



Secretariat of the Convention on Biological Diversity

INTERNATIONAL DAY FOR BIODIVERSITY
PROTECT BIODIVERSITY IN DRYLANDS

22 May
2006



ACHIEVING THE 2010 TARGET!

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1 June 2006

NOTIFICATION

Actions requested or invited by the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Biosafety Protocol (COP-MOP/3) as regards to handling, packaging, transport and identification of living modified organisms (paragraph 2(a) Article 18)

Dear Madam/Sir,

Allow me to start by congratulating all Parties to the Biosafety Protocol for reaching, finally, a consensus on the detailed requirements of identification of living modified organisms intended for direct use as food or feed, or for processing as provided under paragraph 2(a) of Article 18 of the Protocol, and taking such a comprehensive decision as contained in decision BS-III/10.

I am pleased to convey to you a copy of the decision for your information and subsequent action, as appropriate. A copy of the full report of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP/3) held from 13 to 17 March 2006 in Curitiba, Brazil, is available on the website of the CBD Secretariat at <http://www.biodiv.org/doc/meeting.aspx?mtg=MOP-03>.

I would like, in particular to draw your attention to: (i) paragraph 2 of the decision where COP-MOP requested Parties and invited other Governments to submit to the Executive Secretary information on experience gained with the use of documentation referred to in paragraph 1 of the decision; (ii) paragraph 5, which invites Parties and other Governments to make available to the Biosafety Clearing-House information listed under the same paragraph; (iii) paragraph 11, which requests Parties and invites other Governments to submit to the Executive Secretary information on experience gained with the use of sampling and detection techniques and on the need for and modalities of developing criteria for acceptability of, and harmonizing, sampling and detection techniques; (iv) paragraph 12, which requests Parties and urges other Governments to take urgent measures to strengthen capacity-building efforts in developing countries, in order to assist them in the implementation of and benefit from documentation and identification requirements for living modified organisms intended for direct use as food or feed, or for processing.

I would, therefore, like to invite you to take measures towards implementing decision BS-III/10, the Curitiba rules, and in particular to submit the information requested under paragraphs 2 and 11 of the decision to the Secretariat at your earliest convenience, but **no later than 14 December 2007**, in order to enable us to prepare a compilation or a synthesis for consideration by the fourth meeting of COP-MOP.

I wish to take this opportunity to thank you for your support to the work of the Cartagena Protocol on Biosafety and look forward to our continued cooperation.

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

Ahmed Djoghlaif
Executive Secretary

To: Cartagena Protocol on Biosafety (CPB) National Focal Points
CBD National Focal Points (where CPB focal points have not yet been designated)



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BS-III/10. Handling, transport, packaging and identification of living modified organisms: paragraph 2 (a) of Article 18

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling the second sentence of paragraph 2 (a) of Article 18, which requires the Conference of the Parties serving as the meeting of the Parties to the Protocol to take a decision on the detailed requirements of those elements specified in the first sentence of the same paragraph, including specification of the identity of the living modified organisms in question and any unique identification, no later than two years after the entry into force of the Protocol,

Also recalling decision BS-I/6 A of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recalling that pursuant to Article 2 paragraph 4 of the Protocol, nothing in the Protocol shall be interpreted as restricting the right of a Party to take action that is more protective of the conservation and sustainable use of biological diversity than that called for in the Protocol, provided that such action is consistent with the objective and the provisions of the Protocol and in accordance with that Party's other obligations under international law,

Understanding that Parties may, in the context of Article 14 and Article 24, enter into bilateral, regional and multilateral agreements and arrangements regarding requirements for the identification of living modified organisms intended for direct use as food or feed, or for processing,

Recalling Article 11 of the Protocol on the procedure for living modified organisms intended for direct use as food or feed, or for processing,

Stressing the need to promote the broadest possible participation in the Protocol, by countries exporting and importing living modified organisms intended for use as food or feed or for processing, in order to ensure the broadest possible implementation of identification requirements,

Convinced that capacity-building in developing countries is essential for the effective implementation of the documentation requirements under Article 18, paragraph 2 (a), of the Protocol,

1. *Requests* Parties to the Protocol and *urges* other Governments to take measures to ensure the use of a commercial invoice or other document required or utilized by existing documentation systems, or documentation as required by domestic regulatory and/or administrative frameworks, as documentation that should accompany living modified organisms that are intended for direct use as food or feed, or for processing. Such documentation should include the information in paragraph 4 below and allow for easy recognition, transmission and effective integration of the information requirements, with consideration of standard formats;

2. *Requests* Parties to the Protocol and *invites* other Governments to submit to the Executive Secretary, no later than six months prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, information on experience gained with the use of documentation referred to in paragraph 1 above, with a view to further harmonization of a documentation format to fulfil the identification requirements set out in paragraph 4 below, including consideration of the need for a stand-alone document, and *requests* the Executive Secretary to compile the information and to prepare a synthesis report for consideration by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Further requests* Parties to the Protocol and urges other Governments to take measures ensuring that the documentation accompanying living modified organisms that are intended for direct use as food or feed, or for processing, provides the details of a contact point for further information: the exporter, the importer, and/or any appropriate authority, when designated by a Government as the contact point;

4. *Requests* Parties to the Protocol and urges other Governments to take measures ensuring that documentation accompanying living modified organisms intended for direct use as food or feed, or for processing, in commercial production and authorized in accordance with domestic regulatory frameworks, is in compliance with the requirements of the country of import, and clearly states:

(a) In cases where the identity of the living modified organisms is known through means such as identity preservation systems, that the shipment contains living modified organisms that are intended for direct use as food or feed, or for processing;

(b) In cases where the identity of the living modified organisms is not known through means such as identity preservation systems, that the shipment may contain one or more living modified organisms that are intended for direct use as food or feed, or for processing;

(c) That the living modified organisms are not intended for intentional introduction into the environment;

(d) The common, scientific and, where available, commercial names of the living modified organisms;

(e) The transformation event code of the living modified organisms or, where available, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code;

(f) The Internet address of the Biosafety Clearing-House for further information;

and *notes* that in accordance with Article 24 of the Protocol, transboundary movements of living modified organisms between Parties and non-Parties shall be consistent with the objective of the Protocol, and *further notes* that the specific requirements set out in this paragraph do not apply to such movements. In addition, in accordance with paragraph 2 of Article 24, Parties shall encourage non-Parties to adhere to the Protocol;

5. *Invites* Parties to the Protocol and other Governments to make available to the Biosafety Clearing-House the following:

(a) The transformation events that are commercially produced for each planting cycle in the exporting country;

(b) The geographical area within the exporting country where each transformation event was cultivated;

(c) The common, scientific and, where available, commercial names of the living modified organisms;

(d) The transformation event code of the living modified organism or, where available, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code;

6. *Acknowledges* that the expression “may contain” does not require a listing of living modified organisms of species other than those that constitute the shipment;

7. *Decides* to review and assess, at its fifth meeting, experience gained with the implementation of paragraph 4 above, with a view to considering a decision, at its sixth meeting, to ensure that documentation accompanying living modified organisms intended for direct use as food or feed, or for processing covered by paragraph 4 clearly states that the shipment contains living modified organisms that are intended for direct use as food or feed, or for processing, and includes the detailed information in items (c) to (f) of that paragraph;

8. *Decides* that the review referred to in paragraph 7 above shall include an examination of capacity-building efforts in developing countries;

9. *Recalls* the updated Action Plan for Building Capacities for the Effective Implementation of the Protocol adopted at the present meeting (decision BS-III/3, annex) and *requests* the Executive Secretary to mobilize funding from all available sources for the purpose of supporting implementation of Article 18, paragraph 2 (a), of the Protocol;

10. *Encourages* Parties and other Governments to cooperate in exchanging experiences and building capacities in the use and development of easy to use, rapid, reliable and cost-effective sampling and detection techniques for living modified organisms;

11. *Requests* Parties to the Protocol and *invites* other Governments, regional and international organizations and interested stakeholders, to submit to the Executive Secretary, not later than three months prior to its fourth meeting, information on experience gained with the use of sampling and detection techniques and on the need for and modalities of developing criteria for acceptability of, and harmonizing, sampling and detection techniques and *requests* the Executive Secretary to compile the information received and to prepare a synthesis report for consideration by the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

12. *Requests* Parties to the Protocol and *urges* other Governments and relevant international and regional organizations to take urgent measures to strengthen capacity-building efforts in developing countries, in order to assist them in the implementation of and benefit from documentation and identification requirements for living modified organisms intended for direct use as food or feed, or for processing.