



Ref.: SCBD/BS/CS/jh/42383-42384

7 June 2004

NOTIFICATION

**Decisions BS-I/6 and BS-I/8 of the first meeting of the Conference of the Parties
serving as the meeting of the Parties to the Cartagena Protocol on Biosafety:
Reminder**

Madam/Sir,

Please refer to the Secretariat's earlier communications dated 13 April 2004 regarding decision BS-I/6 and paragraph 5 of decision BS-I/8 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP/1), requesting action from Governments (copies attached for ease of reference).

In order to allow the Secretariat sufficient time to prepare documents for its upcoming meetings, this is a kind reminder that submissions from Governments on these two issues should be received as soon as possible, but **no later than 30 June 2004**.

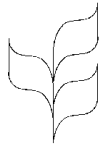
In the event that your country has already responded to the Secretariat's request we wish to thank you and request that you disregard this reminder.

Please accept, Madam/Sir, the assurances of my highest consideration.

Hamdallah Zedan
Executive Secretary

To: CPB National Focal Points
CBD National Focal Points (where CPB focal points have not been designated)





Ref.: SCBD/BS/CS/XW/jh/42383

13 April 2004

**INVITATION TO SUBMIT VIEWS ON THE QUESTIONNAIRE ON LIABILITY AND
REDRESS FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF
LIVING MODIFIED ORGANISMS**

Madam/Sir,

I refer to Decision BS-1/8 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety held from 23 to 27 February 2004 in Kuala Lumpur, Malaysia.

In paragraph 5 of the Decision, Parties, Governments and international organizations and relevant stakeholders that have not done so to submit their views to the Executive Secretary on the questionnaire contained in the annex to recommendation 3/1 of the Intergovernmental Committee on the Cartagena Protocol on Biosafety (UNEP/CBD/ICCP3/10) were invited to do so no later than three months prior to the meeting of the Technical Group of Experts to be convened pursuant to paragraph 4 of the same decision.

Furthermore, the Secretariat was requested to compile the views submitted including those submitted for the purpose of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol contained in document UNEP/CBD/BS/COP-MOP/1/INF/6, and to prepare a synthesis report of the submissions for consideration at the meeting of the Technical Group of Experts.

Accordingly, it will be appreciated if the views are submitted no later than 30 June 2004, in order to undertake the necessary preparations for the meeting of the Technical Group of Experts on Liability and Redress in a timely manner.

Thank you for your continued cooperation and support towards the work of the Cartagena Protocol on Biosafety.

Accept, Madam/Sir, the assurances of my highest consideration.

Hamdallah Zedan
Executive Secretary

Enclosure: Questionnaire

To: National Focal Points of Parties to the Cartagena Protocol on Biosafety and other Governments



QUESTIONNAIRE ON LIABILITY AND REDRESS FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF LIVING MODIFIED ORGANISMS

Notes

Nothing in this questionnaire is intended to prejudge the decision of the Conference of the Parties serving as the meeting of the Parties with respect to the process to be adopted pursuant to Article 27 of the Protocol.

The list in this questionnaire is not exhaustive. Parties, Governments and relevant international organizations are invited to raise or answer any other questions or issues that are deemed appropriate.

Questionnaire

1. What types of activities or situations covered under the Protocol are perceived as most likely to cause damage in your country and what kind of criteria are helpful in assessing damage to biodiversity resulting from transboundary movements of LMOs?
2. What types of activities or situations should be covered under the international rules and procedures referred to in Article 27 of the Protocol?
3. How should the concept of “damage resulting from transboundary movements of LMOs” be defined, valued and classified, and should this be different from the definition, valuation and classification of damage within the framework of Article 14 paragraph 2, of the Convention on Biological Diversity?
4. To whom should liability for damage resulting from transboundary movements of LMOs be channelled?
5. What should be the standard of liability for damage resulting from transboundary movements of LMOs, that is, should it be fault-based, strict or absolute?
6. Should there be any exemptions from liability? If so, under what circumstances?
7. Should the liability be limited in time and, if so, to what period?
8. Should the liability be limited in amount and, if so, to what amount?
9. How would judgments given pertaining to liability and redress be recognized or enforced in another country/jurisdiction?
10. What would be the relevance of arbitration in settling disputes arising with respect to damage in the field of liability and redress?
11. What purpose would the notion of State liability and State responsibility serve in a liability and redress regime within the framework of the Cartagena Protocol?
12. Who should have the right to make claims for damage resulting from transboundary movements of LMOs?



Ref.: SCBD/BS/CS/WDY/jh/42384

13 April 2004

**REQUEST FOR VIEWS AND INFORMATION REGARDING ISSUES RELEVANT TO
PARAGRAPH 2(A) OF ARTICLE 18 OF THE CARTAGENA PROTOCOL ON BIOSAFETY**

Madam/Sir,

I would like to draw your attention to Decision BS-I/6 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP), which requests, under paragraph 7, Parties, other Governments and relevant international organizations to provide to the Executive Secretary by 30 June 2004:

(a) Information on experience, if any, in the implementation of the requirements of the first sentence of paragraph 2(a) of Article 18;

(b) Views regarding the detailed requirements referred to in the second sentence of paragraph 2(a) of Article 18, including specification of the identity of the living modified organisms (LMOs) that are intended for direct use as food or feed, or for processing (whether the extent of information should include taxonomic name, the gene modifications inserted and traits or genes changed); threshold levels in the case of co-mingling of LMOs with non-LMOs; and possible linkages of the issue with Article 17 of the Protocol; the “may contain” language; and any unique identification;

(c) Information on experience with the use of existing unique identification systems under the Protocol, such as the Unique Identifier for Transgenic Plants of the Organisation for Economic Co-operation and Development.

In accordance with the same decision, the Executive Secretary is required to prepare a synthesis of the information and views described above, and to submit it for consideration by an open-ended technical expert group, which will be convened to examine the issues identified in its terms of reference and to propose a draft decision to the second meeting of COP-MOP.

I would, therefore, like to remind you to submit your views and information regarding issues relevant to paragraph 2(a) of Article 18 of the Biosafety Protocol to the Secretariat as soon as possible, but **no later than 30 June 2004** in accordance with the request of the first meeting of COP-MOP.

Accept, Madam/Sir, the assurances of my highest consideration.

Hamdallah Zedan
Executive Secretary

To: National Focal Points of Parties to the Cartagena Protocol on Biosafety and other Governments

