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4 February 2019

NOTIFICATION

Follow-up to decisions of the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety: Overview of requests for action and planned activities for the biennium 2019-2020

Dear Madam/Sir,

The purpose of this notification is to bring to your attention the decisions adopted at the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 9) that request action by Parties, other Governments, indigenous peoples and local communities, and relevant organizations in relation to the Cartagena Protocol, as well as to provide information on planned activities for the biennium 2019-2020 in light of the decisions adopted at COP-MOP 9.

Furthermore, the notification also addresses biosafety-related requests for action from the decisions adopted by the Conference of the Parties to the Convention on Biological Diversity at its fourteenth meeting (COP 14). In particular and taking into account the call made by both COP 14 and COP-MOP 9 on the need for a coordinated, complementary and non-duplicative approach on issues related to synthetic biology under the Convention and its Protocols, information related to synthetic biology, as per COP decision 14/19, has been included in this notification.

A list of these requests and decisions is included in the annex to this notification for your consideration and appropriate action.

The notification also provides information on planned meetings for the biennium 2019-2020.

Intersessional activities for the biennium 2019-2020

The following intersessional activities in support of the implementation of the Cartagena Protocol will take place in line with the decisions by COP-MOP 9:

- The sixteenth meeting of the Compliance Committee under the Cartagena Protocol on Biosafety (tentatively scheduled for May 2019);
- A meeting of the Ad Hoc Technical Expert Group on Synthetic Biology (tentatively scheduled for June 2019);
- The thirteenth meeting of the Liaison Group on the Cartagena Protocol on Biosafety (tentatively scheduled for the third or fourth quarter of 2019);
- A meeting of the Ad Hoc Technical Expert Group on Socio-economic Considerations (tentatively scheduled for the fourth quarter of 2019, subject to the availability of funds);

To: Cartagena Protocol National Focal Points, CBD National Focal Points (where CPB focal points have not yet been designated), international organizations, indigenous peoples and local communities and relevant organizations



- A meeting of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management (tentatively scheduled for the fourth quarter of 2019, subject to the availability of funds);
- The eleventh meeting of the Informal Advisory Committee on the Biosafety Clearing-House (BCH) (tentatively scheduled for the second quarter of 2020);
- The seventeenth meeting of the Compliance Committee under the Cartagena Protocol on Biosafety (tentatively scheduled for the first quarter of 2020);
- The fourteenth meeting of the Liaison Group on the Cartagena Protocol on Biosafety (tentatively scheduled for the first quarter of 2020).

Furthermore, matters related to the Cartagena Protocol on Biosafety will be considered at other intersessional meetings, including:

- The twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice;
- The third meeting of the Subsidiary Body on Implementation; and
- Meetings of the Open-Ended Intersessional Working Group on the post-2020 global biodiversity framework.

The Secretariat will follow up in due course to invite submissions, as appropriate, in preparation for intersessional activities.

Seventh replenishment of the Global Environment Facility Trust Fund (GEF-7)

As you may be aware, under GEF-7, the implementation of the Cartagena Protocol continues to be one of the programming elements of the Biodiversity Focal Area.

I would like to take this opportunity to draw your attention to decision CP-9/4 which urges eligible Parties to prioritize biosafety projects during the programming of their national allocations under the System for Transparent Allocation of Resources (STAR) within the framework of GEF-7.

The decision also encourages Parties to cooperate at the regional and sub-regional levels, and to request support from the GEF for joint projects in order to maximize synergies and opportunities for the cost-effective sharing of resources, information, experiences and expertise.

You may wish to contact the GEF operational focal point of your country¹ in this regard.

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

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

Cristiana Pașca Palmer, PhD
Executive Secretary

Enclosure

¹ Contact information for GEF operational focal points may be found through the website of the GEF: https://www.thegef.org/focal_points_list.

Annex

SUMMARY OF REQUESTS FOR ACTION AS DERIVED FROM THE DECISIONS ADOPTED AT COP-MOP 9 OF THE CARTAGENA PROTOCOL ON BIOSAFETY AND COP 14 OF THE CONVENTION ON BIOLOGICAL DIVERSITY²

Decision	Requested action/information
<u>Decision CP-9/1</u> . Compliance	
CP-9/1	1. <i>Reminds</i> Parties of their responsibility and obligation to take the necessary and appropriate legal, administrative and other measures to implement the Protocol;
CP-9/1	2. <i>Also reminds</i> Parties of their obligation to monitor the implementation of the obligations under the Protocol, in accordance with Article 33;
CP-9/1	4. <i>Requests</i> Parties to collaborate fully when requested to provide information in relation to their compliance with obligations under the Protocol;
CP-9/1	5. <i>Invites</i> Parties that have made progress in complying with certain obligations to share relevant information in the free-text fields in the reporting format for the fourth national report or through bilateral or regional cooperation on the circumstances that may have contributed to their progress;
CP-9/1	6. <i>Encourages</i> Parties to use the free-text fields in the reporting format for the fourth national report to explain responses provided, and <i>invites</i> Parties that are facing challenges in complying with certain obligations to share information on the challenges encountered in the free-text fields in the reporting format for the fourth national report;
CP-9/1	8. <i>Urges</i> Parties to make all required information available in the Biosafety Clearing-House in a timely manner, in particular risk assessments and final decisions relating to the first intentional transboundary movement of living modified organisms for intentional introduction into the environment, including living modified organisms intended for field trials;
CP-9/1	9. <i>Reminds</i> Parties of the need to maintain up-to-date details of their national focal points on the Biosafety Clearing-House;
CP-9/1	10. <i>Urges</i> Parties to coordinate at the national level to avoid inconsistency of information in the national reports and the Biosafety Clearing-House and encourages communication between national focal points and competent national authorities;

² COP-MOP 9 decisions are available at <https://www.cbd.int/decisions/mop/?m=cp-mop-09> and COP 14 decisions at <https://www.cbd.int/decisions/cop/?m=cop-14>.

Decision	Requested action/information
CP-9/1	11. <i>Reminds</i> Parties of the importance of engaging constructively with all stakeholders, including with industry, the public, indigenous peoples and local communities and women, for the effective implementation of the Protocol;
CP-9/1	12. <i>Encourages</i> Parties to mainstream biosafety in their educational systems;
CP-9/1	13. <i>Urges</i> Parties and <i>invites</i> other Governments to provide voluntary funds in support of those Parties requested by the Committee to develop and implement compliance action plans;
CP-9/1	14. <i>Encourages</i> Parties to allocate funds to biosafety in national budgets, to the extent possible;
<u>Decision CP-9/2. Operation and Activities of the Biosafety Clearing-House (Article 20)</u>	
CP-9/2	1. <i>Welcomes</i> the continued efforts by Parties, other Governments and relevant organizations in supporting the implementation of the Biosafety Clearing-House and carrying out related capacity-building activities, and <i>invites</i> them to continue doing so with a view to further strengthening the role of the Biosafety Clearing-House in the implementation of the Cartagena Protocol on Biosafety;
CP-9/2	2. <i>Welcomes</i> the implementation of the United Nations Environment Programme–Global Environment Facility “Project for Sustainable Capacity Building for Effective Participation in the Biosafety Clearing-House” (BCH III Project), and <i>invites</i> the United Nations Environment Programme to continue facilitating regional collaboration and capacity-building on the use of the Biosafety Clearing-House;
CP-9/2	6. <i>Invites</i> Parties, other Governments and relevant organizations to submit to the Executive Secretary views on the changes made as a result of the migration and improvements referred to in paragraph 5 above,* particularly with regard to the procedure for registering information, the tools for the analysis of search results, and the graphical representations of data, and requests the Executive Secretary to take these views into account for the further improvement of the Biosafety Clearing-House and to submit a report for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its tenth meeting; *Paragraph 5 of the decision requests the Executive Secretary to complete the migration of the BCH to its new platform and continue making improvements to the central portal of the BCH and following up on the recommendations of the Informal Advisory Committee on the BCH at its tenth meeting.
<u>Decision CP-9/3. Capacity-building (Article 22)</u>	
CP-9/3	3. <i>Urges</i> Parties, for the remaining period of the Framework and Action Plan, to prioritize and focus on, as appropriate, operational objectives relating to: the development of national biosafety legislation, risk assessment, detection and identification of living modified organisms, and public awareness, education and participation, and takes note of the importance of biosafety mainstreaming and sharing of information and experience for further strengthening national biosafety frameworks in the remaining period of the Framework and Action Plan and beyond;

Decision	Requested action/information
CP-9/3	4. <i>Also urges</i> Parties to prioritize, as appropriate, capacity-building activities on liability and redress as set out under focal area 4 of the Framework and Action Plan, in the remaining period of the Framework and Action Plan, in view of the recent entry into force of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress;
CP-9/3	5. <i>Invites</i> Parties, other Governments and relevant organizations in a position to do so to provide additional financial and technical support to enable developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, to further implement the Framework and Action Plan;
CP-9/3	8. <i>Invites</i> Parties, indigenous peoples and local communities and relevant organizations to provide the Executive Secretary with views and suggestions on the possible elements of the long-term strategic framework for capacity-building beyond 2020 as well as possible elements of a specific action plan for capacity-building on biosafety, covering the Cartagena Protocol and its Supplementary Protocol;
CP-9/3	9. <i>Also invites</i> Parties, as well as indigenous peoples and local communities and relevant organizations to participate in the consultative workshops and online discussion forums on the draft long-term strategic framework for capacity-building beyond 2020, in conjunction with the preparatory process for the post-2020 global biodiversity framework;
<u>Decision CP-9/4. Matters related to the financial mechanism and resources (Article 28)</u>	
CP-9/4	1. <i>Urges</i> eligible Parties to prioritize biosafety projects during the programming of their national allocations under the System for Transparent Allocation of Resources (STAR) within the framework of the seventh replenishment period of the Global Environment Facility Trust Fund, taking into account their obligations under the Cartagena Protocol on Biosafety, the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020, and the guidance of the Conference of the Parties to the financial mechanism;
CP-9/4	3. <i>Urges</i> eligible Parties to engage proactively with the Global Environment Facility, including through coordination with their operational focal point for the Global Environment Facility, to ensure that they are able to access available funds for biosafety;
CP-9/4	5. <i>Encourages</i> Parties to cooperate at the regional and subregional levels, and to request support from the Global Environment Facility for joint projects, in order to maximize synergies and opportunities for cost-effective sharing of resources, information, experiences and expertise.
<u>Decision CP-9/5. Monitoring and reporting (Article 33)</u>	
CP-9/5	1. <i>Welcomes</i> the additional third national reports submitted, and <i>urges</i> the Parties that have not yet submitted their third national report to do so as soon as possible;

Decision	Requested action/information
CP-9/5	2. <i>Adopts</i> the reporting format annexed hereto, and <i>requests</i> Parties to use it for the fourth national report on the implementation of the Cartagena Protocol on Biosafety;
CP-9/5	3. <i>Invites</i> Parties to prepare their reports through a consultative process involving all relevant national stakeholders, including indigenous peoples and local communities, as appropriate;
CP-9/5	4. <i>Encourages</i> Parties to respond to all questions in the reporting format, and <i>stresses</i> the importance of the timely submission of fourth national reports in order to facilitate the fourth assessment and review of the effectiveness of the Cartagena Protocol and the final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020;
CP-9/5	5. <i>Requests</i> Parties and <i>invites</i> other Governments to submit to the Secretariat their fourth national report on the implementation of the Cartagena Protocol on Biosafety: <ul style="list-style-type: none"> (a) In an official language of the United Nations; (b) Twelve months prior to the tenth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, which will consider the report; (c) Preferably online through the Biosafety Clearing-House, or offline using the appropriate form that will be made available by the Secretariat for this purpose, duly signed by the national focal point for the Cartagena Protocol;
<u>Decision CP-9/6. Assessment and review of the effectiveness of the Cartagena Protocol (Article 35)</u>	
CP-9/6	1. <i>Reiterates</i> its invitation to Parties, for the remaining period of the Strategic Plan for the Cartagena Protocol on Biosafety for 2011-2020, 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;
<u>Decision CP-9/7. Preparation for the follow-up to the Strategic Plan for Biodiversity 2011-2020 and the Strategic Plan for the Cartagena Protocol on Biosafety 2011-2020</u>	
CP-9/7	4. <i>Invites</i> Parties to participate in the process for developing the post-2020 global biodiversity framework;

Decision	Requested action/information
<u>Decision CP-9/11. Unintentional transboundary movements and emergency measures (Article 17)</u>	
CP-9/11	3. <i>Encourages</i> Parties, in the context of Article 17, and in accordance with national legislation, to require the responsible operator to provide information or access, direct or indirect, to reference materials to enable the laboratory work on detection and identification of such organisms for regulatory purposes;
CP-9/11	4. <i>Encourages</i> Parties and <i>invites</i> other Governments and relevant organizations to make funds available for training of laboratory personnel in the field of detection and identification of living modified organisms, and to continue participating in regional and subregional networks on the detection and identification of living modified organisms;
CP-9/11	5. <i>Invites</i> Parties to submit to the Executive Secretary information on (a) their capacities and needs with regard to detection and identification of living modified organisms and (b) a list of laboratories, including information on the specific activities carried out by such laboratories;
CP-9/11	6. <i>Invites</i> the Global Environment Facility and other relevant funding agencies to provide funds for regional projects, including projects aimed at building scientific capacity that could support countries' actions towards detection and identification of living modified organisms, and in particular those that could promote North-South and South-South sharing of experiences and lessons;
<u>Decision CP-9/12. Transit and contained use of living modified organisms (Article 6)</u>	
CP-9/12	2. <i>Reminds</i> Parties that: (a) Article 3, paragraph (b) of the Protocol sets out the definition of contained use, namely “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”; (b) Intentional introduction into the environment can include introduction both for experimental or for commercial purposes; (c) A field trial, confined field trial or experimental introduction is to be regarded as intentional introduction into the environment when the conditions specified in Article 3, paragraph b, of the Protocol are not met;
CP-9/12	3. <i>Also reminds</i> Parties of their obligation under Article 20, paragraph 3(d), and encourages other Governments to publish in the Biosafety Clearing-House their final decisions regarding the importation or release of living modified organisms;
CP-9/12	4. <i>Encourages</i> Parties, other Governments and relevant organizations to cooperate, share experiences and promote capacity development to support the implementation of specific measures for contained use that effectively limit the contact of living modified organisms with, and their impact on, the external environment, in accordance with Article 3, paragraph (b), of the Protocol.

Decision	Requested action/information
<u>Decision CP-9/13. Risk assessment and risk management (Articles 15 and 16)</u>	
CP-9/13	5. <i>Calls for</i> broad international cooperation, knowledge sharing and capacity-building to support, inter alia, Parties in assessing the potential adverse effects on the conservation and sustainable use of biodiversity from living modified fish and other living modified organisms produced through new developments of modern biotechnology, including LMOs developed through genome editing and LMOs containing engineered gene drives, taking into account risks to human health, the value of biodiversity to indigenous peoples and local communities, and relevant experiences of individual countries in performing risk assessment of such organisms in accordance with annex III of the Cartagena Protocol;
CP-9/13	10. <i>Invites</i> Parties, other Governments, indigenous peoples and local communities, and relevant organizations to submit to the Executive Secretary information relevant to the work of the online forum and Ad Hoc Technical Expert Group;
<u>Decision CP-9/14. Socio-economic considerations (Article 26)</u>	
CP-9/14	2. <i>Invites</i> Parties, other Governments, relevant organizations and other stakeholders, as appropriate, to use and submit preliminary experiences using the voluntary Guidance,* as well as examples of methodologies and applications of socio-economic considerations in the light of the elements of the voluntary Guidance, preferably in the form of case studies; * The “Guidance on the Assessment of Socio-Economic Considerations in the Context of Article 26 of the Cartagena Protocol on Biosafety” is contained in the annex to document CBD/CP/MOP/9/10.
<u>Decision CP-9/15. Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress</u>	
CP-9/15	3. <i>Urges</i> all Parties to the Cartagena Protocol on Biosafety that have not yet done so to deposit their instrument of ratification, acceptance, approval or accession to the Supplementary Protocol as soon as possible;
CP-9/15	6. <i>Requests</i> Parties to the Supplementary Protocol to designate a competent authority to perform the functions set out in Article 5 of the Supplementary Protocol, and to make the contact information of its competent authority available on the Biosafety Clearing-House;
CP-9/15	7. <i>Requests</i> Parties to the Supplementary Protocol and invites other Governments to report on their measures to implement the Supplementary Protocol by responding to the questions related to the Supplementary Protocol in the format for the fourth national report under the Cartagena Protocol, as contained in the annex to decision CP-9/5;

Decision	Requested action/information
<u>Decision 14/19. Synthetic biology</u>	
14/19	<p>11. <i>Calls upon</i> Parties and other Governments, taking into account the current uncertainties regarding engineered gene drives, to apply a precautionary approach, in accordance with the objectives of the Convention, and <i>also calls upon</i> Parties and other Governments to only consider introducing organisms containing engineered gene drives into the environment, including for experimental releases and research and development purposes, when:</p> <p>(a) Scientifically sound case-by-case risk assessments have been carried out;</p> <p>(b) Risk management measures are in place to avoid or minimize potential adverse effects, as appropriate;</p> <p>(c) Where appropriate, the “prior and informed consent”, the “free, prior and informed consent” or “approval and involvement” of potentially affected indigenous peoples and local communities is sought or obtained, where applicable in accordance with national circumstances and legislation;</p>
14/19	<p>12. <i>Calls upon</i> Parties, other Governments and relevant organizations to continue to develop or implement, as appropriate, measures to prevent or minimize potential adverse effects arising from exposing the environment to organisms, components and products of synthetic biology in contained use, including measures for detection, identification and monitoring, in accordance with domestic circumstances or internationally agreed guidelines, as appropriate, with special consideration to the centres of origin and genetic diversity;</p>
14/19	<p>13. <i>Also calls upon</i> Parties, other Governments and relevant organizations to continue to disseminate information and share, especially through the clearing-house mechanisms of the Convention and the Biosafety Clearing-House, their experiences on scientific assessments of the potential benefits and potential adverse impacts of synthetic biology to biological diversity, including, inter alia, that of specific applications of organisms containing engineered gene drives, and from the use of living modified organisms that have been released into the environment;</p>
14/19	<p>15. <i>Also decides</i> to extend the Open-ended Online Forum on Synthetic Biology, taking into account the work on risk assessment under the Cartagena Protocol, to support the deliberations of the Ad Hoc Technical Expert Group on Synthetic Biology, and <i>invites</i> Parties, other Governments, indigenous peoples and local communities and relevant organizations to continue to nominate experts to take part in the Online Forum on Synthetic Biology;</p>
14/19	<p>16. <i>Invites</i> Parties, other Governments, indigenous peoples and local communities, and relevant organizations to provide the Executive Secretary with relevant information related to paragraphs (a) to (d) of the annex in order to contribute to the work of the Ad Hoc Technical Expert Group;</p>

Decision	Requested action/information
<u>Decision 14/23.</u> Financial mechanism	
14/23	15. <i>Invites</i> relevant Parties to submit to the Executive Secretary their estimated funding and investment needs under the financial mechanism for the third determination of funding and investment requirements by the Conference of the Parties at its fifteenth meeting in connection with the eighth replenishment of the Trust Fund of the Global Environment Facility;
<u>Decision 14/27.</u> Process for aligning national reporting, assessment and review	
14/27	2. <i>Encourages</i> Parties to explore possible synergies at the national level, involving all relevant biodiversity-related reporting processes, in order to enhance the alignment and consistency of information and data in national reports;
<u>Decision 14/31.</u> Enhancing integration under the Convention and its Protocols with respect to provisions related to biosafety and access and benefit-sharing	
A. Provisions related to biosafety	
14/31	1. <i>Urges</i> Parties to the Convention on Biological Diversity that have not yet done so to deposit their instrument of ratification, acceptance, approval or accession to the Cartagena Protocol as soon as possible, and to take steps towards its implementation, including by establishing institutional structures and legislative, administrative and policy measures on biosafety, taking into account the participation of indigenous peoples and local communities, and other relevant stakeholders, in the development of such measures;
14/31	2. <i>Reminds</i> Parties to the Convention on Biological Diversity that are not Parties to the Cartagena Protocol of their biosafety-related obligations under the Convention, and invites them to continue making relevant information available to the Biosafety Clearing-House and to submit the fourth national report under the Cartagena Protocol;
14/31	3. <i>Encourages</i> Parties to develop and implement national action plans for mainstreaming biosafety into national legal and policy instruments and to report on the progress in this regard in their national report;
14/31	4. <i>Invites</i> Governments and relevant organizations in a position to do so to provide technical and financial support to address needs for capacity-building and development activities, as well as financial resources to support ratification and implementation of the Cartagena Protocol;

Decision	Requested action/information
<u>Decision 14/37</u>. Budget for the integrated programme of work of the Secretariat	
14/37	24. <i>Invites</i> all Parties to the Convention to note that contributions to the core programme budgets (BY, BG and BB) are due on 1 January of the year for which those contributions have been budgeted, and to pay them promptly and <i>requests</i> that Parties be notified of the amount of their contributions as early as possible in the year preceding the year in which the contributions are due;
14/37	26. <i>Urges</i> Parties that have still not paid their contributions to the core budgets (BY, BG, BB Trust Funds) for 2017 and prior years to do so without delay or conditionalities, and <i>requests</i> the Executive Secretary to publish and keep up to date the information on the status of contributions to the Convention's Trust Funds (BY, BG, BB, BE, BH, BX, BZ and VB) and to keep the members of the Bureaux of the Convention and its Protocols updated so that they can provide information on unpaid contributions and their consequences at regional meetings;
14/37	38. <i>Strongly encourages</i> developed country Parties and other Parties in a position to do so, including in the context of the South-South cooperation, to provide the necessary financial resources to the BZ Trust Fund in order to enable the full and effective participation of representatives of developing country Parties, in particular the least developed countries and small island developing States, as well as countries with economies in transition, at meetings of the Conference of the Parties, Conference of the Parties serving as the meetings of the Parties to the Protocols, Subsidiary Body on Scientific, Technical and Technological Advice, Ad Hoc Open-ended Working Group on Article 8(j) and Subsidiary Body on Implementation;
14/37	39. <i>Also strongly encourages</i> donors to provide additional finance to allow for the participation of a second delegate from least developed countries and small island developing States at the fifteenth meeting of the Conference of the Parties, tenth meeting of the Parties serving as the meeting of the Parties to the Cartagena Protocol, fourth meeting of the Parties serving as the meeting of the Parties to the Nagoya Protocol and <i>requests</i> the Executive Secretary to report to the fifteenth meeting of the Conference of the Parties on this arrangement;
14/37	42. <i>Further encourages</i> developed country Parties and other Parties in a position to do so, to facilitate engagement by the Secretariat with potential alternative donors to the BZ Trust Fund, including private bodies, to assist in funding the participation of eligible developing countries in meetings of the Convention and its Protocols;