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

Eighth meeting

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Item 14.2 of the provisional agenda*

**SUBSIDIARY BODIES UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY – UPDATE
ON THE REVIEW OF THE OPERATIONS AND EXPERIENCE GAINED FROM THE WORK
OF AD-HOC TECHNICAL EXPERT GROUPS ESTABLISHED UNDER THE
CARTAGENA PROTOCOL ON BIOSAFETY**

Note by the Executive Secretary

I. INTRODUCTION

1. Article 29 paragraph (4)(b) of the Cartagena Protocol provides that the Conference of the Parties serving as the meeting of the Parties to the Protocol may, in the performance of the functions assigned to it by the Protocol, among other things, “establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol.” Article 30, paragraph 1, of the Cartagena Protocol on Biosafety provides that “any subsidiary body established by or under the Convention may, upon a decision by the Conference of the Parties serving as the meeting of the Parties to this Protocol, serve the Protocol, in which case the meeting of the Parties shall specify which functions that body shall exercise.”

2. The need for the establishment or designation of a permanent subsidiary body for the provision of technical advice to the Conference of the Parties serving as the meeting of the Parties to the Protocol was considered at the third, fourth and sixth meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

3. In its decision BS-III/13, the Conference of the Parties serving as the meeting of the Parties to the Protocol noted that there are various mechanisms by which scientific and technical advice may be provided and decided to further consider, at its fourth meeting, potential mechanisms for provision of scientific and technical advice, including, inter alia, the potential designation or establishment of a permanent subsidiary body, or use of subsidiary bodies or mechanisms that may be created on an ad hoc basis.

4. At its fourth meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered options of potential mechanisms for the provision of technical advice and the estimated costs associated with each of them. The options included:

(a) Assigning functions related to the Protocol to the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA);

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- (b) Establishing an open-ended subsidiary body for scientific and technical advice under the Protocol;
- (c) Establishing a small permanent scientific and technical advisory body under the Protocol;
- (d) Establishing ad hoc scientific and technical expert groups from time to time, to address specific priority issues as required;
- (e) Utilizing the services of competent international organizations and intergovernmental and non-governmental bodies.¹

5. Having considered the various options, in decision BS-IV/13, the Conference of the Parties serving as the meeting of the Parties to the Protocol decided to establish, on a needs basis, ad hoc technical expert groups with specific mandates to address one or more scientific and technical issues. The Parties further agreed to consider, at their sixth meeting, the need to establish an open-ended subsidiary body for scientific and technical advice under the Protocol.

6. In its decision BS-VI/9, the Conference of the Parties serving as the meeting of the Parties to the Protocol decided that, at that stage, there was no need to establish such a body. In the same decision, the Conference of the Parties serving as the meeting of the Parties to the Protocol decided to reconsider the need to establish such a subsidiary body at its eighth meeting, in conjunction with the third assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan.

7. To assist the Conference of the Parties serving as the meeting of the Parties to the Protocol in its reconsideration of the need to establish an open-ended subsidiary body for scientific advice under the Protocol, the present note provides an overview of the three ad hoc technical expert groups established to date by the Conference of the Parties serving as the meeting of the Parties to the Protocol, their mandates, activities and outcomes. The note also contains elements of a draft decision for the consideration of the Conference of the Parties serving as the meeting of the Parties.

II. AD HOC TECHNICAL EXPERT GROUPS ESTABLISHED UNDER THE PROTOCOL

8. The Ad Hoc Technical Expert Group on Risk Assessment and Risk Management (AHTEG-RARM) was established by the Conference of the Parties serving as the meeting of the Parties at its fourth meeting, in its decision BS-IV/11, together with an Open-ended Online Forum (“Online Forum”), with the objective to develop further guidance on specific aspects of risk assessment and risk management. One of the main outputs from the AHTEG-RARM, developed in a joint effort with the Online Forum, is the “Guidance on Risk Assessment of Living Modified Organisms”. The AHTEG-RARM has continued to work on a number of related issues, with revised terms of reference. Following the seventh meeting of the Conference of the Parties serving as the meeting of the Parties, a series of online activities took place, and the AHTEG-RARM met in Brasilia from 16 to 20 November 2015. The AHTEG-RARM subsequently met in Mexico City from 25 to 29 July 2016 to conclude its mandate.

9. In its decision BS-V/15, the Conference of the Parties serving as the meeting of the Parties established ad hoc technical expert group on assessment and review (AHTEG-AR) to review the analysis of information on the implementation of the Protocol and submit its recommendations for consideration by the Conference of the Parties serving as the meeting of the Parties at its sixth meeting with a view to facilitating the second assessment and review of the effectiveness of the Protocol. An account of the operation and experience of the AHTEG-AR up to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties is provided in document UNEP/CBD/BS/COP-MOP/6/14. With the establishment of the Subsidiary Body on Implementation, the AHTEG-AR has effectively been

¹ This option does not foresee the establishment of a subsidiary body. In accordance with Article 29(4)(c), the Conference of the Parties serving as the meeting of the Parties to the Protocol shall “seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies.”

discontinued and the Subsidiary Body on Implementation has taken over the role of the AHTEG-AR in the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan.

10. In decision BS-VI/13, the Conference of the Parties serving as the meeting of the Parties decided to establish an ad hoc technical expert group on socio-economic considerations (AHTEG-SEC) to develop conceptual clarity in the context of paragraph 1 of Article 26. The meeting of the AHTEG-SEC was held in Seoul, from 17 to 21 February 2014. At its seventh meeting, the Conference of the Parties serving as the meeting of the Parties took note of the report of the AHTEG-SEC and decided to extend the AHTEG-SEC. The AHTEG-SEC, unable to meet face-to-face due to lack of sufficient funds, considered only certain aspects of its mandate online from 9 May to 17 June 2016.

III. CONCLUSIONS

11. Taking into consideration the operation of the above ad hoc technical expert groups, experience gained and the limited number of issues requiring specific scientific and technical advice identified by the Parties, and given the limited availability of funds, it may not be necessary to establish an open-ended subsidiary body for scientific and technical advice under the Protocol at this stage. The Parties may wish to continue establishing, on a needs basis, ad hoc technical expert groups, with specific mandates, to provide advice on one or more scientific and technical issues.

IV. SUGGESTED ELEMENTS FOR A DRAFT DECISION

12. In the light of the information provided above, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety may wish:

(a) To recall its decision BS-VI/9 and take note of the experience gained and lessons learned in handling scientific and technical issues through the establishment of ad hoc technical expert groups and online discussion forums, such as the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management, the Ad Hoc Technical Expert Group on the Second Assessment and Review of the Protocol and the Ad Hoc Technical Expert Group on Socio-Economic Considerations;

(b) To consider that, at the current stage, there is no need to establish an open-ended subsidiary body for scientific and technical advice under the Protocol;

(c) To decide:

(i) To continue establishing, as needed and subject to the availability of funds, ad hoc technical expert groups with specific mandates to provide advice on one or more scientific and technical issues;

(ii) To take into account the experience gained and lessons learned from ad hoc technical expert groups, when establishing similar expert groups in the future, including the convening, as appropriate, of open-ended online expert forums prior to any face-to-face meetings of future ad hoc technical expert group meetings.
