the first meeting of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management
UNEP/CBD/BS/COP-MOP/5/INF/14	Report of the second open-ended subregional online conferences on risk assessment
UNEP/CBD/BS/COP-MOP/5/INF/15	Final report of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management under the Cartagena Protocol on Biosafety
UNEP/CBD/BS/COP-MOP/5/INF/16	Report of the Pacific capacity-building workshop on risk assessment of living modified organisms
UNEP/CBD/BS/COP-MOP/5/INF/17	Report of the Asian training course on risk assessment of living modified organisms
UNEP/CBD/BS/COP-MOP/5/INF/18	Compilation of views on the possible elements of a programme of work on public awareness, education and participation.
UNEP/CBD/BS/COP-MOP/5/INF/19	Report of the African Regional Training of Trainers Workshop on the Identification and Documentation of Living Modified Organisms, Bamako, 14-18 September 2009
UNEP/CBD/BS/COP-MOP/5/INF/20	Report of the Latin American and Caribbean Regional Training of Trainers Workshop on the Identification and Documentation of Living Modified Organisms, Mexico City, 23-27 November 2009
UNEP/CBD/BS/COP-MOP/5/INF/21	Compilation of submissions on the Strategic Plan of the Protocol
