



## 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

Seventh meeting

Pyeongchang, Republic of Korea, 29 September-3 October 2014

Item 17 of the provisional agenda\*

### CONTAINED USE OF LIVING MODIFIED ORGANISMS

*Note by the Executive Secretary*

#### I. BACKGROUND

1. In accordance with operational objective 1.8 of the Strategic Plan for the Cartagena Protocol<sup>1</sup> and its programme of work for the Cartagena Protocol on Biosafety for the period 2011-2020,<sup>2</sup> the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP), decided to include an item on the contained use of living modified organisms within the context of Article 6, paragraph 2, of the Protocol for deliberations at its seventh meeting.
2. Within the context of the Strategic Plan, operational objective 1.8 aims at developing tools and guidance that facilitate the implementation of the Protocol's provisions on contained use of living modified organisms.

#### II. INTRODUCTION

3. For the purposes of the Protocol, Article 3 (b) states that “[c]ontained use’ means any operation, undertaken within a facility, installation or other physical structure, which involves living modified organisms that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment”.
4. Article 6 of the Protocol further provides that, notwithstanding the scope of the Protocol and without prejudice to any right of a Party to subject all living modified organisms to risk assessment prior to decisions on import and to set standards for contained use within its jurisdiction, the provisions of the Protocol with respect to the advance informed agreement procedure shall not apply to the transboundary movement of living modified organisms destined for contained use undertaken in accordance with the standards of the Party of import.
5. Article 18, paragraph 2 (b), sets out the requirements for documentation accompanying living modified organisms destined for contained use, such that the documentation, inter alia, clearly identifies

\* UNEP/CBD/BS/COP-MOP/7/1.

<sup>1</sup> See [http://bch.cbd.int/protocol/issues/cpb\\_stplan\\_txt.shtml](http://bch.cbd.int/protocol/issues/cpb_stplan_txt.shtml).

<sup>2</sup> Adopted in decision BS-V/16.

them as living modified organisms, and specifies any requirements for the safe handling, storage, transport and use.

6. Further, in paragraph 4 of decision BS-VI/8, the COP-MOP invited Parties, other Governments and relevant international organizations to cooperate with and support developing country Parties and Parties with economies in transition to build capacity to implement the detection and identification requirements of paragraphs 2(b) and 2(c) of Article 18 of the Protocol and related decisions, including by facilitating the transfer of technology.

7. Section III below contains an overview of the manner in which Parties are implementing the provisions on contained use of living modified organisms at the national level, and section IV provides suggested elements for a draft decision.

### **III. STATUS OF IMPLEMENTATION OF PROVISIONS FOR CONTAINED USE OF LIVING MODIFIED ORGANISMS**

8. In its decision BS-V/14, the COP-MOP requested Parties to submit to the Secretariat their second national report on the implementation of the Cartagena Protocol on Biosafety.

9. Asked “*Does your country regulate the contained use of LMOs?*”, 65% of respondents reported that their country regulated the contained use of LMOs and the remaining 35% reported that their country did not. Among developing country Parties and Parties with economies in transition, 44% indicated that they did not regulate the contained use of LMOs.

10. Among the Parties that indicated that they regulate the contained use of LMOs, some indicated that they had specific legislation to regulate the contained use of LMOs whereas other Parties had more general phytosanitary legislation applicable to the contained use of LMOs.

11. The national biosafety legislation of some Parties includes detailed procedures for the import of LMOs for contained use including information on: (a) the type of containment, such as for research and development, production or manufacturing operations involving LMOs, or storage of LMOs; (b) the level of containment, such as those undertaken within a facility, installation or other physical structure in a way that prevents LMOs from making contact with and having an impact on the external environment; (c) packaging and labelling; (d) contact point; and (e) documents to accompany shipment.

12. One Party indicated that its legislation on the contained use of LMOs requires that the LMO be contained by a physical structure and that the physical structure must be of such a nature that there is no contact of the LMO with, and no effect of the LMO on, the external environment.

13. Other Parties indicated that, although their biosafety laws stipulated that the contained use of LMOs is to be regulated, these laws were not being implemented and lacked detailed provisions in the relevant regulations and/or guidelines.

14. Some Parties further identified a need for guidance on how Parties may implement the Protocol’s provisions for contained use, and for capacity-building activities to support the implementation of their relevant regulatory requirements.

### **IV. SUGGESTED ELEMENTS FOR A DRAFT DECISION**

15. In its deliberations on this agenda item, the Conference of the Parties serving as the meeting of the Parties to the Protocol may wish to:

(a) Invite Parties and other Governments to submit to the Executive Secretary information, tools and guidance related to their existing mechanisms and requirements relating to the contained use of living modified organisms, including any specific requirement relating to the type and level of containment;

(b) Request the Executive Secretary to create sections in the Biosafety Clearing-House where such information could be submitted and easily retrieved;

(c) Consider, at its eighth meeting, taking into account the information provided through paragraph (a) above, whether the development of tools and guidance and/or capacity-building activities are needed to facilitate the implementation of the Protocol's provisions on contained use of living modified organisms.

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