



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/BS/COP-MOP/5/2
10 September 2010

ORIGINAL: ENGLISH

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

Fifth meeting

Nagoya, Japan, 11-15 October 2010

Item 4 of the provisional agenda*

REPORT OF THE COMPLIANCE COMMITTEE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY ON THE WORK OF ITS FIFTH, SIXTH AND SEVENTH MEETINGS

1. The Compliance Committee held, during the intersessional period that followed the fourth meeting of the Parties to the Protocol, three meetings, i.e. its fifth meeting from 19 to 21 November 2008, in Kuala Lumpur; its sixth meeting from 4 to 6 November 2009 in Montreal; and its seventh meeting which was held from 8 to 10 September 2010 in Montreal. This document presents a consolidated report of the discussions and outcomes from these three meetings.
2. At its fifth meeting, the Committee reviewed, among other things, the outcomes of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol as they relate to compliance and the Compliance Committee. It also reviewed general issues of compliance based on the updated analysis of the first national reports, and agreed to make 'general issues of compliance' a standing item in the agenda of its meetings. The Committee adopted a work plan for the biennium (2009-2010) taking into account the relevant decisions of the fourth meeting of the Parties.
3. At its sixth meeting, the Committee considered an item on how Parties to the Protocol are fulfilling their reporting obligations. The Committee considered the item in the context of information gathered and synthesized by the Secretariat on reporting rates and experiences of other multilateral environmental agreements with respect to national reporting. It also considered general issues of compliance with the obligation of Parties to make information available to the Biosafety Clearing-House. The Committee also considered whether it had a mandate to receive and consider a submission made by a non-governmental organization alleging non-compliance of a Party with its obligations under the Protocol. It concluded that it had no mandate to consider the submission because section IV of the compliance procedures adopted in the annex to decision BS-I/7 permits only a Party to trigger the procedures with respect to itself or with respect to another Party.

* UNEP/CBD/BS/COP-MOP/5/1.

4. At its seventh meeting the Committee continued with its consideration of Parties' submission of national reports under the Protocol and agreed to a set of recommendations in that regard for the consideration of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It also discussed how to improve the supportive role of the Committee, taking into account the views submitted by Parties on this issue. The Committee reviewed general issues of compliance, specifically the implementation of obligations to submit information to the Biosafety Clearing-House.

5. The full text of the reports of the Committee on the work of its fifth, sixth and seventh meetings can be accessed from the Secretariat's website. The documents of each meeting and the respective reports are available at the following links:

- <http://www.cbd.int/doc/?meeting=BSCC-05>;
- <http://www.cbd.int/doc/?meeting=BSCC-06>; and
- <http://www.cbd.int/doc/?meeting=BSCC-07>.

6. This document presents, in the annex below, the recommendations that resulted from the work of the Committee at the three meetings it held during the intersessional period for consideration and adoption, as appropriate, by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fifth meeting.

Annex

RECOMMENDATIONS OF THE COMPLIANCE COMMITTEE FOR SUBMISSION TO THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE BIOSAFETY PROTOCOL*

The Compliance Committee recommends that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety decide, at its fifth meeting, to:

1. *Adopt* the suggested elements of a decision concerning how the supportive role of the Committee could be improved (document UNEP/CBD/BS/COP-MOP/5/2/Add.1);
2. *Include* in the adoption of the suggested elements of a decision referred to in paragraph 1 above, the option of using information from the Biosafety Clearing-House and the Secretariat by the Committee in playing its proactive role in the context of element (e); and take into account the need for confidentiality and cooperation between the Committee and the concerned Party in the implementation of draft element (e);
3. *Encourage* Parties that encounter difficulty in the timely completion of their reporting obligations to seek assistance from the Secretariat or the Compliance Committee, and use, as appropriate, national experts and experts from the roster of experts;
4. *Urge* Parties to fulfil their reporting obligations, using the online reporting facility in the Biosafety Clearing-House or other available reporting methods;
5. Without prejudice to the need to use the reporting format adopted at the fifth meeting of the Parties by any Party submitting a second national report or a Party submitting a national report for the first time, *consider* adjusting the reporting format of the third and subsequent national reports with a view to relating them to the strategic priorities of the Protocol by limiting subsequent reporting to:
 - (a) Questions that require regular updating; and
 - (b) Questions relating to priority areas applicable to the reporting period as indicated in the Strategic Plan and the programme of work and as determined by the Conference of the Parties serving as the meeting of the Parties to the Protocol.”
6. *Request* the Executive Secretary to send confidential reminders to the national focal points of individual Parties that have not submitted their national report of their obligation to do so;
7. *Urge* Parties to give priority to national reporting when seeking funding from the Global Environment Facility;
8. *Recognize* the facilitative role that regional or sub-regional workshops could play in encouraging and assisting Parties in the preparation of their national reports and exchange of best practices and experience on the fulfillment of the monitoring and reporting obligations under the Protocol, and *request* the Executive Secretary to organize, subject to the availability of funds, regional or subregional information meetings or workshops on national reporting;

* Following the practice adopted at the earlier meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, some of the recommendations may be referred to the agenda items where their consideration might be more appropriate and relevant.

9. *Request* Parties and *encourage* other Governments to:

(a) Provide, in a timely manner, to the Biosafety Clearing-House information on their domestic decisions approving living modified organisms and the risk assessment reports associated with such decisions;

(b) Take the necessary measures to ensure the accuracy and completeness of information that they make available to the Biosafety Clearing-House; and

(c) Cooperate fully with the Secretariat in its efforts to maintain complete information in the Biosafety Clearing-House;

10. *Invite* Parties, other Governments and relevant international organizations to develop initiatives and provide funding to overcome obstacles encountered by developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition in meeting their obligations under Article 20 of the Protocol, including capacity-building and the development of infrastructure necessary for facilitating access to and participation in the Biosafety Clearing-House by each Party.
