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### SUBSIDIARY BODY ON IMPLEMENTATION

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### ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE CARTAGENA PROTOCOL ON BIOSAFETY AND MID-TERM EVALUATION OF THE STRATEGIC PLAN FOR THE PROTOCOL

#### I. INTRODUCTION

1. Article 35 of the Cartagena Protocol requires the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP) 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.

2. The Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020 was adopted by COP-MOP in 2010 through its [decision BS-V/16](#). The Parties to the Protocol also decided that a mid-term evaluation of the Strategic Plan would be carried out five years after its adoption in conjunction with the third assessment and review of the effectiveness of the Protocol. The third assessment and review is scheduled to be conducted at the eighth meeting of COP-MOP.

3. At its seventh meeting, COP-MOP, in its [decision BS-VII/14](#), welcomed, with revisions, the third national reporting format proposed by the Secretariat and recognized the intended role of the information contained therein in facilitating the conduct of both the mid-term review of the implementation of the Strategic Plan for the Cartagena Protocol as well as the third assessment and review of the effectiveness of the Protocol.

4. In the same decision, COP-MOP requested Parties, among others, to use the revised format for the preparation of their third national report and to submit their report to the Secretariat:

(a) Twelve months prior to the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, which will consider the report;

(b) Through the Biosafety Clearing-House, or in the format made available by the Secretariat for this purpose, duly signed by the national focal point;

5. The COP-MOP also decided, in its decision [BS-VII/3](#), that the third assessment and review of effectiveness of the Protocol be combined with the mid-term evaluation of the Strategic Plan at the eighth meeting of COP-MOP and requested the relevant subsidiary body<sup>1</sup> entrusted with the task of reviewing the implementation of the Protocol, including contributions from the Liaison Group on Capacity-Building, to review the information gathered and analysed by the Executive Secretary with a view to contributing to the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020.

<sup>1</sup> The Subsidiary Body on Implementation was established through decision XII/26 and its mandate includes supporting COP-MOP in keeping under review the implementation of the Protocol.

6. COP-MOP also requested the Subsidiary Body to take into account the views of representatives of indigenous and local communities by ensuring their participation in the review process, and to submit its findings and recommendations to COP-MOP for its consideration at its eighth meeting.

7. COP-MOP also requested the Compliance Committee to provide an input into the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan in the form of an evaluation of the status of implementation of the Protocol in meeting its objectives.

8. The present note is aimed at assisting the Subsidiary Body on Implementation in its task of undertaking the third assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020. Section II provides a summary of the work carried out towards the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020. Section III provides a summary of the emerging trends in the implementation of the Protocol and finally section IV contains draft elements of the findings and recommendations of the Subsidiary Body on Implementation to the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol.

## **II. SUMMARY OF THE PROCESS**

### **A. Data collection and analysis**

9. In its decision BS-VII/3, COP-MOP decided that the mid-term evaluation of the Strategic Plan would draw upon available information from the third national reports as a primary source, the Biosafety Clearing-House and where appropriate, additional data may be collected through dedicated surveys. Accordingly, the Executive Secretary was requested to collect, compile and analyse information on the implementation of the Protocol using the third national reports, with a view to contributing to the third assessment and review of the Protocol in conjunction with the mid-term evaluation of the Strategic Plan.

10. Earlier, in paragraph 11 of the Strategic Plan,<sup>2</sup> COP-MOP decided that the mid-term evaluation would use the indicators in the Strategic Plan to assess the extent to which the strategic objectives are being achieved. The evaluation is to capture the effectiveness of the Strategic Plan and allow Parties to adapt to emerging trends in the implementation of the Protocol.

11. Furthermore, in its [decision BS-VI/15](#), COP-MOP noted the information provided in the second national reports and the analysis undertaken on the status of implementation of core elements of the Protocol<sup>3</sup> and decided that the data and information contained in that analysis would form the baseline for measuring progress in implementing the Protocol, in particular the subsequent evaluation of the effectiveness of the Protocol and the mid-term evaluation of the implementation of the Strategic Plan. Additionally, in the same decision, the Parties requested the Executive Secretary to undertake a dedicated survey<sup>4</sup> to gather information corresponding to indicators in the Strategic Plan that could not be obtained from the second national reports or through other existing mechanisms (hereinafter the “Survey”).

12. To initiate the process of gathering data on the implementation of the Protocol, the Executive Secretary issued a notification<sup>5</sup> reminding Parties and inviting other Governments to complete and submit their third national reports no later than twelve months prior to the eighth meeting of COP-MOP. By 31 December 2015, 105 national reports had been received and have been used in the analysis herein.

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<sup>2</sup> Decision BS-V/16, annex I (<http://bch.cbd.int/protocol/decisions/?decisionID=12329>).

<sup>3</sup> UNEP/CBD/BS/COP-MOP/6/17/Add.1, available from <http://www.cbd.int/doc/meetings/bs/mop-06/official/mop-06-17-en.pdf>

<sup>4</sup> Results of the survey are available at <http://bch.cbd.int/database/reports/surveyonindicators.shtml>.

<sup>5</sup> Notification 2015-001 <https://www.cbd.int/doc/notifications/2015/ntf-2015-001-bs-nr-en.pdf>.

13. To facilitate the compilation, aggregation and analysis of the available data, the Secretariat developed an online national report analyzer tool, which is available on the Biosafety Clearing-House.<sup>6</sup> The tool allowed for the comparison of data in the third national reports against related data in the second national reports and the Survey, as baseline data. The comparison was done between answers provided by Parties to the same questions in the second national reports or the Survey and the third national reports.

14. Additionally, where appropriate, data obtained from the Biosafety-Clearing House was used in the analysis of some indicators and compared with similar data used in the analysis during the second reporting cycle.<sup>7</sup>

15. The Secretariat undertook an in-depth comparative analysis between the information submitted by Parties through their third national reports and the baseline data established in the second national reports, the Survey and the Biosafety-Clearing House.

### **B. Input from the Compliance Committee**

16. At its thirteenth meeting,<sup>8</sup> the Compliance Committee discussed its input into the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan in response to the request contained in paragraph 7 of decision BS-VII/3.

17. The Compliance Committee focused the scope of its input on:

(a) The progress made with respect to Operational Objective 3.1 of the Strategic Plan that refers to the strengthening of the mechanisms for achieving compliance;

(b) The extent to which information in the Biosafety-Clearing House is reliable and up to date (Element 15(c) of the core set of identified information needs for the third assessment and review contained in the annex to decision BS-VII/3);

(c) The experience gained by the Committee in implementing its supportive role as specified in decision BS-V/1.

18. The Compliance Committee prepared its input to the third assessment and review and the mid-term evaluation of the Strategic Plan. The input of the Compliance Committee is available as document UNEP/CBD/SBI/1/INF/34. The elements of the Committee's input relating to compliance with the Protocol as identified by the Compliance Committee are annexed to this document (annex I).

### **C. Contributions from the Liaison Group**

19. At its eleventh meeting,<sup>9</sup> the Liaison Group reviewed the analysis of the status and trends in the implementation of the Cartagena Protocol on Biosafety prepared by the Executive Secretary, which was made available in document UNEP/CBD/BS/LG-CB/11/2 and discussed its recommendations to the Subsidiary Body on Implementation.

20. In its deliberations, the Liaison Group examined the comparative analysis of the status and trends in the implementation of each of the operational objectives of the Strategic Plan except Operational Objective 3.1 on compliance. In its evaluation, the Liaison Group used the respective indicators to assess the progress made towards the achievements of the operational objectives. Where applicable, the evaluation of the indicators was carried out, taking into account the core set of information fields corresponding to the "possible elements" contained in the annex to decision BS-VII/3.

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<sup>6</sup> The data used to carry out the analysis can be viewed in the National Report Analyzer, available at <http://bch.cbd.int/database/reports/analyzer>.

<sup>7</sup> A matrix detailing the source of information based on which each indicator was analysed can be found at [https://bch.cbd.int/protocol/issues/mid-term\\_evaluation](https://bch.cbd.int/protocol/issues/mid-term_evaluation).

<sup>8</sup> Held in Montreal, Canada, from 24 to 26 February 2016.

<sup>9</sup> Held in Montreal, Canada, from 14 to 16 March 2016.

21. The discussions were organized around 12 broad areas: national biosafety frameworks; coordination and support; risk assessment and risk management; living modified organisms or traits that may have adverse effects; liability and redress; handling, transport, packaging and identification; socioeconomic considerations; transit, contained use, unintentional transboundary movements and emergency measures; information sharing; compliance and review; public awareness and participation, biosafety education and training; and outreach and cooperation.

22. The conclusions and recommendations of the Liaison Group regarding the third assessment and review and the mid-term evaluation of the Strategic Plan are contained in annex I. The full report of the Liaison Group has been issued as document UNEP/CBD/SBI/1/INF/35.

### **III. SUMMARY OF THE EMERGING TRENDS IN IMPLEMENTATION**

23. A summary of the emerging trends from the comparative analysis of the status of implementation of the broad areas set out in the Strategic Plan is presented below. For the complete results of the comparative analysis, see UNEP/CBD/SBI/1/4/Add.1.

#### **A. National Biosafety Framework (operational objectives 1.1 and 2.1)**

24. Parties have continued to make progress towards the establishment of national biosafety frameworks for the implementation of the Protocol. However, the rate at which fully functional legal, administrative and other measures are being put in place is slow, and this has continued to be one of the main obstacles to the effective implementation of the Protocol at the national level.

25. Many Parties reported that they have in place rules and mechanisms for decision-making on living modified organisms (LMOs) and almost all Parties that have taken decisions on LMOs reported that they have such rules and mechanisms in place. However, some Parties that have taken decisions on LMOs-FFP reported having neither mechanisms nor rules that govern such decision-making.

26. Parties reported some progress in terms of having in place functional administrative arrangements, the necessary institutional capacity and the availability of permanent staff. However, there was a decrease in the number of Parties that reported having in place a domestic budgetary allocation for the operationalization of biosafety frameworks.

#### **B. Coordination and support (operational objective 1.2)**

27. There is a notable decrease in the percentage of Parties that have in place national coordination mechanisms. Many Parties reported that national focal points (NFPs) and competent national authorities (CNAs) are responsible for coordinating biosafety capacity-building initiatives.

28. Most developing country Parties reported that they had no predictable or reliable funding for capacity-building and implementation of the Protocol. Moreover, fewer Parties reported having mobilized new and additional financial resources for the implementation of the Protocol, and the overall amount of new and additional financial resources mobilized decreased. The Global Environment Facility continues to be the main source of funding support for biosafety activities.

#### **C. Risk assessment and risk management (operational objectives 1.3 and 2.2)**

29. Consistent progress was made in further developing and supporting implementation of scientific tools on common approaches to risk assessment and risk management for Parties. In particular, there were clear increases in the number of Parties that are conducting actual risk assessments of LMOs and those adopting common approaches to risk assessment and risk management.

30. On the other hand, there were no marked changes in the indicators regarding capacity-building on risk assessment, risk management and monitoring of LMOs, as compared to the last reporting cycle. One exception was a large decrease (11.2%) in the number of Parties who have at least one person trained in monitoring of LMOs.

**D. LMOs or traits that may have adverse effects (operational objective 1.4)**

31. No progress was made towards the development modalities for cooperation and guidance in identifying LMOs 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.

**E. Liability and redress (operational objectives 1.5 and 2.4)**

32. A total of 33 new instruments of ratification<sup>10</sup> were deposited in the current reporting period. Seven more instruments<sup>11</sup> are required for the Supplementary Protocol to enter into force. Just over half of the Parties report having administrative or legal instruments that provide for response measures for damage to biodiversity resulting from LMOs. Few Parties reported having received funding for building capacity on the issue of liability and redress.

**F. Handling, transport, packaging and identification (operational objectives 1.6 and 2.3)**

33. There was an increase in the number of Parties that reported having introduced measures related to documentation requirements of LMOs-FFP. Increases were also reported regarding the introduction of measures related to documentation requirements of LMOs for intentional introduction into the environment and for contained use of LMOs, with just over half of Parties reporting having done so.

34. A number of Parties expressed the need for capacity-building to enforce the Protocol's requirements on handling, transport, packaging and identification of LMOs and the need to training and equipping personnel in sampling, detection and identification of LMOs. Parties also reported being actively involved in regional networks to facilitate the sharing of technical knowledge and encourage the harmonization and standardization of sampling, detection, identification and quantification methods for LMOs. This included collaboration with the Secretariat to develop easy to use technical tools for the detection of LMOs.

**G. Socioeconomic considerations (operational objective 1.7)**

35. There was an increase in the number of Parties that have introduced specific requirements or approaches for taking into account socioeconomic considerations in decision-making regarding LMOs. Just under a third of Parties reported having taken socioeconomic considerations into account in their decision-making process related to LMOs, which constitutes a considerable increase. Some Parties also reported that socioeconomic considerations had been taken into consideration in the approval of field trials. About a third of Parties reported to have used peer-reviewed published materials for the purpose of elaborating or determining national actions with regard to socioeconomic considerations.

**H. Transit, contained use, unintentional transboundary movements and emergency measures (operational objective 1.8)**

36. There was an increase in the number of Parties which reported that they regulate LMOs in transit. A slightly higher number of Parties also reported that they regulate contained use of LMOs. A fewer number of Parties reported that they have the capacity to take appropriate measures in case of unintentional release of LMOs.

**I. Information sharing (operational objectives 2.6, 4.1 and 4.2)**

37. Developing countries or countries with economies in transition continued to make submissions to the Biosafety-Clearing House. However, the rate at which those countries are contributing information to the Biosafety-Clearing House slowed down during the last reporting period. As well, there was an increase in the amount of traffic to the Biosafety-Clearing House from developing countries and countries with economies in transition during the reporting period. However, the proportion of users from

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<sup>10</sup> Or instruments of acceptance, approval or accession.

<sup>11</sup> The approval by the European Union is not counted for the purposes of entry into force.

developing countries and countries with economies in transition decreased in relation to the total number of Biosafety-Clearing House users.

**J. Outreach and cooperation (operational objectives 2.5, 2.7, 4.3 5.1, 5.2 and 5.3)**

38. There was modest improvement in the Parties' capacity to promote public awareness, education and participation concerning the safe transfer, handling and use of LMOs. A larger percentage of Parties reported having in place mechanisms for ensuring public participation and national websites to facilitate public access to information. An increased percentage of Parties also reported having access to biosafety education and training courses and programmes and an increase in the number of biosafety training materials and online modules available.

**IV. ELEMENTS OF DRAFT DECISIONS TO THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL**

39. The Subsidiary Body on Implementation may wish:

(a) To welcome the input of the Compliance Committee and the contribution of the Liaison Group on Capacity-Building to the third assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020;

(b) To take note of the comparative analysis of third national reports against the baseline of the status of implementation<sup>12,13</sup> and the summary of the emerging trends;<sup>14</sup>

(c) To request the Executive Secretary to prepare, and make available as an information document, a more in-depth analysis examining potential correlations, if any, between indicators, such as correlation between countries that have operational regulatory frameworks in place and those that have taken decisions on LMOs.

40. The Subsidiary Body on Implementation may also wish to recommend that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its eighth meeting adopt a decision along the following lines:

*The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol*

1. *Welcomes* the work of the Subsidiary Body on Implementation in undertaking the third assessment and review of the effectiveness of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020;

2. *Notes with concern* the lower rate of submission of the third national reports in comparison with the previous reporting cycle, and *urges* the Parties that have not yet submitted their third national report to do so as soon as possible;

3. *Notes* the absence of clear linkages between the outcomes and indicators in the current Strategic Plan, and *agrees* to reflect such linkages in the follow-up to the present Strategic Plan;

4. *Notes also* that, in the follow-up to the current Strategic Plan, indicators should be simplified, streamlined and made easily measureable with a view to ensuring that progress towards achieving operational objectives can be easily tracked and quantified;

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<sup>12</sup> The baseline of the status of implementation of the Protocol is set out in decision BS-VI/15.

<sup>13</sup> UNEP/CBD/SBI/1/4/Add.1.

<sup>14</sup> UNEP/CBD/SBI/1/4, section III.

5. *Notes further* the lack of progress in: (a) the development of modalities for cooperation and guidance in identifying living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity; (b) capacity-building for risk assessment and risk management; (c) socioeconomic considerations; and (d) capacity-building to take appropriate measures in cases of unintentional release of living modified organisms;

6. *Notes* with concern that, to date, only about half of the Parties have fully put in place legal, administrative and other measures for the implementation of the Protocol, and *urges* Parties that have not yet fully done so to put in place their national biosafety frameworks, in particular biosafety legislation, as a matter of priority;

7. *Invites* Parties, for the remaining period of the Strategic Plan, to consider prioritizing the operational objectives relating to the development of biosafety legislation, risk assessment, detection and identification of living modified organisms, and public awareness in view of their critical importance in facilitating the implementation of the Protocol;

8. *Also invites* Parties to undertake targeted capacity-building activities on biosafety and to share relevant experiences and lessons learned from these activities through the Biosafety Clearing-House in order to facilitate further development and implementation of the Protocol;

9. *Encourages* Parties to share experiences on national processes and best practices related to socioeconomic considerations in decision-making related to living modified organisms, as appropriate;

10. *Urges* those Parties that have not yet done so to ratify, accept, approve or accede to the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress as soon as possible;

11. *Encourages* Parties to continue to enhance capacity for public awareness, education and participation regarding living modified organisms and to integrate public awareness, education and participation into national initiatives for communication, education and public awareness, initiatives for the Sustainable Development Goals, initiatives for climate change adaptation and other environmental initiatives;

12. *Recommends* that the Conference of the Parties, in adopting its guidance to the financial mechanism with respect to support for the implementation of the Cartagena Protocol on Biosafety, invite the Global Environment Facility to make targeted funding available to enable eligible Parties that have not yet done so to put in place a national legal framework;

13. *Notes* that a lack of awareness and political support for biosafety issues contributes to limited access to and uptake of funding for biosafety, and *urges* Parties to enhance efforts to raise awareness of key biosafety-related issues among policy- and decision makers;

14. *Urges* Parties to strengthen national consultative mechanisms among relevant government institutions regarding the programming of national Global Environment Facility allocations with a view to ensuring equitable funding for the implementation of the Cartagena Protocol;

15. *Requests* the Executive Secretary:

(a) To undertake regional and subregional workshops and other relevant activities, subject to the availability of resources, in order to enhance the capacity of Parties to promote the integration of biosafety considerations into national biodiversity strategies and action plans, national development plans and national strategies to achieve the Sustainable Development Goals, and to further enhance cooperation and collaboration in biosafety with the relevant organizations;

(b) To carry out further capacity-building activities, subject to the availability of resources, on risk assessment, risk management, detection and identification of living modified organisms, liability and redress, and socioeconomic considerations;

(c) To propose questions for the fourth national reporting format that provide further clarity or explanation and eliminate redundancy observed in the questions used for the third national report with a view to ensuring that complete and accurate information is captured while striving to maintain continuity with past reporting formats;

(d) To further enhance cooperation and collaboration in biosafety with relevant organizations.



*Annex I***INPUT OF THE COMPLIANCE COMMITTEE TO THE THIRD ASSESSMENT AND REVIEW  
AND MID-TERM EVALUATION OF THE STRATEGIC PLAN**

1. When preparing its findings on the assessment and review and the mid-term evaluation of the Strategic Plan, the Subsidiary Body on Implementation should take into account the following elements identified by the Committee in the field of compliance with the Protocol:

(a) Although the Committee has reported consistently on general issues of non-compliance to date, no Party has submitted information on compliance issues to the Committee. Following decision BS-V/I, the Committee has engaged proactively with Parties to support them in meeting their obligations. This has contributed to an increase in submission rates for, and completeness of, national reports (indicator 3.1.1);

(b) The Committee noted with concern that 13 years after the entry into force of the Protocol, about half of Parties still do not have national biosafety frameworks (NBFs) fully in place. About one third of Parties are taking decisions on both LMOs and LMO-FFP through their NBFs. Specific financing through the Global Environment Facility (GEF) in a similar manner to the funds available for national reporting and for the production of national biodiversity strategies and action plans (NBSAPs) under the Convention could help the remaining Parties to establish their NBFs and facilitate further implementation of the Protocol (indicator 3.1.2.);

(c) Almost all Parties have notified their national focal points and Biosafety-Clearing House focal points to the Biosafety-Clearing House. Fewer Parties have notified contact points for unintentional transboundary movements, although this could be due to a lack of appreciation of the need to notify a specific contact point in addition to the national focal point. Progress has also been made, following efforts by the Secretariat, in providing other mandatory information to the Biosafety-Clearing House, in particular as regards risk assessments. However, inconsistency and incompleteness of information still occurs (indicator 3.1.3 and 3.1.5);

(d) Monitoring and enforcement systems have been put in place in two-thirds of Parties, with progress being much slower in one region (indicator 3.1.6);

(e) It is evident from the national reports that some of the questions in the national reporting format are ambiguous and could be interpreted in different ways. This should be addressed when the reporting format is developed for the fourth national report to ensure that Parties are reporting in a consistent way and fully understand the questions that have been asked. The Committee has identified a number of specific questions that need to be reconsidered for this reason (indicator 3.1.7);

(f) Provision of funds through the GEF for reporting purposes contributed to the significant increase in the reporting rate for the second national reports. The decline noted in respect of the third national report is, at least partially, linked to issues with obtaining timely financing following the introduction of the new United Nations administrative system. In addition, 39 Parties that were eligible for GEF funding to complete their national reports, either did not apply for those funds or were unable to access them (indicator 3.1.7);

(g) Parties continue to struggle to secure the financial and political support needed to fulfil all requirements of the Protocol. Among other challenges, assuring adequate human and financial resources remains difficult and seems to be declining in recent years, possibly due, at least in part, to the global economic situation (indicator 3.1.8);

(h) Because no separate focal area exists for Biosafety within GEF, in practice biosafety projects have to compete with biodiversity projects when eligible Parties set priorities in their national allocations. Furthermore, poor coordination within and between government authorities and lack of awareness and capacities hamper accessing of GEF funds. Together, these issues have led to a relatively low uptake of available GEF funds for implementing the Cartagena Protocol (indicator 3.1.8);

(i) In conducting its review, the Committee noted that it would have been helpful to have a more specific link between the indicators and outcomes in the Strategic Plan. This should be considered when developing the next Strategic Plan.

*Annex II*

**CONTRIBUTION OF THE LIAISON GROUP ON CAPACITY-BUILDING TO THE THIRD ASSESSMENT AND REVIEW AND MID-TERM EVALUATION OF THE STRATEGIC PLAN**

1. The Liaison Group discussed the draft conclusions regarding the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety and made the suggestions summarized below on a possible way forward, including recommendations for improving the implementation, performance and effectiveness of the Strategic Plan.
2. The Group concluded that the strategic and operational objectives of the Strategic Plan were still relevant and needed to be maintained. Furthermore, in the light of the analysis of third national reports, the Liaison Group recommended that for the remaining period of the Strategic Plan, the operational objectives relating to the development of biosafety legislation, risk assessment, detection and identification of LMOs, and public awareness be given priority consideration by Parties in view of their critical importance in facilitating the implementation of the Protocol.
3. The Group also noted the need for a more in-depth analysis examining potential correlations, if any, between indicators (for example the correlation between countries that have operational regulatory frameworks in place and those that have taken decisions on LMOs) and requested the Executive Secretary to prepare this analysis and make it available as an information document, with a view to reaching a better understanding of the status and trends in the implementation of the Protocol.

**I. GENERAL RECOMMENDATIONS**

4. The following recommendations were proposed by the Liaison Group as its contribution to the SBI's undertaking of the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety.
5. The Secretariat of the Convention on Biological Diversity should undertake, subject to the availability of resources and in cooperation with Parties, relevant organizations and other stakeholders, a series of regional and subregional capacity-building activities on: (a) integration of biosafety into national biodiversity strategies and action plans, national development plans, relevant sectorial policies and national strategies to achieve the 2030 sustainable development goals; (b) risk assessment; (c) detection and identification of LMOs; and (d) socioeconomic considerations. The capacity-building activities should include workshops, online consultations and distance learning and be undertaken while actively reaching out to include the participation of decision makers.
6. COP-MOP needs to adopt and recommend to COP its evidence-based recommendations on key priority biosafety programme areas so that they can be taken into account by the GEF Council when it considers the new biodiversity focal area strategy and the funding modalities for its next replenishment.
7. Parties are invited to enhance efforts to raise the awareness of key policymakers, planners and decision makers in order to increase support for the mainstreaming of biosafety considerations into the national sustainable development agenda, the development cooperation strategies and the domestic budgetary allocations for that purpose, as appropriate.
8. Parties are invited to promote targeted capacity-building activities on biosafety, including through cooperation at national, subregional, regional and international levels and use the experiences and lessons learned from these activities in the further development and implementation of the Protocol.
9. At COP-MOP 10, Parties may wish to agree on a new strategic plan to further improve the implementation of the Protocol. The new strategic plan should, among other things, address the challenges identified through the mid-term and final evaluation of the current Strategic Plan.
10. The indicators of the next Strategic Plan need to be simplified and made more realistic while striving to maintain continuity with the current Strategic Plan to facilitate long-term analysis of trends. The next Strategic Plan also needs to take into account national and regional specificities as well as

existing data collection systems and databases with the view to enabling progress towards allowing the operational objectives to be more easily measured and reported and analysed.

11. If the indicators in the next Strategic Plan are updated, the format and guidelines for subsequent national reports would have to be revised and the data sources and data acquisition methods would need to be reconsidered.

## **II. RECOMMENDATIONS RELATING TO SPECIFIC PROGRAMME AREAS**

12. The Liaison Group also invited Parties and relevant organizations to take note of the points highlighted below and the suggestions for improving the implementation, performance and effectiveness of the Strategic Plan, as appropriate.

### **National Biosafety Frameworks (operational objectives 1.1 & 2.1)**

13. Note with concern that despite reported progress, to date, only about half of the Parties have fully put in place legal, administrative and other measures for the implementation of the Protocol, and urge Parties that have not yet fully done so, to put in place their national biosafety frameworks, in particular biosafety legislation, as a matter of priority.

14. Recommend to COP to invite the Global Environment Facility to provide targeted support to enable eligible Parties that have not yet done so to further develop and put in place operational national biosafety frameworks.

### **Risk assessment (operational objectives 1.3 and 2.2)**

15. Note the consistent progress made in further developing and supporting the implementation of scientific tools on common approaches to risk assessment and risk management.

16. Welcome the increases in the number of Parties conducting actual risk assessments of living modified organisms and those adopting common approaches to risk assessment and risk management.

17. Take note of the limited progress regarding capacity-building on risk management since the last reporting cycle, as well as the decrease in the number of Parties having at least one person trained in risk assessment or in monitoring of living modified organisms.

18. Recommend that more capacity-building activities be conducted by the Secretariat with a focus on risk assessment, risk management and monitoring of living modified organisms, taking into account the Guidance on Risk Assessment of Living Modified Organisms and the Training Manual on Risk Assessment of Living Modified Organisms.

19. Also recommend that the Secretariat conduct further analyses of the information contained in the third national report in order to gain better understanding of the overall status of Parties' capacity to conduct risk assessment, risk management and monitoring, including requesting Parties to submit more information regarding their capacity and, based on that experience, consider the possibility to add new questions to format for the fourth national report.

### **LMOs or traits that may have adverse effects (operational objective 1.4)**

20. Note the lack of progress towards the development of modalities for cooperation and guidance in identifying LMOs or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health.

21. Also note that indicator 1.4.2 leaves room for wide interpretation and recommend that the appropriate questions be rephrased for the fourth national report, while linking the indicator to other relevant Articles.

**Liability and redress (operational objectives 1.5 & 2.4)**

22. Welcome the 33 instruments of ratification, acceptance, approval or accession to the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety that have been deposited during the third national reporting period.
23. Urge those Parties that have not yet done so to ratify, accept, approve or accede to the Supplementary Protocol as soon as possible.
24. Invite the Global Environment Facility, donors and relevant organizations to make available financial resources and technical assistance to Parties for raising awareness and establishing national mechanisms on liability and redress, in preparation for the entry into force and implementation of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety.

**Handling, transport, packaging and identification (operational objectives 1.6 and 2.3)**

25. Recommend that questions in the next reporting cycle be appropriately modified or accompanied by explanatory notes to ensure that the full scope of information is captured.
26. With the view to further facilitating Parties' ability to detect and identify LMOs, *recommend* provision of capacity-building activities including expanding their scope to comprise training on sampling for relevant border personnel, training on the interpretation of results and training on new and emerging methods in the detection and identification of LMOs.
27. Also recommend that the Biosafety-Clearing House be used as a platform to facilitate information exchange and the sharing of technical knowledge as well as the linking of publicly available LMO sequence information to the relevant LMO records.

**Socio-economic considerations (operational objective 1.7)**

28. Take note of the number of Parties that report having introduced specific approaches or requirements that facilitate how socio-economic considerations should be taken into account in LMO decision-making, and of those Parties that report having taken into account socio-economic considerations in decision-making in national decision-making process on import of LMOs.
29. Encourage Parties to share experiences on national processes and best-practices related to socio-economic considerations on LMO decision-making, as appropriate.

**Transit, contained use (operational objective 1.8)**

30. Note with appreciation that the large majority of Parties has introduced measures to regulate transit and contained use, yet express concern that regional differences are considerable.
31. Recommend that some clarity be provided in future national reporting formats to provide a scale of types of response measures that can be put in place or to provide Parties with the opportunity to provide further comments on such questions with the view to maintaining continuity of the questions through each reporting cycle while extracting additional information to clarify each answer.

**Information sharing (operational objectives 2.6, 4.1 and 4.2)**

32. Welcome the positive trends in implementation toward the three operational objectives related to information sharing, in particular the increase in accessibility and sharing of information by Parties that are developing countries and countries with economies in transition.
33. Note with appreciation that the success of the Biosafety-Clearing House is due, at least in part, to the support provided by UNEP-GEF through global Biosafety-Clearing House capacity-building projects.
34. Recommend to the Secretariat to extend and improve the analysis with a view to gathering more information relevant to the access and participation in the Biosafety-Clearing House of individual Parties and civil society.

**Compliance and review (operational objective 3.2)**

35. Express concern about the lower rate of submission of the third national reports in comparison to the previous reporting cycle.
36. Welcome the funds that have once again been made available by the GEF to a number of eligible Parties to support the preparation of their national reports.
37. Urge the Parties that have not yet submitted their third national report to do so as soon as possible, and request the Secretariat to issue a notification to remind Parties of their obligation to submit their third national report as soon as possible, and to follow-up, through appropriate channels with the Parties concerned.

**Public awareness and participation, biosafety education and Training (objectives 2.5, 2.7 and 4.3)**

38. Take note of the modest progress made towards enhancing capacity to raise public awareness, and promote education and participation concerning the safe transfer, handling and use of LMOs and promoting education and training of biosafety professionals.
39. Encourage Parties to continue to enhance capacity for public awareness, education and participation regarding LMOs, including putting in place relevant legislation and encouraging academic institutions and relevant organizations to make available biosafety courses/degrees.
40. Also encourage Parties to integrate public awareness, education and participation concerning the safe transfer, handling and use of LMOs into national biodiversity and other environmental strategies and action plans, including the national biodiversity initiatives for communication, education and public awareness, initiatives for the Sustainable Development Goals, initiatives for adaptation of climate change and other environmental initiatives.

**Outreach and Cooperation (operational objectives 5.1, 5.2, and 5.3)**

41. Urge Parties to continue to develop mechanisms for public awareness, education and participation, including using the programme of work on public awareness, education and participation regarding LMOs adopted by the fifth meeting of the Parties to the Protocol, in particular:
- (a) Programme element 2: to promote broader public awareness and education by using traditional methods to raise awareness;
  - (b) Programme element 3: to improve public access to information and guidance on Article 23 by using the Central Portal of the Biosafety-Clearing House, the national Biosafety-Clearing House nodes and the regional Biosafety-Clearing House nodes;
  - (c) Programme element 4: to promote public participation and establish a mechanism to monitor public participation activities in order to make available decisions taken in consultation with the public.
42. Request the Executive Secretary to enhance cooperation and collaboration in biosafety with other organizations, including, the World Organisation for Animal Health (OIE), the Committees on Sanitary and Phytosanitary Measures and Technical Barriers to Trade of the World Trade Organization (WTO), the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention), the World Health Organization (WHO), the Food and Agriculture Organization (FAO) and the Organization for Economic Cooperation and Development (OECD).
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