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

Fourth meeting
Bonn, 12-16 May 2008

REPORT OF THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

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INTRODUCTION

1. At the kind invitation of the Government of Germany, the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety was held in Bonn, from 12 to 16 May 2008. It was held at the Maritim Hotel Bonn, back-to-back with the ninth ordinary meeting of the Conference of the Parties to the Convention, which was convened at the same venue from 19 to 30 May 2008.

2. All States were invited to participate in the meeting. The following Parties to the Cartagena Protocol attended:

Algeria	Gabon	Peru
Antigua and Barbuda	Germany	Philippines
Armenia	Ghana	Portugal
Austria	Greece	Qatar
Bahamas	Guinea	Republic of Korea
Bangladesh	Hungary	Republic of Moldova
Belarus	India	Romania
Belgium	Indonesia	Rwanda
Belize	Iran (Islamic Republic of)	Saint Lucia
Bhutan	Ireland	Saint Vincent and the Grenadines
Bolivia	Italy	Saudi Arabia
Brazil	Japan	Senegal
Bulgaria	Jordan	Slovakia
Burkina Faso	Kenya	Slovenia
Cambodia	Kiribati	Solomon Islands
Cameroon	Lao People's Democratic Republic	South Africa
Cape Verde	Latvia	Spain
China	Liberia	Sri Lanka
Colombia	Lithuania	Sudan
Congo	Madagascar	Swaziland
Costa Rica	Malaysia	Sweden
Croatia	Mali	Switzerland
Cuba	Marshall Islands	Syrian Arab Republic
Czech Republic	Mauritius	Thailand
Democratic Republic of the Congo	Mexico	Togo
Denmark	Mozambique	Trinidad and Tobago
Djibouti	Namibia	Tunisia
Dominica	Nauru	Turkey
Dominican Republic	Netherlands	Uganda
Ecuador	New Zealand	Ukraine
Egypt	Nigeria	United Kingdom of Great Britain and Northern Ireland
El Salvador	Norway	Venezuela
Estonia	Oman	Viet Nam
Ethiopia	Palau	Yemen
European Community	Panama	Zambia
Fiji	Paraguay	Zimbabwe

3. The following States not party to the Protocol were also represented: Argentina, Australia, Canada, Honduras, Iraq, Malawi, Morocco, Russian Federation, United States of America, Uruguay.

4. Observers from the following United Nations bodies, Secretariat units, specialized agencies and related organizations also attended:

Aarhus Convention	United Nations Framework Convention on Climate Change
Codex Alimentarius Commission	United Nations Industrial Development Organization
Food and Agriculture Organization of the United Nations	United Nations Regional Information Centre for Western Europe (UNRIC)
Global Environment Facility	United Nations University
International Plant Protection Convention Secretariat	World Bank
United Nations Volunteers (UNV)	
United Nations Development Programme	
United Nations Environment Programme	

5. The following other organizations were represented:

A SEED Europe	Community Biodiversity Development and Conservation Programme
A SEED Japan	Community Technology Development Trust
ABRASEM	Consumers International
African Agricultural Technology Foundation	Corporate Europe Observatory
African Centre for Biosafety	CropLife International
African Union	Deutscher Naturschutzring - German League for Nature and Environment
Arab Center for the Studies of Arid Zones and Dry Lands	ECONEXUS
Arbeitsgemeinschaft Bäuerliche Landwirtschaft e.V. (Farmers' cooperative)	ECOROPA
Assessoria e Servicos a Projetos em Agricultura Alternativa	EcoStrat GmbH
Association of German Engineers - VDI	ECT Oekotoxikologie GmbH
Ateneo de Manila University	ELKANA - Biological Farming Association, Georgia
Biosafety Interdisciplinary Network	ENDA Tiers Monde
Biotechnology Coalition of the Philippines	European Parliament
Brazilian Business Council for Sustainable Development	Federation of German Scientists
BUND e.V. Friends of the Earth - Germany	Federation of German Scientists
Canadian Biotechnology Action Network	Forum Environment & Development
CBD Alliance and Kalpavriksh	Forum Umwelt und Entwicklung
Centre for Community Economics and Development Consultants Society	Friends of the Earth Denmark
Centro de Estudios para el Cambio en el Campo Mexicano	Friends of the Earth International
Christian Care	Fundação Heinrich Böll
Church Development Service (Evangelischer Entwicklungsdienst)	Fundacion Semillas de Vida
College of the Atlantic	Fundacion Sociedades Sustentables
Comission for the Information on Biotechnology	GE Free (NZ) in Food and Environment
Community Biodiversity Development and Conservation	Gene Campaign
	Gene Ethics Network
	GeneWatch UK
	German Forum on Environment and Development
	Global Forest Coalition
	Global Industry Coalition
	GMO ERA Project
	Greenpeace
	Grupo de estudios Ambientales
	Grupo de Reflexion Rural

Grupo Semillas	Pontifica Universidade Catolica de Sao Paulo
IDEC	Practical Action
Institut National de la Recherche Agronomique	Program for Biosafety Systems
Institute for Integrated Rural Development	Public Advocacy Initiatives for Rights and Values in India - PAIRVI
Institute for Responsible Technology	Public Research and Regulation Foundation
Instituto de Estudos do Comercio e Negociacoes Internacionais	Public Research and Regulation Initiative
Inter-American Institute for Cooperation on Agriculture	Quaker International Affairs Programme
International Centre for Genetic Engineering and Biotechnology	Radboud University Nijmegen (Netherlands)
International Centre for Trade and Sustainable Development	RAEIN-Africa
International Food Policy Research Institute	Red por une América Latina Libre de Transgênicos
International Foundation of Organic Agricultural Movements	Reserach and Information System for Developing Countries (RIS)
International Grain Trade Coalition	Small Farmers Movement
International Institute for Environment & Development	Society for Threatened Peoples
International Life Sciences Institute Research Foundation	Southeast Asia Regional Initiatives for Community Empowerment
International Research Institute for Sustainability	State Committee on Biosafety
International Rice Research Institute	Stichting Peakoil Netherland
IUCN - The World Conservation Union	Sustainability Council of New Zealand
IUCN Environmental Law Centre	SWAN International
Kobe University	Swedish Biodiversity Centre
Landless Rural Workers Movement	Terra de Direitos
LIFE e.V.	Terra de Direitos
Malaysian Biotechnology Corporation	The Nature Conservation Society of Japan
NABU - German Nature and Biodiversity Conservation Union	Third World Network
Natural Justice (Lawyers for Communities and the Environment)	Transnational Institute
Norwegian Institute of Gene Ecology	UBINIG
Oxfam America	Universidade Federal de Santa Catarina
Peasant Farmers Association of Ghana	Université de Bordeaux
Pelum Association - Tanzania	University of Bonn
Permanent Court of Arbitration	University of California, Santa Barbara
Pesticide Action Network Latin America	University of Canterbury
Pietermaritzburg Agency for Christian Social Awareness	University of Rome - La Sapienza
Plataforma Transgênicos Fora	Via Campesina
Policy Research Institute for the Civil Sector - Japan	Washington Biotechnology Action Council / 49th Parallel Biotechnology Consortium
.	Women in Europe for a Common Future (WECF)
	Wuppertal Institut for Climate, Environment and Energy (für Klima, Umwelt, Energie)
	WWF International

I. ORGANIZATIONAL MATTERS

ITEM 1. OPENING OF THE MEETING

6. The fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety was opened at 10 a.m. on 12 May 2008 by His Excellency Ambassador Raymundo Magno of Brazil, on behalf of Marina Silva, Minister of the Environment of Brazil and President of the Conference of the Parties.

7. At the opening session of the meeting, statements were made by His Excellency Ambassador Raymundo Magno of Brazil, on behalf of Ms. Marina Silva, Minister of the Environment of Brazil and President of the Conference of the Parties; Ms. Ursula Heinen, Deputy Minister in the Federal Ministry of Food, Agriculture and Consumer Protection of Germany; Ms. Maryam Niamir-Fuller, on behalf of Mr. Achim Steiner, Executive Director of the United Nations Environment Programme (UNEP); Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity; Mr. Alexander Schink, Secretary of State in the Ministry for the Environment and Conservation, Agriculture and Consumer Protection of the State of North Rhine-Westphalia; and Mr. Jochen Flasbarth, Director of the Department of Nature Conservation, German Federal Ministry for Environment, Nature Conservation and Nuclear Safety.

1.1. Opening statement by His Excellency Ambassador Raymundo Magno of Brazil, on behalf of Ms. Marina Silva, Minister of the Environment of Brazil and President of the Conference of the Parties

8. Speaking on behalf of Ms. Marina Silva, Minister of the Environment of Brazil and President of the Conference of the Parties, Ambassador Magno said that it was an honour for him to welcome participants to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. In the beautiful city of Bonn—the German city of the United Nations—the hosts had made excellent arrangements and he personally thanked them for making participants feel so welcome. He personally had the fondest recollections of Bonn, which had been his first assignment as a diplomat in 1978.

9. Sharing some thoughts about the tasks facing the meeting, he said that, just over two years previously, the Parties had met in Curitiba, Brazil, where they adopted the critical decision on detailed documentation requirements foreseen by paragraph 2 (a) of Article 18 of the Protocol. That decision was a crucial one for the Protocol because of its capacity to bridge the existing differences between Parties and forge a common vision. The Parties now had the opportunity to put in place another key element of the Protocol: rules and procedures on liability and redress referred to in Article 27 and in accordance with decision BS-I/8. Delegates had been working on the issue over the past four years, including at a meeting of the Friends of the Co-Chairs, held in Bonn the previous week. He was happy to see the progress that had been made on that difficult and sensitive topic. He was also hopeful that the Parties would be able to strive to achieve again, in a good spirit, positive results for the negotiations, which would adequately address the mandate contained in the Protocol.

10. Beyond liability and redress, there were also many issues before the meeting, including capacity-building, compliance, risk assessment and risk management and the Biosafety Clearing-House, which were all important to ensure that, through cooperation, in a collaborative and constructive manner, the meeting made balanced progress in implementing the Protocol. He was looking forward to working with all participants to craft decisions that will shape the future of the Protocol and help ensure that its achievements contribute to the achievement of the three objectives of the Convention, as well as the promotion of sustainable development.

11. While looking forward to the future, it was also worth while keeping in mind the past. September 2008 would mark the fifth anniversary of the entry into force of the Protocol. Not only had the Protocol matured over the previous five years, but the implementation of national systems had developed in the light of experience. There was still much to be done, however, and he urged all participants to remain

dedicated to the fully cooperative implementation of the Protocol and the objective it represented. All Parties should therefore fulfil their commitments in accordance with their common but differentiated responsibilities in order to achieve that aim.

12. In conclusion, he recalled that the rules of procedure of the Convention provided that the Presidency of the Conference of the Parties began at the commencement of the first session of each ordinary meeting of the Conference of the Parties and continued until the commencement of the next ordinary meeting. For that reason, Brazil was currently still the President of the Conference of the Parties and therefore also President of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It had, however, become a customary practice for international meetings to be conducted by the host country. Notwithstanding the importance that it attributed to the current proceedings, the Brazilian delegation was honoured to cede to the gracious hosts of the meeting, Germany, which he again congratulated for the excellent facilities that it had provided and for the warm hospitality extended to all participants. He therefore invited Ms. Ursula Heinen, Parliamentary State Secretary and Deputy Minister in the German Federal Ministry of Food, Agriculture and Consumer Protection, to take over the proceedings.

1.2. Opening statement by Ms. Ursula Heinen, Deputy Minister in the Federal Ministry of Food and Agriculture and Consumer Protection of Germany

13. Ms. Ursula Heinen, Deputy Minister of the Federal Ministry of Food, Agriculture and Consumer Protection of Germany, welcomed the participants to Bonn and commended the Government of Brazil for the progress made under its presidency of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol. Quoting Article 1 of the Convention on Biological Diversity, she said that conserving agrobiodiversity as an integral part of biodiversity while tapping its potential in a sustainable manner was a key challenge. As other components of biological diversity, agrobiodiversity was under threat. While the emergence of biotechnology provided new opportunities to increase crop yields and improve the quality of food, it also harboured possible risks for biological diversity. The Cartagena Protocol on Biosafety was a crucial instrument in the quest for sustainable use of biotechnology. One pending issue relating to its implementation was liability and redress in the event of damage to biological diversity as a result of genetically modified organisms. Significant progress had been made in the negotiations and she hoped that the present meeting might bring about a solution. She called on all Parties to engage in a spirit of compromise to facilitate the successful conclusion of the deliberations.

1.3. Opening statement by the representative of the Executive Director of the United Nations Environment Programme (UNEP)

14. Speaking on behalf of Mr. Achim Steiner, Executive Director of UNEP, Ms. Maryam Niamir-Fuller said that Mr. Steiner was grateful to the German Government and people for hosting the meeting in Bonn. He thanked the Secretariat and Executive Secretary for their excellent preparatory work. He paid tribute to the 147 countries that had ratified the Cartagena Protocol and urged others to do so. Together with the Global Environment Facility (GEF), UNEP had launched a global capacity-building programme to help countries develop their national biosafety frameworks (NBFs). Over 100 countries had finalized their NBFs, which were ready for implementation, and GEF had allocated almost US\$ 50 million to them. Since 2002, UNEP had helped 19 countries to implement their NBFs, with funding of nearly US\$ 20 million. Over 100 States parties had received support and over US\$ 13 million in funding to make full use of the Biosafety Clearing-House. In August 2006, the Strategy for Financing Biosafety had been renewed, and in April 2008 a new Biosafety Programme had been approved. A number of agencies had disbursed a total of almost US\$ 70 million to assist developing countries with their national biosafety frameworks. Moreover, there had been strong national demand for support with technical documentation to make possible the detection of transboundary movements of living modified organisms (LMOs). In conclusion, he said that the challenge was to turn the Protocol's aims into reality, which required concerted efforts and strategic partnerships, as well as clear targets to measure progress. Noting the

increasing importance of the issue of biosafety in a world faced by a food and energy crisis and climate change, he expressed the hope that the biosafety agenda could be advanced at the current meeting so as to meet the challenges of the twenty-first century.

1.4 Opening address by Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity

15. Mr. Djoghlaif said that since the entry into force of the Cartagena Protocol important decisions had been taken, extensive efforts at implementation have been initiated, and support for the Protocol had continued to grow. Since the third meeting of the Parties, 17 States had deposited their instrument of ratification or accession, thus bringing the number of Parties to 147. He paid tribute to Ms. Marina Silva, Minister of the Environment of Brazil and the President of the Conference of the Parties, for the previous two years, for her outstanding leadership in guiding the organizational arrangements for the 17 intersessional meetings that have been held since that time. The current meeting was the largest gathering under the Protocol both in terms of attendance and in number of Parties. He expressed his deep gratitude to the German people and Government for hosting it. Noting that, at the previous meeting of the Parties, in Curitiba, a legal requirement related to Article 18.2 (a) had been fulfilled, he said that the current meeting was called on to fulfil another such commitment—that is on liability and redress, as contained in Article 27 of the Protocol. The meeting had before it the final report of the Open-ended Ad Hoc Working Group convened for that purpose, including the outcomes of the meeting of the Friends of the Co-Chairs, which had finalized its work in Bonn over the previous weekend. Significant progress had been achieved on the most critical sections of the negotiating draft—those on scope, damage and primary compensation scheme. He paid tribute to Ms. Jimena Nieto and Mr. Rene Lefeber, the Co-Chairs of the Working Group, for their outstanding leadership, and congratulated all who participated in the meeting of the Friends of the Co-Chairs. He paid tribute to the Government of Colombia for hosting the last meeting of the Working Group, and to the Government of the Netherlands and other partners for providing the extra-budgetary resources for convening it. In conclusion, he called on Parties to complete the process referred to in Article 27 of the Protocol before the end of the meeting.

1.5 Opening statement by Mr. Alexander Schink, Secretary of State in the Ministry for the Environment and Conservation, Agriculture and Consumer Protection of the State of North Rhine-Westphalia

16. Mr. Alexander Schink, Secretary of State in the Ministry for the Environment and Conservation, Agriculture and Consumer Protection of the State of North Rhine-Westphalia welcomed participants to his North Rhine-Westphalia, which was pleased to host the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol. The global loss of biodiversity had taken on dimensions that were just as threatening as climate change. The protection of biodiversity was a key policy in North Rhine-Westphalia. The state was home to a wide range of habitats and, consequently, diverse fauna and flora. Local environmental policy focused on reversing the trend of biodiversity loss, and relevant activities were conducted in close cooperation with the forestry and agriculture sectors. The local government had only recently agreed on a series of measures aimed at protecting certain species. Many of the programmes and projects in the area of conservation were presented in the framework of an exposition organized on the margins of the Conference. Noting that safety in international trade in LMOs was the central topic of the meeting and a key component of protecting biological diversity at the global level, he said that the Protocol was of primary importance in that regard, as it enabled importers to refuse the entry of LMOs as a precautionary measure and thus prevent the introduction of genetically modified organisms in local ecosystems.

1.6 Opening statement by Mr. Jochen Flasbarth, Director of the Department of Nature Conservation, German Federal Ministry for Environment, Nature Conservation and Nuclear Safety

17. Mr. Jochen Flasbarth said that the Protocol marked a significant step to meeting the needs of trade while conserving biodiversity. Genetically modified organisms (GMOs) were high on the agenda worldwide and it was important to ensure that their use had no negative impact. He hoped that the

meeting would successfully address all the related issues, in particular liability and redress. It was vital for the negotiations to be successful in view of the looming 2010 target for significantly reducing the loss of biodiversity. He was optimistic that the positive momentum of the biosafety week would inspire those negotiations. Urgent progress was also needed with regard to: establishing an international regime on access to genetic resources and benefit sharing; implementing the programmes of work on protected areas and forest biological diversity; adopting ecological criteria for identifying vulnerable marine areas; adopting a strategy for financial resources mobilization and the linkages between biodiversity and climate change. He concluded by thanking the Brazilian authorities for their work done at and since the previous meeting of the Parties. He also expressed his admiration for the outstanding performance of the Executive Secretary and his team.

1.7. Opening statements by Parties and observers

18. At the 1st plenary session of the meeting, general statements were made by representatives of India, Indonesia, Japan, Malaysia, Mexico (on behalf of the Latin American and Caribbean Group), Norway and Slovenia (on behalf of the European Community and its 27 Member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine).

19. All speakers who took the floor expressed gratitude to the Government of Germany, the State of North Rhine-Westphalia and the city of Bonn for the warmth of their reception.

20. At the 2nd plenary session of the meeting, general statements were made by representatives of Greenpeace International, the Public Research and Regulation Initiative (PRRI) and the Washington Biotechnology Action Council (on behalf of the Canadian Biotechnology Action Network, EcoNexus, Ecoropa, the Evangelischer Entwicklungsdienst (Germany), Friends of the Earth International, Fundación Sociedades Sustentables (Chile), the Gen-ethical Network (Germany), Greenpeace International, the Grupo de Reflexión Rural (Argentina), the Institute for Sustainable Development (Ethiopia), No! GMO Campaign (Japan) and the Third World Network (TWN)).

ITEM 2. ORGANIZATION OF THE MEETING

2.1. Officers

21. In accordance with Article 29, paragraph 3, of the Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Protocol. Accordingly, at the opening session of the meeting, the Parties agreed, in accordance with the recommendation of the Bureau, made at a meeting held on 11 May 2008, that Norway and Mexico be elected as the substitutes for Canada and Chile on the Bureau for the duration of the meeting. It was also agreed that Mr. Deon Stewart (Bahamas) should serve as Rapporteur for the meeting.

22. The meeting was chaired by Mr. Wolfgang Köhler (Germany) on behalf of Ms. Ursula Heinen.

2.2. Adoption of the agenda

23. At the opening session of the meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/BS/COP-MOP/4/1).

I. ORGANIZATIONAL MATTERS

1. Opening of the meeting.
2. Organization of the meeting:
 - 2.1. Officers;
 - 2.2. Adoption of the agenda;
 - 2.3. Organization of work.

3. Report on the credentials of representatives to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.

II. STANDING ISSUES

4. Report of the Compliance Committee.
5. Operation and activities of the Biosafety Clearing-House.
6. Status of capacity-building activities and the use of the roster of biosafety experts.
7. Matters related to the financial mechanism and resources.
8. Cooperation with other organizations, conventions and initiatives.
9. Report of the Executive Secretary on the administration of the Protocol and on budgetary matters.

III. SUBSTANTIVE ISSUES ARISING FROM THE MEDIUM-TERM PROGRAMME OF WORK AND PREVIOUS DECISIONS OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

10. Handling, transport, packaging and identification of living modified organisms (Article 18).
11. Risk assessment and risk management (Articles 15 and 16).
12. Liability and redress (Article 27).
13. Subsidiary bodies (Article 30).
14. Monitoring and reporting (Article 33).
15. Assessment and review (Article 35).
16. Socio-economic considerations (paragraph 2, Article 26).
17. Public awareness and participation (paragraph 1, Article 23).
18. Options for implementation of the notification requirement under Article 8.

IV. FINAL MATTERS

19. Other matters.
20. Date and venue of the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.
21. Adoption of the report.
22. Closure of the meeting.

2.3. Organization of work

24. At the opening session of the meeting, on 12 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol approved its organization of work on the basis of the suggestions contained in annex I to the annotations to the provisional agenda (UNEP/CBD/BS/COP-MOP/4/1/Add.1).

25. Accordingly, the meeting established two working groups: Working Group I, under the chairmanship of Ms. Beate Ekeberg (Norway) to consider agenda items 4 (Report of the Compliance Committee); 10 (Handling, transport, packaging and identification of LMOs (Article 18)); 16 (Socio-economic considerations (Article 26, para. 2)); and 18 (Options for implementation of the notification requirements under Article 8); and Working Group II, under the chairmanship of Mr. Ariel Alvarez-Morales (Mexico) to consider agenda items 5 (Operation and activities of the Biosafety Clearing-House);

6 (Status of capacity-building activities and the use of the roster of biosafety experts); 7 (Matters related to the financial mechanism and financial resources); 11 (Risk assessment and risk management (Articles 15 and 16)); 13 (Subsidiary bodies (Article 30)); 14 (Monitoring and reporting (Article 33)); 15 (Assessment and review (Article 35)); and 17 (Public awareness and participation (Article 23)).

26. Working Group I held four meetings, from 12 to 15 May 2008. The Working Group adopted its draft report (UNEP/CBD/BS/COP-MOP/4/WG.1/L.1) at its 4th meeting, on 15 May 2008.

27. Working Group II held eight meetings, from 12 to 15 May 2008. The Working Group adopted its draft report (UNEP/CBD/BS/COP-MOP/4/WG.2/L.1) at its 8th meeting, on 15 May 2008.

28. At the 2nd plenary session, on 15 May 2008, the meeting heard the progress reports by the chairs of the two working groups.

29. The final reports of the working groups (UNEP/CBD/BS/COP-MOP/4/L.1/Add.1 and 2) were presented to the Conference of the Parties serving as the meeting of the Parties to the Protocol at the 3rd plenary session of the meeting, on 16 May 2008 and are integrated into the present report under the respective agenda items.

ITEM 3. REPORT ON THE CREDENTIALS OF REPRESENTATIVES TO THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

30. Agenda item 3 was taken up at the opening plenary session of the meeting, on 12 May 2008. In accordance with rule 19 of the rules of procedure, the Bureau was to examine and report on the credentials of delegations. Accordingly, the President informed the meeting that the Bureau had designated Mr. Karma Nyedrup, Vice-President from Bhutan, to examine and report on credentials. Delegations that had not submitted their credentials were urged to do so as soon as possible and not later than 10 a.m. on 13 May 2008, in accordance with rule 18 of the rules of procedure. In that connection, it was emphasized that lack of compliance with the provisions of that rule had been raised by the auditors as an issue to be addressed.

31. At the 2nd plenary session of the meeting on 15 May 2008, Mr. Nyedrup (Bhutan) informed the meeting that 109 Parties to the Protocol were registered as attending. Pursuant to rule 19 of the rules of procedure of the Conference of the Parties, the Bureau had examined the credentials of the representatives of 95 Contracting Parties to the Protocol that were attending the meeting. The credentials of 83 delegations had been found to be in full compliance with the provisions of rule 18 of the rules of procedure. Those of 13 delegations complied only partially with those provisions, and a further 13 delegations attending the meeting had not submitted credentials. In keeping with past practice, the 26 delegations concerned had been requested to provide the Executive Secretary with their credentials in good order by 10 a.m. on 15 May 2008 to enable their review by the Bureau.

32. At the 3rd session of the meeting on 16 May 2008, Mr. Nyedrup (Bhutan) informed the meeting that 110 Parties to the Protocol were registered as attending the meeting. Pursuant to rule 19 of the rules of procedure of the Conference of the Parties, the Bureau had examined the credentials of the representatives of 95 of those Parties. The credentials of 85 representatives had been found to be in full compliance with the provisions of rule 18 of the rules of procedure. Those of 10 representatives complied only partially with those provisions, and a further 15 representatives attending the meeting had not submitted credentials. In keeping with past practice, the 25 representatives concerned had been requested to provide the Executive Secretary with their credentials in good order within 30 days of the closure of the meeting, or no later than 16 June 2008 to enable their review by the Bureau.

33. In accordance with past practice, the Bureau, acting as the Credentials Committee, recommended that the full participation of those delegations in the meeting be approved on the basis of that understanding.

34. The Conference of the Parties serving as the meeting of the Parties to the Protocol took note of the report on the credentials of representatives to its fourth meeting.

II. STANDING ISSUES

ITEM 4. REPORT OF THE COMPLIANCE COMMITTEE

35. Agenda item 4 was taken up at the opening plenary session of the meeting, on 12 May 2008. In considering the item, the meeting had before it the reports of the Compliance Committee on the work of its third and fourth meetings consolidated into a single document (UNEP/CBD/BS/COP-MOP/4/2), as well as a compilation by the Compliance Committee of information on the experiences of other multilateral environmental agreements regarding cases of repeated non-compliance (UNEP/CBD/BS/COP-MOP/4/2/Add.1).

36. Mr. Veit Koester, Chairperson of the Compliance Committee, outlined the issues considered by the Committee at its third and fourth meetings, as set forth in its report. He said that the Committee reviewed general issues of compliance on the basis of 50 national reports received by the Secretariat within the deadline. An additional number of national reports had been received since the time of the Committee's review, thereby increasing the reporting rate to almost 50 per cent, which was nevertheless still unsatisfactorily low. Concerning the Committee's recommendations, which were annexed to its report, he suggested that they be discussed as follows: recommendation 1 under agenda item 14; recommendation 2 under agenda item 7; recommendation 3 under agenda item 4; recommendation 4 under agenda item 10; recommendation 5 under agenda item 15; recommendation 6 under agenda item 9; and recommendation 7 under agenda item 4. He also suggested that the issue of repeated non-compliance, addressed in document UNEP/CBD/BS/COP-MOP/4/2/Add.1, be discussed under agenda item 4.

37. The President invited the Conference of the Parties to take note of the report of the Compliance Committee and of its compilation of further information and experience regarding cases of repeated non-compliance.

38. He then noted that nine Committee members had thus far served one term of office, due to expire on 31 December 2008, and could, therefore, be re-elected for a further term, with the agreement of their respective regional groups. He said that one member had resigned before the end of his term (also due to expire on 31 December 2008) and was yet to be replaced. Therefore, the total number of positions that needed to be filled by the end of the year was ten, requiring two nominees from each of the five regional groups.

39. At the 3rd (final) plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol received, from regional groups, nominations for membership in the Compliance Committee to replace, as appropriate, those whose term expires by the end of 2008. The meeting then elected, or re-elected, by acclamation the following nominees to serve as members of the Compliance Committee from the beginning of 2009*: (a) Africa group: 1/ Ms. Mary Fosi Mbantenkhu (Cameroon) and 2/ Mr. Tewolde Berhan Gebre Egziabher (Ethiopia), both re-elected for another term; (b) Asia and the Pacific: 1/ Mr. Sun Guoshun (China) and 2/ Mr. Rai S. Rana (India); (c) Central and Eastern European group (CEE): 1/ Ms. Liina Eek (Estonia), re-elected for another term, and 2/ Ms. Angela Lozan (Moldova); (d) Group of Latin American and Caribbean States (GRULAC): 1/ Ambassador Raymundo Magno (Brazil) and 2/ Mr. Lionel Michael (Antigua and Barbuda), re-elected for

* According to paragraph 4, section II of the annex to decision BS-I/7, members shall be elected for a period of four years. Therefore, the term of these new or re-elected members runs from 1 January 2009 to 31 December 2012. This list does not include the five currently serving members (one from each region) and whose term expires by the end of 2010.

a two-year term**; and (e) Western European and Others Group (WEOG): 1/ Mr. Jurg Bally (Switzerland), re-elected for another term, and 2/ Mr. Ruben Dekker (Netherlands).

40. In response to the recommendation of the Compliance Committee (UNEP/CBD/BS/COP-MOP/4/2, annex, paragraph 7), the Conference of the Parties serving as the meeting of the Parties to the Protocol called upon each regional group to consider and apply mechanisms that would best suit and enable them to replace members of the Compliance Committee who resign during an intersessional period or who are unable to complete their term of office. Accordingly, regional groups made the following nominations for replacement of members of the Committee from their respective regions when the need arises:*** (a) Africa group: 1/ Ms. Lonpo-Ouedrogo Zourita (Burkina-Faso) and 2/ Mr. Abisai Mafa (Zimbabwe); (b) Asia and the Pacific Group: Mr. Banpot Napompeth (Thailand); (c) Central and Eastern European Group: 1/ Ms. Galya Tonkovska (Bulgaria), 2/ Ms. Dubravka Stepic (Croatia), and Ms. Natalya Minchenko (Belarus), to replace the third member of the Committee from the region, Mr. Sergyi Gubar; (d) GRULAC: 1/ Mr. Pedro A.F.C. Andrade (Brazil) 2/ Mr. Romy Montiel (Cuba), and (e) Western European and Others Group—left to the discretion of the current member.

41. Working Group I took up agenda item 4 at its 1st meeting on 12 May 2008. Statements were made by representatives of Belize, Brazil, Cameroon (on behalf of the African Group), Canada, Colombia, Cuba, Ecuador, India, Japan, New Zealand, Norway, Peru, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) and South Africa.

42. At the conclusion of the discussion, the Chair said that, taking into account the views expressed, she would prepare a text for consideration by the Working Group.

43. At its 3rd meeting, on 14 May 2008, the Working Group took up a draft decision on the report of the Compliance Committee, submitted by the Chair.

44. The Chair recalled that, at the suggestion of the Compliance Committee, its recommendation 1 on reporting obligations had been transferred for consideration by Working Group II under agenda item 14 and that its recommendation 5 on self-triggering had been similarly transferred for consideration under agenda item 15. The views expressed by the Working Group on those two recommendations had accordingly been conveyed to Working Group II.

45. In response to a request for clarification concerning the budgetary implications of the draft decision, a representative of the Secretariat said that the contact group on the budget had reviewed the cost estimates prepared by the Secretariat with regard to all draft decisions. The resulting adjustments were currently being incorporated by the Secretariat, following which the final cost estimates would be made available. The Chair orally presented the estimated cost implications of the draft decision under consideration by the Working Group (see para. 120 below).

46. In the light of that response, the Working Group agreed to a proposal by the Chair to continue its consideration of the draft decision, pending the availability of those final cost estimates.

47. Statements were made by representatives of Brazil, Ethiopia, Japan, Mexico, Norway, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) and Uganda.

48. During the course of the discussion, the Working Group provisionally accepted a proposal to include in the draft decision an additional preambular paragraph relating to the reporting obligation,

** Although any member shall be elected or re-elected for a four-year full term (according to paragraph 4, section II of the annex to decision BS-1/7), GRULAC has indicated that Mr. Michael's re-election was for two years (2009-2010) and he is to be replaced by Mr. Romy Montiel (Cuba).

*** The numbering herein corresponds with the numbering of the member elected or re-elected (as indicated in paragraph 39 above) whom the nominee is intended to replace.

together with a further additional paragraph, on the condition that they be deleted in the event that a paragraph of similar substance appeared in the draft decision to be prepared by Working Group II on the same subject under agenda items 14 and 15.

49. On that understanding and pending final cost estimates, the Working Group provisionally approved the draft decision on the report of the Compliance Committee, as orally amended, as UNEP/CBD/BS/COP-MOP/4/WG.1/L.2

50. At its 4th meeting, on 15 May 2008, the Working Group approved draft decision UNEP/CBD/BS/COP-MOP/4/WG.1/L.2 for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.2.

51. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.2 and adopted it as decision BS-IV/1. The text of the decision is contained in the annex to the present report.

ITEM 5. OPERATION AND ACTIVITIES OF THE BIOSAFETY CLEARING-HOUSE

52. Working Group II took up agenda item 5 at its 1st meeting on 12 May 2008. In considering the item, the Working Group had before it a note by the Executive Secretary outlining, *inter alia*, a progress report on the ongoing implementation of the multi-year programme of work (UNEP/CBD/BS/COP-MOP/4/3). It also had before it as information documents a note by the Executive Secretary containing a summary of responses submitted in the first regular national report (UNEP/CBD/BS/COP-MOP/4/INF/11), a note by the Executive Secretary concerning the report of the external security audit of the central portal of the Biosafety Clearing-House and its infrastructure (UNEP/CBD/BS/COP-MOP/4/INF/19), a note by the Executive Secretary reflecting the 2007 survey of Biosafety Clearing-House users (UNEP/CBD/BS/COP-MOP/4/INF/20), and a note by the Executive Secretary containing a compilation of submissions on identified constraints in making information available in the Biosafety Clearing-House (UNEP/CBD/BS/COP-MOP/4/INF/21).

53. Introducing the item, a representative of the Secretariat said that section II of document UNEP/CBD/BS/COP-MOP/4/3 contained a progress report on the multi-year programme of work for the Biosafety Clearing-House (decision BS-II/2); section III provided a summary of experiences drawn from the first national reports; section IV outlined further activities for consideration during the forthcoming intersessional period; and section V reflected elements of a decision on the operation of the BCH. The annex of the document summarized BCH reporting statistics. The Working Group was invited to consider the information provided in the notes by the Executive Secretary and to take note of the information documents in its deliberations.

54. Statements were made by representatives of Brazil, Colombia, Dominican Republic, Ecuador, India, Indonesia, Malaysia, Mexico, New Zealand, Norway, Oman, Peru, Republic of Korea, Republic of Moldova, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), Uganda (on behalf of the African Group), Viet Nam and Zimbabwe.

55. A representative of the Codex Alimentarius Commission also made a statement.

56. Further statements were made by representatives of the Global Industry Coalition (GIC) and the Public Research and Regulation Initiative (PRRI).

57. Following the exchange of views, the Chair said that he would prepare a text incorporating the points raised during the discussion, for consideration by the Working Group.

58. At its 4th meeting, on 14 May 2008, the Working Group took up a draft decision on the operation and activities of the Biosafety Clearing-House, submitted by the Chair.

59. Statements were made by representatives of Belize, Bangladesh, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, India, Japan, Mexico, New Zealand, Peru, Qatar, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), Uganda and Zimbabwe.

60. A representative of Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine) said that he wished to reserve comments until final cost estimates were available.

61. Pending the availability of those estimates, the Working Group provisionally approved the draft decision on the operation and activities of the Biosafety Clearing-House, as orally amended, as draft decision UNEP/CBD/BS/COP-MOP/4/WG.2/L.5.

62. At the 5th meeting of the Working Group, on 14 May 2008, a note by the Executive Secretary setting out the preliminary emerging cost implications of the draft decisions before the meeting (UNEP/CBD/BS/COP-MOP/4/INF/27) was circulated. The Working Group consequently resumed its consideration of the draft decision, notably those paragraphs relating to activities with possible cost implications.

63. The Chair explained the preliminary emerging cost implications relating to the operation and activities of the Biosafety Clearing-House, as indicated in the note by the Executive Secretary. As the additional staff needed would carry out all of the activities mentioned in each of the relevant paragraphs, the cost implications were not as great as they might initially appear.

64. Following an exchange of views, the Working Group agreed to transmit draft decision UNEP/CBD/BS/COP-MOP/4/WG.2/L.5, as orally amended, to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.5.

65. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.5 and adopted it as decision BS-IV/2. The text of the decision is contained in the annex to the present report.

ITEM 6. STATUS OF CAPACITY-BUILDING ACTIVITIES AND THE USE OF THE ROSTER OF BIOSAFETY EXPERTS

66. Working Group II took up agenda item 6 at its 1st meeting on 12 May 2008. In considering the item, the Working Group had before it a note by the Executive Secretary containing, *inter alia*, a status report on the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Protocol and on the steps taken by the Executive Secretary to further develop the Coordination Mechanism (UNEP/CBD/BS/COP-MOP/4/4); and a report prepared by the Executive Secretary on the operational experience in using the preliminary indicators, which also contained proposals for their further development (UNEP/CBD/BS/COP-MOP/4/4/Add.1). The Working Group also had before it, as information documents, a note by the Executive Secretary on the report of the third coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities (UNEP/CBD/BS/COP-MOP/4/INF/5), a note by the Executive Secretary on the report of the second international meeting of academic institutions and organizations involved in biosafety education and training (UNEP/CBD/BS/COP-MOP/4/INF/6), a note by the Executive Secretary on the fifth meeting of the Liaison Group on Capacity-Building for Biosafety (UNEP/CBD/BS/COP-MOP/4/INF/8), a note by the Executive Secretary on ongoing biosafety capacity-building activities (UNEP/CBD/BS/COP-MOP/4/INF/9) and a note by the Executive Secretary on the report of the fourth coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities (UNEP/CBD/BS/COP-MOP/4/INF/23).

67. The Chair suggested that the two aspects of the item, capacity-building and the roster of biosafety experts, be considered separately.

Capacity-building

68. Introducing the first part of the item, a representative of the Secretariat said that the note of the Executive Secretary under the item (UNEP/CBD/BS/COP-MOP/4/4) described the main capacity-building activities undertaken by the Secretariat, Governments and relevant organizations and was based on submissions made to the Secretariat and the Biosafety Clearing-House. The addendum to the note (UNEP/CBD/BS/COP-MOP/4/4/Add.1) reflected the experience gained in the use of indicators in monitoring the implementation of the Action Plan for Building Capacities for Effective Implementation of the Protocol and proposals for their further development. The meeting was invited to consider the information provided in the notes by the Executive Secretary and the information documents in its deliberations.

69. Statements were made by representatives of Cuba, the Islamic Republic of Iran, Japan, Mexico, New Zealand, Norway, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine) Switzerland, Uganda (on behalf of the African Group), Venezuela and Viet Nam.

70. A statement was also made by a representative of the Global Environment Facility.

71. At its 4th meeting, on 14 May 2008, the Working Group took up a draft decision on capacity-building, submitted by the Chair.

72. Statements were made by representatives of Brazil, Belize, Cuba, Colombia, Djibouti, Egypt, Ethiopia, India, Japan, Kenya, Kiribati, Malaysia, Mexico, New Zealand, Norway, Oman, Philippines, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), Qatar, Thailand, Uganda, Venezuela and Zimbabwe.

73. During the discussion, a representative of Qatar said his country was willing to fund capacity-building for Arab countries. A representative of Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine) said that he wished to reserve comments until final cost estimates were available.

74. The representative of India requested that his country's financial contribution to the fourth coordination meeting be noted in the text.

75. Statements were also made by representatives of UNEP and GEF.

76. Pending final cost estimates, the Working Group provisionally approved the draft decision on capacity building, as orally amended, as draft decision UNEP/CBD/BS/COP-MOP/4/WG.2/L.6.

77. At its 5th meeting, on 14 May 2008, the Working Group resumed its consideration of the draft decision, notably those paragraphs on which full agreement had not been reached.

78. Following an exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.6.

79. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.6 and adopted it as decision BS-IV/3. The text of the decision is contained in the annex to the present report.

Roster of experts on biosafety

80. In considering the roster of experts on biosafety, the Working Group had before it a note by the Executive Secretary on the status and use of the roster, as well as the status, operation and use of the pilot phase of the Voluntary Fund and the recommendations of the Liaison Group on measures for improving the roster of experts (UNEP/CBD/BS/COP-MOP/4/4/Add.2) and the reports of the Liaison Group (UNEP/CBD/BS/COP-MOP/4/INF/7 and 8).

81. Following a brief introduction by the Chair and the Secretariat, statements were made by representatives of El Salvador, Indonesia, Japan, Mexico, New Zealand, Norway, Slovenia (on behalf of the European Community and its 27 Member States; as well as the candidate countries, Croatia, the Former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) and Uganda (on behalf of the African Group).

82. Following the discussion, the Chair said that he would prepare a text reflecting the points raised for consideration at a subsequent meeting of the Working Group.

83. At its 8th meeting, on 15 May 2008, the Working Group took up a draft decision on the roster of biosafety experts, submitted by the Chair.

84. Statements were made by representatives of Belize, Bolivia, Colombia, India, New Zealand, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the Former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine), Uganda and Zimbabwe.

85. Following the exchange of views, the Working Group approved the draft decision, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.15.

86. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.15 and adopted it as decision BS-IV/4. The text of the decision is contained in the annex to the present report.

ITEM 7. MATTERS RELATED TO THE FINANCIAL MECHANISM AND RESOURCES

87. Agenda item 7 was taken up at the opening plenary session of the meeting, on 12 May 2008. In considering the item, the meeting had before it a note by the Executive Secretary providing the status of implementation of the guidance provided to the financial mechanism with respect to biosafety (UNEP/CBD/BS/COP-MOP/4/5) and an information document submitted by the GEF Council on a global strategy for financing biosafety activities (UNEP/CBD/BS/COP-MOP/4/INF/12).

88. The representative of the GEF secretariat stated that US\$ 50 million dollars had been allocated to 101 countries for the development of national biosafety frameworks, US\$ 20 million to 19 countries for implementation of national biosafety frameworks and US\$ 13 million to 100 countries for national capacity-building in relation to the Biosafety Clearing-House.

89. Working Group II took up agenda item 7 at its 2nd meeting, on 13 May 2008. The Chair drew attention to the draft elements of a possible decision in paragraphs 30, 40 and 43 in the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/4/5).

90. Following a brief introduction by the Chair, statements were made by representatives of New Zealand, Norway, Slovenia (on behalf of the European Community and its 27 Member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine) and South Africa.

91. Following the exchange of views, the Chair said that he would prepare a text incorporating the points raised during the discussion.
92. At its 8th meeting, on 15 May 2008, the Working Group took up a draft decision on the financial mechanism and resources, submitted by the Chair.
93. Following an exchange of views, the Working Group approved the draft decision for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.14.
94. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.14 and adopted it as decision BS-IV/5. The text of the decision is contained in the annex to the present report.

ITEM 8. COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES

95. Agenda item 8 was taken up at the opening plenary session of the meeting, on 12 May 2008. In considering the item, the meeting had before it a note providing an update on cooperative activities between the Secretariat and other organizations, conventions and initiatives relevant for the implementation of the Protocol including the Green Customs Initiative, Codex Alimentarius and the International Plant Protection Convention (UNEP/CBD/BS/COP-MOP/4/6).
96. At the 2nd plenary session, the President informed the meeting that he would prepare a text on item 8; delegations would be consulted on the content prior to consideration in the plenary.
97. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol took up a draft decision under this item submitted by the President (UNEP/CBD/BS/COP-MOP/4/L.10) and adopted it as decision BS-IV/6. The text of the decision is contained in the annex to the present report.

ITEM 9. REPORT OF THE EXECUTIVE SECRETARY ON THE ADMINISTRATION OF THE PROTOCOL AND ON BUDGETARY MATTERS

98. Agenda item 9 was taken up at the opening plenary session of the meeting, on 12 May 2008. In considering the item, the meeting had before it a note prepared by the Executive Secretary on budgetary matters and on the administration of the Protocol (UNEP/CBD/BS/COP-MOP/4/7).
99. Introducing the item, the Executive Secretary said a report detailing expenditure of resources was available and that a zero growth option would not counterbalance the 17 per cent lost to the budget due to the knock-on effects of a weak United States dollar on the Canadian dollar. In Canada, the cost of office rental and salaries had risen in terms of United States dollars. To cover the increased workload generated by the increasing number of Parties to the Protocol, conference services needed two General Service staff, and the Secretariat was requesting an average of \$1,632 dollars per Party to cover their salaries for a two-year period
100. The Executive Secretary thanked UNEP for providing funds for the salary of one staff member responsible for financial matters under the Biosafety Protocol, and said that he would make a statement at the end of the meeting outlining the activities possible in relation to available funding.
101. In response to the Chair's invitation for comments on the item, the representative of Slovenia (on behalf of the European Community and its 27 Member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) raised the issue of whether the guidance for the allocation of financial resources by the Conference of the Parties, set forth in annex I of decision VIII/10 on operations of the Convention, was also applicable to the present meeting.

102. The representative of Japan said that her delegation concurred with the comments made on behalf of the European Union. As a major contributor to the core budget, Japan attached great importance to effective and efficient management. Its proposal for zero nominal growth was supported by other delegations and should be taken up formally. Activities under the Protocol must be commensurate with resources. In that connection, Japan would like to see increased coordination with the Global Environment Facility (GEF).

103. Statements were made by the representatives of Nigeria (on behalf of the African Group) and Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine).

104. Mr. Sem Taukonjo Shikongo (Namibia), chair of the contact group on budget, reported to the 2nd plenary session, on 15 May 2008, that the contact group had reviewed the budget proposals presented by the Secretariat. He noted that, following discussions in the group, a document (UNEP/CBD/BS/COPMOP/4/INF/27/Rev.1) had been prepared showing a possible allocation of funding for the draft decisions emanating from the two working groups. In the light of the challenges faced by the Secretariat in the operationalization of the work of the Protocol, it was important that all proposed activities were associated with the relevant sources of funding and that sensible use was made of the reserves. Activities related to capacity-building, the Biosafety Clearing-House and public awareness were vital and must be continued. A modality must be found to ensure that Parties with arrears in assessed contribution lived up to their financial obligations under the Protocol and more resources from the programme support costs should be allocated to the Protocol. The two working groups should consult and cooperate with the budget contact group concerning any emerging decisions with budgetary implications. In addition, a study should be carried out by the Joint Inspection Unit of the United Nations in New York to review the possibility for the Secretariat to operate in the local currency of its host country, in line with similar activities being carried out by other conventions and protocols.

105. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol took up draft decision UNEP/CBD/BS/COP-MOP/4/L.19 submitted by the contact group on the budget.

106. Introducing the draft decision, Mr. Sem Taukonjo Shikongo (Namibia), chair of the contact group on the budget said the group had continued to review activities versus costs in the budget proposals presented by the Secretariat. The contact group agreed to draw on the accumulated unspent balances or contributions from previous financial periods, thus reducing the assessed contribution of the Parties for the biennium 2009-2010. He also drew attention to the following elements that had been considered by the contact group for inclusion in the report: UNEP, as trustee of the trust funds of the Protocol should make a quarterly report on trust fund expenditure and income available on the Secretariat website; the host country was invited to consider renewing its offer of free office space for the Secretariat; and the International Civil Aviation Organization (ICAO), as the lead agency of the United Nations system in Montreal, should ensure the full and expeditious implementation of the memorandum of understanding it had signed with the Secretariat on 22 February 2007 and the Executive Secretary should report thereon to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

107. The Executive Secretary clarified that all approved posts in the Secretariat had been filled, and assured the meeting that the only position approved for the forthcoming biennium would be filled expeditiously.

108. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted document UNEP/CBD/BS/COP-MOP/4/L.19 as decision BS-IV/7. The text of the decision is annexed to the present report.

III. SUBSTANTIVE ISSUES

ITEM 10. HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION OF LIVING MODIFIED ORGANISMS (ARTICLE 18)

109. Working Group I took up agenda item 10 at its 1st meeting on 12 May 2008. In considering the item, the Working Group had before it two notes by the Executive Secretary synthesizing the views and information submitted by Parties, other Governments and relevant international organizations (UNEP/CBD/BS/COP-MOP/4/8 and UNEP/CBD/BS/COP-MOP/4/9) as well as information documents compiling the views and/or the information received (UNEP/CBD/BS/COP-MOP/4/INF/2 and Add.1, and UNEP/CBD/BS/COP-MOP/4/INF/3).

110. Introducing the item, a representative of the Secretariat said that the documents before the Working Group had been prepared in response to requests made on the basis of decision BS-III/9 on paragraph 3 of Article 18 of the Protocol and decision BS-III/10 on paragraph 2(a) of Article 18. Given that paragraphs 2(b) and 2(c) of Article 18 were now also to be considered under agenda item 10, she further drew attention to the synthesis report pertaining to those two paragraphs, contained in section V of the note by the Executive Secretary on assessment and review (Article 35) (UNEP/CBD/BS/COP-MOP/4/14). She similarly drew attention to possible elements of a draft decision, contained in section VII of the same document. The compilation of submissions that constituted the basis for the synthesis report was to be found in document UNEP/CBD/BS/COP-MOP/4/INF/10/Add.1.

111. On the subject of paragraph 3 of Article 18 of the Protocol, statements were made by representatives of Belize, Brazil, Canada, Cuba, India, Japan, Malaysia, Mexico, Norway, Philippines, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine), South Africa, Thailand and Venezuela.

112. On the subject of paragraph 2(a) of Article 18 of the Protocol, statements were made by representatives of Brazil, Colombia, Cuba, New Zealand, Norway, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) and Thailand.

113. On the subject of paragraphs 2(b) and 2(c) of Article 18 of the Protocol, statements were made by representatives of Cuba, Japan, New Zealand, Norway and Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine).

114. A statement was also made by a representative of Global Industry Coalition (GIC).

115. At the conclusion of the discussion, the Chair said that, taking into account the views expressed, she would prepare texts on paragraph 3, paragraph 2(a), and paragraphs 2(b) and 2(c), respectively, of Article 18 of the Protocol for consideration by the Working Group.

116. At its 3rd meeting, on 14 May 2008, the Working Group took up a draft decision on the handling, transport, packaging and identification of living modified organisms (paragraphs 2(b) and 2(c) of Article 18 of the Protocol), submitted by the Chair.

117. Pending final cost estimates, the Working Group provisionally approved the draft decision on the handling, transport, packaging and identification of living modified organisms (paragraphs 2(b) and 2(c) of Article 18 of the Protocol) as draft decision UNEP/CBD/BS/COP-MOP/4/WG.1/L.3.

118. At its 4th meeting, on 15 May 2008, the Working Group approved draft decision UNEP/CBD/BS/COP-MOP/4/WG.1/L.3 for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.3.

119. The Working Group then took up a draft decision on the handling, transport, packaging and identification of living modified organisms (paragraph 3 of Article 18 of the Protocol), submitted by the Chair.

120. In response to a request for clarification concerning the budgetary implications of the draft decision, the Chair reiterated the assurance given with regard to the draft decision on the report of the Compliance Committee (agenda item 4), namely that the contact group on the budget had reviewed the cost estimates prepared by the Secretariat with regard to all draft decisions. The resulting adjustments were currently being incorporated by the Secretariat, following which the final cost estimates would be made available. The Chair added that the estimated costs of the proposed online conference (approximately US\$ 20,000) had already been communicated.

121. In the light of that response, the Working Group agreed to consider the draft decision, pending the availability of those final cost estimates.

122. Statements were made by the representatives of Antigua and Barbuda, Belize, Brazil, China, Colombia, Egypt, Ethiopia, Gabon, India, Japan, Malaysia, New Zealand, Norway, Oman, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine), Uganda and Ukraine.

123. Pending final cost estimates, the Working Group provisionally approved the draft decision on the handling, transport, packaging and identification of living modified organisms (paragraph 3 of Article 18 of the Protocol), as orally amended, as draft decision UNEP/CBD/BS/COP-MOP/4/WG.1/L.4.

124. At its 4th meeting, on 15 May 2008, following an exchange of views, the Working Group approved draft decision UNEP/CBD/BS/COP-MOP/4/WG.1/L.4 for transmission to plenary as UNEP/CBD/BS/COP-MOP/4/L.4.

125. The Working Group then took up the draft decision on the handling, transport, packaging and identification of living modified organisms (paragraph 2(a) of Article 18 of the Protocol), submitted by the Chair.

126. Statements were made by representatives of Antigua and Barbuda, Belize, Brazil, China, Egypt, Ethiopia, Indonesia, Japan, Kenya, Mexico, New Zealand, Philippines, Qatar, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine), Ukraine and Venezuela.

127. The Chair said that, in the light of the discussion, she would prepare a revised draft decision on the handling, transport, packaging and identification of living modified organisms (paragraph 2(a) of Article 18 of the Protocol) for consideration by the Working Group.

128. At its 4th meeting, on 15 May 2008, the Working Group took up a revised draft decision on the subject, submitted by the Chair.

129. Statements were made by representatives of Brazil, China, Egypt, Ethiopia, New Zealand, and Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine).

130. Following an exchange of views, the Working Group approved the revised draft decision, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.8

131. A statement was made by a representative of PRRI.

132. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.3 and adopted it as decision BS-IV/8. The text of the decision is contained in the annex to the present report.

133. The Conference of the Parties serving as the meeting of the Parties to the Protocol then considered draft decision UNEP/CBD/BS/COP-MOP/4/L.4 and adopted it as decision BS-IV/10. The text of the decision is contained in the annex to the present report.

134. The Conference of the Parties serving as the meeting of the Parties to the Protocol then considered draft decision UNEP/CBD/BS/COP-MOP/4/L.8 and adopted it as decision BS-IV/9. The text of the decision is contained in the annex to the present report.

ITEM 11. RISK ASSESSMENT AND RISK MANAGEMENT (ARTICLES 15 AND 16)

135. Working Group II took up agenda item 11 at its 2nd meeting, on 13 May 2008. In considering the item, the Working Group had before it a note prepared by the Executive Secretary on risk assessment and risk management (Articles 15 and 16) (UNEP/CBD/COP-MOP/4/10), together with, as information documents, reports of the regional workshops, organized by the Secretariat, on capacity-building and exchange of experiences on risk assessment and risk management (UNEP/CBD/BS/COP-MOP/4/INF/14, 15, 16 and 17), the report of another workshop, organized by Canada and Norway, on Risk Assessment for Emerging Applications of Living Modified Organisms (fish, trees, pharmacrops and viruses) (UNEP/CBD/BS/COP-MOP/4/INF/13), and a compilation of guidance documents on risk assessment and risk management available through the Biosafety Information Resource Centre of the Biosafety Clearing-House (UNEP/CBD/BS/COP-MOP/4/INF/22).

136. Introducing the item, a representative of the Secretariat recalled key aspects of decision BS-II/9, on risk assessment and risk management, and explained that section II of the note by the Executive Secretary (UNEP/CBD/COP-MOP/4/10) contained an analysis of regional workshops on capacity-building and exchange of experiences on risk assessment and risk management of LMOs; section III highlighted other relevant activities on risk assessment and risk management of LMOs conducted intersessionally; section IV referred to the availability of guidelines on risk assessment and management in the Biosafety Information Resource Centre of the Biosafety Clearing-House; and section V provided an overview of available decisions and opinions 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.

137. Statements were made by representatives of Australia, Canada, Cameroon, China, El Salvador, India, Indonesia, the Islamic Republic of Iran, Kiribati, Malaysia, Mexico, New Zealand, Norway, the Philippines, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), South Africa, Thailand, Venezuela and Zimbabwe.

138. Statements were also made by representatives of the Food and Agriculture Organization of the United Nations, the Codex Alimentarius Commission and the International Plant Protection Convention Secretariat.

139. Further statements were made by representatives of the GIC and PRRI.

140. Following the exchange of views, the Chair said that he would prepare a text incorporating the points raised during the discussion.

141. At its 5th meeting, on 14 May 2008, the Working Group took up a draft decision on risk assessment and risk management, submitted by the Chair.

142. Statements were made by representatives of Australia, Belize, Bolivia, Brazil, Canada, Colombia, Egypt, Ethiopia, India, Indonesia, the Islamic Republic of Iran, Japan, Kenya, Malaysia, Mexico, New Zealand, Norway, the Philippines, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), South Africa, Uganda, Venezuela and Zimbabwe.

143. At its 6th meeting, on 15 May 2008, the Working Group resumed its consideration of the draft decision, submitted by the Chair.

144. Statements were made by representatives of Argentina, Belize, Bolivia, Brazil, China, Ecuador, Egypt, Ethiopia, India, Indonesia, Japan, Malaysia, Mexico, Mozambique, New Zealand, Norway, Oman, Philippines, Qatar, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), Uganda and Venezuela.

145. A statement was also made by a representative of the Codex Alimentarius Commission.

146. Following an exchange of views, the Working Group agreed to a proposal by the Chair to establish a small group of friends of the Chair to settle the issue of whether the proposed group on risk assessment should be open-ended or be composed solely of experts, and subsequently to develop appropriate text.

147. The Working Group also agreed to a further proposal by the Chair to establish a group of friends of the Chair to continue working on the text of section III of the draft decision.

148. At its 8th meeting, on 15 May 2008, the Working Group took up a revised draft decision on risk assessment and risk management, submitted by the Chair, as orally amended by the group of friends of the Chair.

149. Statements were made by representatives of Belize, Brazil, Colombia, Egypt, Malaysia, New Zealand, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), Uganda and Zimbabwe.

150. Following an exchange of views, the Working Group approved the revised draft decision, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.12.

151. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.12 and adopted it as decision BS-IV/11. The text of the decision is contained in the annex to the present report.

ITEM 12. LIABILITY AND REDRESS (ARTICLE 27)

152. Agenda item 12 was taken up at the opening plenary session of the meeting, on 12 May 2008. In considering the item, the meeting had before it the final report of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Biosafety Protocol (UNEP/CBD/BS/COP-MOP/4/11 and Add.1).

153. Ms. Jimena Nieto, Co-Chair of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Biosafety Protocol, presented the Working Group's report. She said that the Working Group had, over the course of its mandate, analysed information

documents on: defining biodiversity loss; difficulties facing the entry into force of third-party liability treaties; damage to the conservation and sustainable use of biodiversity; transnational procedures including the work of The Hague Conference on Private International Law; relevant work of the International Law Commission; financial security to cover liability resulting from transboundary movements of living modified organisms; the experience of other international instruments and forums, as regards damage suffered in areas beyond national jurisdiction; the application of tools for the valuation of biodiversity and biodiversity resources and functions; and supplementary collective compensation arrangements in international environment-related liability instruments. It had also benefited from a number of expert presentations.

154. The Working Group had considered an indicative list of criteria for assessing the effectiveness of the rules and procedures on liability and redress referred to in Article 27. It had also adopted a blueprint for a decision on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms. She noted that the fifth meeting of the Working Group had mandated the Co-Chairs to convene a meeting of the Friends of the Co-Chairs group prior to the fourth meeting of the Parties. Accordingly, the Friends of the Co-Chairs had met in Bonn from 7 to 10 May 2008 to continue to negotiate the text annexed to the report of the fifth meeting of the Working Group (UNEP/CBD/COP-MOP/4/11, annex) and had produced a document with a revised structure and with changes to sections II, III and IV (UNEP/CBD/COP-MOP/4/11/Add.1, annex). She thanked the Governments that had provided financial and other support for the meetings.

155. It was agreed that a contact group be established to advance the work under this item, with a mandate to consider unresolved issues and draft a final text. It would be co-chaired by the Co-Chairs of the Working Group on Liability and Redress, Ms. Jimena Nieto (Colombia) and Mr. René Lefeber (Netherlands), and it would work on the basis of the outcomes of the meeting of the Friends of the Co-Chairs (UNEP/CBD/COP-MOP/4/11/Add.1, annex).

156. Mr. René Lefeber, Co-Chair of the contact group, reported to the 2nd plenary session, on 15 May 2008, that there was emerging consensus in the contact group in favour of the adoption of a legally binding instrument on the administrative approach to serve as a response mechanism to redress damage to the conservation and sustainable use of biological diversity. At the request of the contact group, the proponents of the incorporation into such an instrument of an article on civil liability had submitted a relevant proposal. Thus far, there was no consensus for including the provision. The Co-Chairs had proposed draft decisions relating to the adoption of a legally binding instrument on the administrative approach and guidelines to deal with rules and procedures relating to civil liability, which had yet to be discussed. The first reading of sections V, VI and VII of annex II contained in document UNEP/CBD/BS/COP-MOP/4/11 had been concluded.

157. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol took up draft decision UNEP/CBD/BS/COP-MOP/4/L.18 submitted by the Co-Chairs of the contact group on liability and redress.

158. Introducing the draft decision, Ms. Jimena Nieto, Co-Chair of contact group on liability and redress, gave a brief overview of the work accomplished by the contact group since the previous meeting of the plenary. She said that the Co-Chairs had continued their trilateral meetings (involving the Co-Chairs and concerned friends) that had started on 14 May 2008 in order to reach a common understanding, which was subsequently submitted to the contact group. The draft decision before the meeting contained the process, as well the text, that had been agreed for future work on liability and redress. One major achievement had been a provisional agreement on the choice of instrument, although it was understood that, as with all international negotiations, nothing was agreed until everything was agreed. Two offers had been made to host future meetings under the process, and one clear pledge had been made. That was evidence of a clear commitment to finalize the process, and she was optimistic about the future work of the group.

159. Following the introduction of the draft decision, statements were made by the representatives of Brazil, Japan, Malaysia, Mexico, Peru and Venezuela.

160. All those who took the floor welcomed the outcome of the discussions in the contact group and expressed their appreciation for the work of the Co-Chairs and the support provided by the Secretariat. The representative of Malaysia said that her Government offered to host a meeting of the Group of the Friends of the Co-Chairs scheduled for early 2009. The representative of Japan said that his Government would provide financial support for the forthcoming meeting of the Group of Friends of the Co-Chairs. The representative of Mexico reiterated her country's offer to host one of the future meetings of the Group of Friends of the Co-Chairs in the hope of facilitating further progress.

161. Ms. Nieto expressed her gratitude to the Governments of Malaysia and Mexico for their offer to host the forthcoming meetings of the Group of the Friends of the Co-Chairs, and to the Government of Japan for pledging financial support.

162. Following the statements, draft decision UNEP/CBD/BS/COP-MOP/4/L.18 was adopted as decision BS-IV/12. The text of the decision is contained in the annex to the present report.

ITEM 13. SUBSIDIARY BODIES (ARTICLE 30)

163. Working Group II took up agenda item 13 at its 2nd meeting, on 13 May 2008. In considering the item, the Working Group had before it a note by the Executive Secretary on potential mechanisms for the provision of scientific and technical advice (UNEP/CBD/BS/COP-MOP/4/12).

164. Introducing the item, a representative of the Secretariat explained that the note by the Executive Secretary reviewed the findings of the Conference of the Parties serving as the meeting of the Parties to the Protocol, conducted a cost assessment for the provision of scientific and technical advice mechanisms and identified options for the establishment of such mechanisms. The last section of the document contained elements of possible decisions.

165. Statements were made by representatives of Brazil, Cameroon (speaking on behalf of the African Group), China, Colombia, Cuba, Ecuador, El Salvador, India, the Islamic Republic of Iran, Japan, Malaysia, Mexico, Norway, Qatar, Thailand, Tunisian, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), Uganda, the United States of America, Venezuela and Zimbabwe.

166. A statement was also made by a representative of PRRI.

167. Following the exchange of views, the Chair said that he would prepare a text incorporating the points raised during the discussion.

168. At its 8th meeting, on 15 May 2008, the Working Group took up the draft decision on subsidiary bodies, submitted by the Chair.

169. Statements were made by representatives of Bolivia, Brazil, Japan, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine), Norway, Uganda (on behalf of the African Group) and Zimbabwe.

170. Following the exchange of views, the Working Group approved the draft decision, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.17.

171. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.17 and adopted it as decision BS-IV/13. The text of the decision is contained in the annex to the present report.

ITEM 14. MONITORING AND REPORTING (ARTICLE 33)

172. Working Group II took up agenda item 14 at its 2nd meeting, on 13 May 2008. In considering the item, the Working Group had before it a note prepared by the Executive Secretary) which analysed the information contained in the first national reports received by the Secretariat (UNEP/CBD/BS/COP-MOP/4/13) and an information document containing detailed information supporting the analysis (UNEP/CBD/BS/COP-MOP/4/INF/11).

173. Introducing the documents, a representative of the Secretariat stated that they presented an analysis of information contained in 52 reports received by the Secretariat in 2007.

174. Statements were made by representatives of Cameroon, Cuba, Malaysia, Mexico, Norway, Slovenia (on behalf of the European Community and its 27 member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine) and Thailand.

175. At its 8th meeting, on 15 May 2008, the Working Group took up a draft decision on monitoring and reporting under the Protocol, submitted by the Chair.

176. Statements were made by representatives of Japan, New Zealand and Slovenia (on behalf of the European Community and its 27 Member States; as well as the candidate countries, Croatia, the Former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine).

177. Following the exchange of views, the Working Group approved the draft decision, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.13.

178. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.13 and adopted it as decision BS-IV/14. The text of the decision is contained in the annex to the present report.

ITEM 15. ASSESSMENT AND REVIEW (ARTICLE 35)

179. Working Group II took up agenda item 15 at its 3rd meeting, on 13 May 2008. In considering the item, the Working Group had before it a synthesis of the views and/or information received by the Executive Secretary in response to the request of the Parties to the Protocol (UNEP/CBD/BS/COP-MOP/4/14) as well as an information document compiling the views and/or information received (UNEP/CBD/BS/COP-MOP/4/INF/10).

180. Introducing the item, a representative of the Secretariat explained that documents before the Working Group described the limited experience in the implementation of the Protocol and identified possible modalities to take into account when conducting an evaluation of the effectiveness of the implementation of the Protocol. Section VII contained elements of a draft decision.

181. Statements were made by the representatives of Colombia, Cuba, India, Mexico, New Zealand and Slovenia (on behalf of the European Community and its 27 Member States, as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey, the potential candidate countries, Bosnia and Herzegovina, and Serbia, and the partner country Ukraine).

182. A statement was also made by a representative of PRRI.

183. Following the exchange of views, the Chair said that he would prepare a text incorporating the points raised during the discussion.

184. At its 8th meeting, on 15 May 2008, the Working Group took up a draft decision on assessment and review, submitted by the Chair.

185. Statements were made by representatives of Belize, Brazil, Colombia, Japan, New Zealand, Norway, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the Former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine), Uganda and Zimbabwe.

186. Following the exchange of views, the Working Group approved the draft decision, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.16.

187. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.16 and adopted it as decision BS-IV/15. The text of the decision is contained in the annex to the present report.

ITEM 16. SOCIO-ECONOMIC CONSIDERATIONS (ARTICLE 26, PARAGRAPH 2)

188. Working Group I took up agenda item 16 at its 1st meeting on 12 May 2008. In considering the item, the Working Group had before it a synthesis of views concerning socio-economic impacts of living modified organisms (UNEP/CBD/BS/COP-MOP/4/15), as well as an information document compiling the views and case-studies received (UNEP/CBD/BS/COP-MOP/4/INF/1).

189. Introducing the item, a representative of the Secretariat explained that the Executive Secretary had been requested to prepare a synthesis of views and case studies concerning socio-economic impacts of living modified organisms. The working document included that synthesis, relevant information from other processes under the Convention and the Protocol, and suggested elements of a draft decision.

190. On the subject of paragraph 2 of Article 26 of the Protocol, statements were made by representatives of China, Colombia, Cuba, Egypt (on behalf of the African Group), Norway, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) and Thailand.

191. At its 2nd meeting, on 13 May 2008, the Working Group resumed its consideration of the item.

192. Statements were made by representatives of Argentina, Belize, Bolivia, Brazil, Ecuador, Indonesia, the Islamic Republic of Iran, Japan, Malaysia, Mexico, the Philippines and South Africa.

193. Statements were also made by representatives of the Global Industry Coalition (GIC) for the Cartagena Protocol on Biosafety, the Public Research and Regulation Initiative (PRRI) and Third World Network (TWN).

194. At the conclusion of the discussion, the Chair said that, taking into account the views expressed, she would prepare a text for consideration by the Working Group.

195. At its 4th meeting, on 15 May 2008, the Working Group took up a draft decision on socio-economic considerations, submitted by the Chair.

196. Statements were made by representatives of Bolivia, Brazil, China, Egypt, Ethiopia, Indonesia, Malaysia, Mexico, New Zealand, Norway, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) and Uganda.

197. The Working Group approved the draft decision on socio-economic considerations, as orally amended, as draft decision UNEP/CBD/BS/COP-MOP/4/L.9.

198. A statement was made by a representative of TWN.

199. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.9 and adopted it as decision BS-IV/16. The text of the decision is contained in the annex to the present report.

ITEM 17. PUBLIC AWARENESS AND PARTICIPATION (ARTICLE 23, PARAGRAPH 1(a))

200. Working Group II took up agenda item 17 at its 2nd meeting, on 13 May 2008. In considering the item, the Working Group had before it an interim report prepared by the Executive Secretary on the initiatives undertaken by Governments, including the experiences gained and lessons learned during the development of the public awareness and participation components of the national biosafety frameworks (UNEP/CBD/BS/COP-MOP/4/16); and a new outreach strategy for the Protocol developed by the Executive Secretary (UNEP/CBD/BS/COP-MOP/4/INF/10).

201. Introducing the item, the Secretariat stressed the importance of the effective implementation of the outreach strategy to promote public awareness and participation, and drew attention to the draft decision contained in the interim report by the Executive Secretary.

202. Statements were made by representatives of Belize, Colombia, Cuba, Ecuador, India, the Islamic Republic of Iran, Kiribati, Malaysia, Norway, Qatar, Slovenia (on behalf of the European Community and its 27 member States; as well as the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine), Venezuela and Zimbabwe (on behalf of the Africa Group).

203. A statement was also made by a representative of PRRI.

204. Following the exchange of views, the Chair said that he would prepare a text incorporating the points raised during the discussion.

205. At its 8th meeting, on 15 May 2008, the Working Group took up a draft decision on public awareness and participation (paragraph 1(a) of Article 23), submitted by the Chair.

206. Following an exchange of views, the Working Group approved the draft decision, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/4/L.11.

207. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.11 and adopted it as decision BS-IV/17. The text of the decision is contained in the annex to the present report.

ITEM 18. OPTIONS FOR IMPLEMENTATION OF THE NOTIFICATION REQUIREMENT UNDER ARTICLE 8

208. Working Group I took up agenda item 18 at its 2nd meeting, on 13 May 2008. In considering the item, the Working Group had before it a note by the Executive Secretary synthesizing information on national implementation and experiences on that matter as provided through the first regular national reports (UNEP/CBD/BS/COP-MOP/4/17).

209. Introducing the item, a representative of the Secretariat recalled paragraph 1 of decision BS-II/8, pursuant to which the item had been kept under review until the current meeting, and said that the note by the Executive Secretary had been prepared to assist the further consideration of the item. He also drew attention to the options for elements of a draft decision on the subject, set forth in section III of the note.

210. In considering those options, statements were made by representatives of Brazil, China, Cuba, Kenya, Japan, Malaysia, Mauritius (on behalf of the African Group), Mexico, Norway, Peru, the Philippines, Slovenia (on behalf of the European Community and its 27 member States; as well as the

candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the potential candidate countries, Bosnia and Herzegovina, and Serbia; and the partner country, Ukraine) and Thailand.

211. Statements were also made by representatives of PRRI and TWN.

212. At the conclusion of the discussion, the Chair said that, taking into account the views expressed, she would prepare a text for consideration by the Working Group.

213. At its 4th meeting, on 15 May 2008, the Working Group took up a draft decision on notification requirements, submitted by the Chair. The Chair pointed out that the draft decision had no budgetary implications.

214. The Working Group approved the draft decision on notification requirements as draft decision UNEP/CBD/BS/COP-MOP/4/WG.1/L.7.

215. At the 3rd plenary session of the meeting, on 16 May 2008, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/4/L.7 and adopted it as decision BS-IV/19. The text of the decision is contained in the annex to the present report.

IV. FINAL MATTERS

ITEM 19. OTHER MATTERS

216. There were no other matters.

ITEM 20. DATE AND VENUE OF THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

217. At its 3rd plenary session, the Parties to the Protocol decided that their fifth meeting would be held in conjunction with the tenth meeting of the Conference of the Parties to the Convention, the date and venue of which would be determined by the Conference of the Parties at their forthcoming ninth meeting.

ITEM 21. ADOPTION OF THE REPORT

218. The present report was adopted at the 3rd plenary session of the meeting, on 16 May 2008, on the basis of the draft report presented by the Rapporteur (UNEP/CBD/BS/COP-MOP/4/L.1) and the reports of Working Group I (UNEP/CBD/BS/COP-MOP/4/L.1/Add.1) and Working Group II (UNEP/CBD/BS/COP-MOP/4/L.1/Add.2).

ITEM 22. CLOSURE OF THE MEETING

219. At the 3rd plenary session of the meeting, on 16 May 2006, the Chair recalled the terrible natural disasters that had recently struck China and Myanmar, and extended his deepest sympathy to all the victims. He called for a minute of silence in memory of the people who had lost their lives.

220. Following the observance of a minute of silence, a representative of China thanked the Chair and the participants for their condolences. He also thanked the international community for its assistance, which displayed evidence of international solidarity. With that assistance and the rescue efforts being made domestically, he was confident that the disaster could be overcome.

221. The Executive Secretary congratulated participants on the outstanding fulfilment of their mandate at what had been a rewarding and historic meeting. He paid tribute to the host country, Germany, and to the President of the meeting, the Chairs of the two working groups, as well as to the chairs of the contact groups on liability and redress and on the budget. As always, the Secretariat would strive to implement the decisions which had been adopted and overcome the challenges entailed.

222. The representative of Japan applauded the host country for its successful Presidency of the meeting and expressed his country's gratitude to the Secretariat, in particular the Executive Secretary, for its tremendous work in organizing the meeting. He also commended the good faith of all participants and said that Japan would make every effort to ensure the effective implementation of the Cartagena Protocol, which was set to grow ever more important. He was confident that the sincerity of the relationship among the Parties would enable them to overcome the many challenges that lay ahead. He looked forward to the endorsement of Japan's offer to host the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and consequently to welcoming participants to the city of Nagoya.

223. After the customary exchange of courtesies, the President then declared the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol on Biosafety closed, at 8.30 p.m. on Friday, 16 May 2008.

Annex

**DECISIONS ADOPTED BY THE FOURTH MEETING OF THE CONFERENCE OF THE
PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY**
Bonn, 12-16 May 2008

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BS-IV/1. Report of the Compliance Committee

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

Taking note of the report of the Compliance Committee, including its recommendations (UNEP/CBD/BS/COP-MOP/4/2),

Taking note also of the information compiled by the Compliance Committee on experience of other multilateral environmental agreements in addressing cases of repeated non-compliance (UNEP/CBD/BS/COP-MOP/4/2/Add.1),

Recognizing the need for improved intersessional coordination among members of each regional group to replace, expeditiously, Compliance Committee members who resign or are unable to complete their term,

Recognizing also the absence of any submissions relating to compliance to the Compliance Committee to date,

1. *Reminds* each Party of its obligation to adopt appropriate domestic measures addressing illegal transboundary movements of living modified organisms and to report the occurrence of such movements to the Biosafety Clearing-House;

2. *Calls upon* each regional group to consider and apply mechanisms:

(a) To ensure that nominees to the Compliance Committee are willing and able to attend and fully participate in the meetings of the Committee; and

(b) That would best suit and enable them to replace members of the Compliance Committee who resign during an intersessional period or who are unable to complete their term of office in accordance with rule 10 of the rules of procedure of the Compliance Committee and to do so in an expeditious manner;

3. *Decides* to defer consideration or, as appropriate, adoption of measures on repeated cases of non-compliance until such time as experience may justify the need for developing and adopting such measures;

4. *Urges* Parties to renew efforts to facilitate agreement on rule 18 of the rules of procedure for the meetings of the Compliance Committee;

5. *Encourages* the Compliance Committee to meet less than twice a year if it deems it sufficient and within the budget adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol, notwithstanding the periodicity of meetings provided for in section II of the annex to decision BS-I/7;

6. *Invites* Parties 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 their views on how the supportive role of the Compliance Committee could be improved, and *requests* the Executive Secretary to compile the views and make them available to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

BS-IV/2. Operation and activities of the Biosafety Clearing-House

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

Taking note of the progress report on the implementation of the multi-year programme of work for the operation of the Biosafety Clearing-House (BCH),

Noting the results of the 2007-2008 survey, the information relevant to the Biosafety Clearing-House contained in the first national reports and the submissions on constraints identified by some Parties on making information available in the Biosafety Clearing-House,

Welcoming the improvements that have made the Central Portal of the Biosafety Clearing-House more user-friendly,

Noting the gaps in some important categories of information in the Biosafety Clearing-House, particularly in the Advance Informed Agreement and risk assessment categories,

Emphasizing the importance of facilitating ease of access to the Biosafety Clearing-House to all Parties as well as the need for Parties to make the results of their decisions available to the public *inter alia* through the Biosafety Clearing-House,

Emphasizing also the need to ensure sustainability of capacity-building to enable developing countries to effectively use the Biosafety Clearing-House,

Recognizing the accomplishments of the UNEP-GEF project entitled “Building Capacity for Effective Participation in the Biosafety Clearing-House of the Cartagena Protocol” and *taking note* of its upcoming closure,

1. *Reminds* all Parties of their obligations, and *invites* all other Governments, to submit to the Biosafety Clearing-House complete information pertaining to decisions regarding the first intentional transboundary movements of living modified organisms for intentional introduction into the environment and the risk assessments associated with such decisions;

2. *Urges* all Parties and invites all other Governments to provide relevant information to the Biosafety Clearing-House, including information pertaining to decisions regarding the release or import of living modified organisms and risk assessments taken prior to entry into force of the Protocol;

3. *Invites* Parties, other Governments and users of the Biosafety Clearing-House to continue to make relevant biosafety information and resources available through the Biosafety Information Resource Centre (BIRC);

4. *Requests* the Executive Secretary, with the view to facilitating the ease of access to the Biosafety Clearing-House to:

(a) Improve the electronic tools available for the analysis of search results (e.g. different sorting options);

(b) Include electronic links to national reports in the country profile pages; and

(c) Undertake additional activities, such as the introduction of online tools for statistical analysis and graphic representations of data;

5. *Requests* the Executive Secretary to improve the structure of the common formats and simplify the registration procedure, for instance by increasing the use of metadata in addition to free-text entry.

6. *Also requests* the Executive Secretary to implement a procedure for the validation of information in the Central Portal of the Biosafety Clearing-House which establishes a timeframe for the confirmation or updating of information by Parties;

7. *Further requests* the Executive Secretary to continue assisting national nodes for the Biosafety Clearing-House that are interlinked and interoperable with the Central Portal through the maintenance and improvement of the two applications, 'Hermes' and the 'BCH Ajax Plug-in';

8. *Requests* the Executive Secretary to commission a study of users and potential users of the Biosafety Clearing-House in order to:

(a) Assess what information users and potential users of the Biosafety Clearing-House would find useful; and

(b) Prioritize the work programme of the Biosafety Clearing-House in order to focus the efforts of the Secretariat on making the Biosafety Clearing-House a useful tool;

9. *Welcomes* the offer of the Republic of Korea to organize and sponsor a subregional workshop for enhancing capacity in the use of the Biosafety Clearing-House and *invites* the Secretariat and the UNEP-GEF Biosafety Clearing-House project to facilitate this initiative;

10. *Calls upon* Parties, other Governments and donors to provide the required financial resources to support activities referred in paragraphs 4, 7 and 8 above;

11. *Urges* the Global Environment Facility to extend the UNEP-GEF Biosafety Clearing-House project, in its current form as a global project with a view to ensuring sustainability of national BCH nodes and providing more capacity-building support, with special attention to targeted stakeholders (e.g., customs departments and phytosanitary inspectors), and to provide additional funding for these activities from sources other than the Resource Allocation Framework (RAF) taking into consideration the global nature of the project.

BS-IV/3. Capacity-building

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

Recalling its decisions BS-I/5, BS-II/3 and BS-III/3 on capacity-building under the Protocol,

Reiterating the importance of capacity-building for the implementation of the Protocol,

Noting the challenges and needs expressed by developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition, in their first national reports,

1. *Welcomes* the report on the status of implementation of the Action Plan for Building Capacities for the Effective Implementation of the Protocol, prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/4/4);

2. *Urges* Parties, other Governments, donors and relevant organizations to provide new and additional financial and technical support to developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition to address their capacity-building needs;

3. *Urges* the Global Environment Facility to provide additional financial support from sources other than the Resource Allocation Framework (RAF) for capacity-building activities in developing countries, in particular the least developed and small island developing States among them, and countries with economies in transition;

4. *Invites* Parties, other Governments and relevant organizations to provide information on their capacity-building activities to the Secretariat and the Biosafety Clearing-House at least six months before the regular meetings of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol, in order to facilitate more comprehensive reporting on the implementation of the capacity-building Action Plan and the sharing of experiences in capacity-building activities;

5. *Requests* the Executive Secretary to develop a web-based reporting format to be used by Parties, other Governments and relevant organizations to submit the information referred to in paragraph 4 above;

6. *Welcomes* the offer of UNEP to undertake an expert review of capacity-building activities under GEF funding, in collaboration with GEF, its agencies and the Executive Secretary, with a view to assessing the effectiveness of various approaches to capacity-building and developing lessons learned and *invites* Parties, other Governments, donors and relevant organization to provide additional support to extend the review to non-GEF activities and submit the review to the BCH.

Biosafety education and training

Recognizing the need for long-term biosafety education and training programmes to develop core expertise for the effective implementation of the Protocol,

Noting the limited number of existing biosafety academic programmes,

Welcoming the report of the second international meeting of academic institutions and organizations involved in biosafety education and training which was held in April 2007 in Kuala Lumpur (UNEP/CBD/BS/COP-MOP/4/INF/6),

Expressing its appreciation to the Governments of Switzerland and Denmark and the United Nations Industrial Development Organization (UNIDO) for funding the above meeting and the Government of Malaysia for hosting it,

7. *Invites* Parties and other Governments to complete and return to the Secretariat the biosafety training needs assessment matrix developed by the second international meeting of academic

institutions and organizations involved in biosafety education and training and disseminated by the Executive Secretary;

8. *Invites* relevant national authorities, in particular national focal points to the Protocol to collaborate with academic institutions and other relevant organizations in the development and/or expansion of biosafety academic programmes;

9. *Invites* developed country Parties, other Governments, GEF, bilateral and multi-lateral agencies to provide financial and other support to enable universities and relevant institutions to develop and/or expand existing biosafety academic programmes and provide scholarships to students from developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition;

10. *Invites* Parties other Governments and relevant organizations to share through BCH the existing academic and training materials;

11. *Welcomes* the offer by the Government of Japan to organize and host the third international meeting of academic institutions and other organizations involved in biosafety education and training;

12. *Requests* the Executive Secretary to prepare a synthesis of the information provided by Parties and other Governments in the training needs assessment matrix referred to in paragraph 7 above and make the synthesis report available through the Biosafety Clearing-House;

13. *Also requests* the Executive Secretary to initiate collaboration with relevant academic institutions involved in biosafety education and training;

Coordination mechanism

Taking note of the progress made in the implementation of the Coordination Mechanism and the measures undertaken to further improve its implementation,

Welcoming the reports of the third and fourth coordination meetings for Governments and organizations implementing or funding biosafety capacity-building activities,

Expressing its appreciation to the Governments of Zambia and India for hosting the third and fourth coordination meetings, respectively, and to the Governments of Germany, Norway and India, as well as to the International Centre for Genetic Engineering and Biotechnology (ICGEB), for providing financial support that enabled the participation of developing countries and countries with economies in transition,

14. *Requests* the Executive Secretary to continue encouraging relevant organizations and bilateral and multilateral donor agencies to support and participate actively in the Coordination Mechanism;

15. *Also requests* the Executive Secretary to continue undertaking measures to improve the implementation of the Coordination Mechanism and provide a report to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

Indicators

Recalling its decision BS-I/5, paragraphs 26-29,

Recognizing the importance of monitoring and evaluating capacity-building efforts,

Noting the lack of submissions of information by Parties, other Governments, and relevant organizations regarding their experiences in using the preliminary set of indicators as requested for in paragraph 28 of decision BS-I/5,

Recognizing that more experience is needed before undertaking further work in developing new indicators for monitoring and evaluating implementation of the capacity-building Action Plan,

16. *Approves* the revised set of indicators for monitoring the updated Action Plan for Building Capacities for the Effective Implementation of the Protocol annexed to this decision;

17. *Invites* Parties, other Governments and relevant organizations to submit to the Executive Secretary, at least six months before the sixth meeting of the Parties, information on their experiences with, and lessons learned from, the use of the revised set of indicators;

18. *Invites also* Parties, other Governments and relevant organizations to take into account, when selecting or using indicators for monitoring their capacity-building initiatives, the experiences and lessons learned from relevant processes, including those described in the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/4/4/Add.1);

19. *Invites* Parties and other Governments to undertake stocktaking assessments or compile information collected under relevant assessment processes to establish their capacity-building baselines and benchmarks and communicate this information to the Executive Secretary;

20. *Requests* the Executive Secretary to prepare a synthesis report on the experiences with and lessons learned from the use of the revised set of indicators on the basis of the submissions by Parties, other Governments and relevant organizations for consideration at the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol.

Annex

**REVISED SET OF INDICATORS FOR MONITORING IMPLEMENTATION OF
THE ACTION PLAN FOR BUILDING CAPACITIES FOR THE EFFECTIVE
IMPLEMENTATION OF THE PROTOCOL**

1. The set of indicators presented below is intended for use in tracking the overall progress in implementing the Action Plan, encompassing the overall cumulative contribution of different capacity-building projects and other activities. The indicators could be adapted as appropriate to evaluate individual capacity-building projects.

2. The indicators fall under four main categories namely: “indicators of existence”, “indicators of status”, “indicators of change” and “indicators of progress towards an endpoint”. The first category indicate whether capacity exists or not (i.e. yes/no). Status indicators include actual values/ levels of a given parameter, either quantitatively (e.g. number of people, percentage of people) or qualitatively (e.g., low/medium/high). The “indicators of change” show variation in the level of a given parameter, either increase/decrease or positive/negative. Indicators of change are measured in comparison to a starting point in time or in terms of progress towards and endpoint. In some cases, the measurement may be quantitative (e.g. change in number of staff), and in other cases it may be qualitative (e.g. change in level of satisfaction). They may also show overall trends or pattern of change.

3. The table below contains indicators that could be used for monitoring capacity at the global and national or project levels (outlined in columns 1 and 2). The last columns could be used to indicate the status or level of capacity-building for the corresponding indicator. It could be rated at five levels namely: zero or non-existent (0); low or somewhat in place (1); medium or partially in place (2); high or mostly in place (3); very high or fully in place (4). The column marked “NA” would be used in cases where there are no data or where the information is insufficient to characterize the level of existing capacity. In summary, the following rating criteria could be used:

NA	Not applicable or insufficient information to assess
0	Zero or non-existent (0%)
1	Low or somewhat in place (<50%)
2	Medium or partially in place (51-75%)
3	High or mostly in place (76-100%)
4	Fully in place (100%)

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>				
		<i>NA</i>	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>
A. Improved institutional capacity						
<i>(i) Effective legislative and policy frameworks in place</i>	1. a)	Existence of biosafety frameworks (e.g. policies, laws and regulations)				
	b)	Level of harmonization of national biosafety frameworks with other national policy frameworks and programmes				
	c)	Level of consistency of national biosafety frameworks with the Protocol				
	d)	Level of stakeholder satisfaction with the national biosafety frameworks				
<i>(ii) Appropriate administrative frameworks in place</i>	2. a)	Existence of clearly defined institutional mechanisms for administering biosafety, including designation of competent national authorities and responsibilities among agencies				
	b)	Change in the quantity and quality of staffing in national institutions dealing with biosafety				
	c)	Percentage of notifications handled and decisions taken within the timeframes specified in the Protocol				
	d)	Existence of systems for managing biosafety records and for maintaining institutional memory				
	e)	Existence of mechanisms for inter-institutional coordination (e.g. steering committees or intranets), and change in the level of activity of such mechanisms				
<i>(iii) Improved technical, scientific, and telecommunications infrastructures</i>	3. a)	Change in the quantity and reliability of office equipment and facilities in institutions dealing with biosafety				
	b)	Number and variety of facilities (e.g. laboratories) available for biosafety research work				
	c)	Change in the level of reliability of telecommunication infrastructure				

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>					
		<i>NA</i>	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>(iv) Enhanced funding and resource management</i>	4. a) Amount of funding for biosafety activities received or provided b) Percentage of funding for biosafety coming from national budgetary allocation c) Rate at which resources earmarked for biosafety are used for the intended activities and in a cost-effective manner						
<i>(v) Enhanced mechanisms for follow-up, monitoring and assessment</i>	5. a) Existence of national mechanisms for monitoring and reporting of implementation of the Protocol o)						
<i>B. Improved human resources capacity development and training</i>	6. a) Number of national experts trained in diverse specialized biosafety-related fields b) Frequency at which local experts are used in undertaking or reviewing risk assessments and other activities relating to the implementation of the Protocol c) Frequency at which expertise from the roster of experts is accessible whenever required by countries						
<i>C. Improved capacity for risk assessment and other scientific and technical expertise</i>	7. a) Amount of biosafety research and proportion of risk assessments carried out locally b) Frequency at which local expertise is used in undertaking or reviewing risk assessments						
<i>D. Improved capacity in risk management</i>	8. a) Existence of risk-management strategies for LMOs with identified risks b) Rate at which risk-management strategies and measures developed to prevent or mitigate identified risks are actually implemented						

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>					
		<i>NA</i>	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>E. Improved public awareness, participation and education in biosafety at all levels</i>	9. a)	Change in level of public awareness of the Protocol					
	b)	Change in the number, scope and variety of measures taken to promote awareness of the biosafety and the Protocol					
	c)	Rate of involvement of relevant stakeholders in decision-making and in the development and implementation of national biodiversity frameworks					
	d)	Change in frequency of public access to relevant biosafety information, including through the Biosafety Clearing-House					
<i>F. Improved information exchange and data management including full participation in the Biosafety Clearing-House</i>	10. a)	Change in level of exchange of relevant biosafety data and information					
	b)	Extent to which information required under the Protocol is provided to the Biosafety Clearing-House					
	c)	Existence of national systems for data management and information exchange					
	d)	Existence of appropriate national infrastructure and capability to access the Biosafety Clearing-House					
	e)	Degree to which the Biosafety Clearing-House responds to the information needs of different stakeholders					
	f)	Level of stakeholder satisfaction with the Biosafety Clearing-House (including its accessibility, user-friendliness and content)					
	g)	Change in number, frequency and regional distribution of Governments and organizations accessing and retrieving information from the Biosafety Clearing-House					
	h)	Change in number and regional distribution of Governments and organizations contributing information to the Biosafety Clearing-House					

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>					
		<i>NA</i>	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>G. Increased scientific, technical and institutional collaboration at subregional, regional and international levels</i>	11. a)	Existence of various mechanisms for regional and international collaboration in biosafety					
	b)	Change in number of bilateral and multilateral collaborative initiatives in biosafety underway					
	c)	Change in level of participation in regional and international collaborative mechanisms and initiatives					
	d)	Existence of, and level of participation in, regional/ subregional advisory mechanisms and centers of excellence					
	e)	Existence of regional and subregional websites and databases					
	f)	Existence of mechanisms for regional and sub-regional coordination and harmonization of biosafety regulatory frameworks					
	g)	Existence of, and level of participation in, mechanisms for promoting south-south cooperation in biosafety issues					
	h)	Change in amount and availability of international technical guidance for implementation of the Protocol					
	i)	Existence of mechanisms for promoting common approaches					
<i>H. Improved access to and transfer of technology and know-how</i>	12. a)	Existence of enabling frameworks for technology transfer					
	b)	Change in number of relevant technologies transferred					
<i>I. Improved identification of LMO shipments as required by the Protocol</i>	13. a)	Existence of national measures for identification of LMO shipments					
	b)	Change in level of use of modern LMO identification techniques					
	c)	Change in level of effectiveness of identification systems and measures in ensuring safe handling, transport and packaging of LMOs					

- J. Socio-economic considerations effectively addressed in decision making regarding LMOs**
14. a) Extent to which consideration of socio-economic impacts are enforced by domestic law or regulations
- b) Extent to which socio-economic issues are taken into consideration in decision-making regarding LMOs
- c) Existence of methodology and frameworks for defining and evaluating socio-economic considerations
- d) Level of local expertise on socio-economic issues
- K. Documentation requirements under Article 18.2 of the Protocol fulfilled**
15. a) Change in level of development of national LMO documentation systems
- b) Level of adherence to the identification requirements in the documentation accompanying LMO shipments
- c) Level of ability of Customs officials to enforce LMO documentation requirements
- L. Confidential information effectively and appropriately handled**
16. a) Existence of mechanisms to handle confidential information
- b) Level of training of competent national authorities to handle confidential information
- M. Unintentional and/or illegal transboundary movements of LMOs effectively addressed**
17. a) Existence of national data management system for easy and timely access lists of approved LMOs
- b) Level of vigilance of the national border control systems
- N. Increased scientific biosafety research relating to LMOs**
18. a) Change in number of national biosafety research initiatives
- b) Number of national scientists involved in biosafety research
- c) Number of biosafety research articles published in peer-reviewed journals
- d) Change in the level of funding for scientific biosafety research
- e) Percentage of biosafety research funded from national budgetary allocation

O. Risks to human health effectively taken into account in decision making regarding LMOs

19. a) Extent to which assessment of impacts of LMOs on human health is enforced by domestic law or regulations
- b) Extent to which impacts on human health are taken into consideration in decision-making regarding LMOs

BS-IV/4. Roster of biosafety experts

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

Recalling its decisions BS-I/4, BS-II/4 and BS-III/4 on the roster of experts on biosafety,

Taking note of the report on the status and use of the roster of experts and of the pilot phase of the Voluntary Trust Fund for the Roster of Experts (UNEP/CBD/BS/COP MOP/4/4/Add.2),

Recognizing the need to further strengthen the roster of experts,

Re-emphasizing the right of Parties and Governments to nominate their experts to the roster,

1. *Adopts* the criteria and minimum requirements for experts to be nominated to the roster of experts, contained in annex I to the present decision;

2. *Adopts also* the guidelines for the roster of experts, as well as the nomination form for the roster contained in annexes II and III to the present decision, respectively;

3. *Requests* Parties and other Governments to make fresh nominations in accordance with the new criteria and minimum requirements, using the revised nomination form;

4. *Requests* the Executive Secretary to remove all existing records in the roster within three months and refill the roster with those experts who are nominated or re-nominated by Parties and Governments;

5. *Urges* Parties and other Governments to ensure that their nominees meet the criteria and minimum requirements and possess the highest professional qualities and expertise in the fields for which they are nominated and to verify that the information submitted on the nomination forms is complete and accurate before submitting it to the Secretariat;

6. *Authorizes* the Secretariat to check all nomination forms for completeness and return to the nominating Governments any nomination forms that are incomplete and/or do not meet the criteria and minimum requirements;

7. *Decides* that experts shall be maintained on the roster for a period of four years from the last update of their information, after which they will be deleted from the roster unless re-nominated;

8. *Requests* Parties and other Governments to keep the information on their nominated experts in the roster up-to-date and to undertake, or require the experts to undertake, a general review and update of their information every two years;

9. *Requests* the Executive Secretary to produce and disseminate to all Parties, other Governments and relevant organizations a simple “Guide to the Roster of Biosafety Experts”, to further sensitize them as to the nature, role and operational procedures for the roster, including the new minimum requirements for the experts to nominated to the roster and the measures to enhance its quality;

10. *Requests* the Executive Secretary to prepare a document for consideration at its sixth meeting in order to evaluate the performance of the roster;

11. *Requests* the Executive Secretary to extend the roster of experts to include a “BCH experts” category in the Biosafety Clearing-House, and *invites* Parties to nominate to the roster of experts those experts who have met or exceeded their country’s expectations;

Voluntary Fund for the Roster of Experts

12. *Decides* to revitalize the pilot phase of the Voluntary Fund for the Roster of Experts;

13. *Invites* developed country Parties and other donors to make contributions to the Voluntary Fund, and *reminds* Parties that without funds the roster cannot operate.

*Annex I***CRITERIA AND MINIMUM REQUIREMENTS FOR DIFFERENT CATEGORIES OF EXPERTS TO BE NOMINATED TO THE ROSTER****I. SCIENTIFIC AND TECHNICAL EXPERTS**

Minimum academic and professional qualifications:

- A postgraduate degree and five years of experience;
- Demonstrated professional experience, including:
 - Peer-reviewed publications, including articles in internationally recognized journals;
 - Non peer-reviewed publications and reports;
 - Presentations at conferences, workshops and scientific/technical symposia;
 - Participation in relevant scientific and technical committees, expert panels or advisory bodies; and
 - Project-related experience.

II. LEGAL EXPERTS

Minimum academic and professional qualifications:

- A degree in law and five years of professional experience;
- Professional experience in relevant areas of expertise, including:
 - In-depth knowledge of the Cartagena Protocol on Biosafety;
 - Knowledge of biosafety issues;
 - Familiarity with sector(s) related to the Protocol (e.g. international trade, environment, agriculture, etc.);
 - National and/or international experience in the relevant area of expertise (e.g. participation in policy, legislative or regulatory development);
 - Experience in drafting and/or reviewing national legislation related to issues under the Protocol;
 - An understanding of developments in international law;
 - An understanding of other international rights and obligations.

III. POLICY AND REGULATORY EXPERTS

Minimum academic and professional qualifications:

- Undergraduate degree or equivalent and five years of professional experience;
- Professional experience in relevant areas of expertise, including:
 - In-depth knowledge of the Cartagena Protocol on Biosafety;
 - Knowledge of biosafety issues;
 - Familiarity with sector(s) related to the Protocol (e.g. international trade, environment, agriculture, etc.);

- National and/or international experience in the relevant area of expertise (e.g. participation in policy, legislative or regulatory development);
- Experience in policy formulation; and
- Experience working in a regulatory agency or agencies on issues related to the Protocol.

IV. BIOSAFETY SYSTEMS DEVELOPMENT AND IMPLEMENTATION EXPERTS

Minimum academic and/or professional qualifications:

- A university degree or equivalent and five years of experience in biosafety systems;
- Professional experience, including:
 - Participation in and/or facilitation of biosafety activities (e.g. workshops, negotiations, advisory and technical bodies, steering committees at the local, national, subregional, regional and international levels);
 - Experience with and knowledge of the Cartagena Protocol on Biosafety;
 - Public awareness and participation; and
 - Development and implementation of biosafety initiatives.

*Annex II***GUIDELINES FOR THE ROSTER OF BIOSAFETY EXPERTS****A. Mandate of the roster**

1. The mandate of the roster of experts shall be to provide advice and other support, as appropriate and upon request, to developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of LMOs. Moreover, the roster of experts should perform all other functions assigned to it by the Conference of the Parties serving as the meeting of the Parties to the Protocol in future, in particular in the field of capacity-building.

2. The roster of experts is an instrument to build capacities and to aid developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition until adequate capacities have been built.

B. Administration of the roster

3. The Secretariat of the Convention/Protocol shall administer the roster. These functions will include:

- (a) Establishing and reviewing, as necessary, the nomination form;
- (b) Maintaining an appropriate electronic database to allow easy access to the roster;
- (c) Maintaining a soft copy of the roster on CD-ROM, updated at least once a year, and distribute it upon request;
- (d) Advising the Conference of the Parties serving as the meeting of the Parties to the Protocol on coverage of all areas of expertise available through the roster, and on regional and gender balances on the roster;
- (e) Assisting Parties, on request, in identifying appropriate experts; and
- (f) Performing such other administrative functions as are set out in these guidelines or as directed by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol in other decisions;
- (g) Assisting Parties, upon request, in verifying the availability of experts.

C. Access to the roster

4. Access to the roster should be maintained through the Biosafety Clearing-House (via the Internet or non-electronic means). Every two years, the Secretariat will produce CD-ROM version of the roster for distribution to Parties, upon request, along with a description of how the different Internet search fields can be used to aid Parties to identify needed expertise. A Party may request an updated version between these publications.

D. Membership on the roster of experts**1. Nomination of members**

5. Roster members shall be nominated by Governments in accordance with the criteria and minimum requirements (contained in annex I to decision BS-IV/4). Governments are responsible for ensuring that nominees meet the criteria and minimum requirements and possess the highest professional qualities and expertise in the fields for which they are nominated. Governments are also responsible for validating the accuracy of information provided in the nomination form. Governments should consult with relevant stakeholders and seek interested individuals, including from national and sub-national governments, research and academic institutions, industry, civil society, non-governmental organizations

and intergovernmental organizations (e.g. OECD, CGIAR centres, etc) for the purpose of providing balanced, high-quality nominations.

6. Governments are encouraged to consider active retired experts with accumulated knowledge and experience, and with no current institutional affiliations, as potential nominees.

7. Governments may nominate experts from other countries, including their nationals in the diaspora, who meet the criteria and minimum requirements.

2. Mechanism for nomination

8. The nomination form contained in annex III to decision BS-IV/4 shall be used for all nominations. Electronic submissions of the form are encouraged. Nominating governments should ensure that the information submitted on all nomination forms is complete, accurate and meets the criteria and minimum requirements. The Executive Secretary will undertake periodic review of the nomination form with input from governments, in particular review the specific areas of expertise under the broad categories, and make necessary revisions to the nomination form.

9. In accordance with the quality control mechanism for the roster, governments shall endeavour to keep their nominations to the roster of experts up-to-date and shall undertake a general review and update of the records of their nominees every two years. Experts shall be maintained on the roster for up to four years. After that period, governments may re-nominate their experts in accordance with the criteria and minimum requirements. Two reminders shall be sent to the respective national focal points and if no action is taken, the names of the experts will be automatically removed from the roster.

3. Balanced representation

10. All Governments are encouraged to nominate experts to ensure regional balance in the roster. Governments should utilize regional centres of excellence in developing countries, in particular the least developed and small island developing States among them, and countries with economies in transitions, as sources for the nomination of experts. The Secretariat will ensure that the roster database allows for a regional breakdown of roster members as a primary “filter” in searching the list of members.

11. Governments are encouraged to promote gender balance in their nominations.

12. The Executive Secretary shall prepare a report on the sectoral, regional and gender composition of the roster for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its regular meetings.

4. Required information on experts

13. Information required for each nominee is defined in the criteria and minimum requirements contained in annex I to decision BS-IV/4 and set out in the nomination form. The Secretariat shall ensure each form is complete prior to listing a nominee on the roster.

5. Institutions

14. Involving experts from existing and independent institutions with relevant expertise in biosafety would allow access to a wide base of multidisciplinary knowledge. Therefore, experts are required to indicate on the nomination form whether they are members of any institution.

E. Scope of expertise required

15. The areas of expertise required for members of the roster are identified in the criteria and minimum requirements contained in the annex I and on the nomination form in annex III to decision BS IV/4.

F. Choice of experts for assignments**1. Choice by requesting Party**

16. The choice of experts for any given assignment is to be made by the requesting Party.

2. Assistance by Secretariat

17. When requested by a Party seeking an expert, the Secretariat shall provide assistance to the Party to identify experts listed in the specific area(s) of expertise in the roster. Where feasible, the Secretariat should include a list of potential experts that reflects regional and gender balance.

3. Secretariat facilitating initial contact

18. The Secretariat may facilitate the initial contact of a Party seeking assistance with any expert on the roster, upon request. When a Party contacts an expert directly, the Party shall report the contact and its result to the Secretariat in order to compile and maintain full records on the operations of the roster.

G. Obligations of individuals on the roster**1. Ensuring complete and accurate information on nomination forms**

19. Experts are responsible for ensuring that the information on their nomination form is complete and accurate.

2. Agreement to release nomination form information to the public

20. All information on the nomination form should normally be made available to the public, including on the Biosafety Clearing-House, after a nomination is completed. However, a roster member may request the non-disclosure of direct contact information (telephone, address-, fax and e-mail) if she or he chooses.

3. Acceptance or refusal of a request for assistance/advice

21. Members of the roster may accept or reject any proposed assignment.

4. Declining to act if there is a real or perceived conflict of interest

22. Experts should decline any assignment where an assignment may raise a real or perceived conflict of interest. Prior to undertaking any assignment through the roster or being put forward on a secretariat shortlist, each roster member will complete a conflict of interest declaration, indicating if they have any personal, institutional or other professional interests or arrangements that would create a conflict of interest or that a reasonable person might perceive as creating a conflict.

23. If the declaration raises concerns, the Secretariat or Party concerned may seek further information from the expert. If legitimate concerns remain, it is recommended that any judgments as to whether a conflict exists should err on the side of caution, consistent with maintaining the highest level of credibility of the roster process.

5. Acting in a personal capacity

24. Each expert shall act solely in his or her personal capacity, regardless of any other governmental, industry, organizational or academic affiliation.

6. Exhibiting highest professional standards

25. Any expert carrying out an assignment is expected to comply with all applicable professional standards in an objective and neutral way and to exhibit a high degree of professional conduct in undertaking an assignment. These standards should extend to any discussions that assist a Party in choosing an expert. Experts are expected to perform their duties in a timely manner.

7. *Contributing to training of local personnel when possible*

26. Experts may be asked, when appropriate, to contribute to on-the-ground training and capacity-building of local personnel as part of their assignment.

8. *Confidentiality and transparency*

27. Unless otherwise authorized by the requesting Party concerned, experts on the roster undertaking assignments shall not divulge confidential information obtained through or as a result of performing their duties. Confidentiality should be as stipulated in the agreement between the Party and the expert.

28. The final written advice of the expert shall be made available through the Biosafety Clearing-House, respecting confidential information.

9. *Setting clear expectations*

29. It is the responsibility of the Party and the expert to ensure that the expectations and terms of reference of the Party are clear and that these have been understood by the expert.

10. *Submitting a report*

30. Brief reports should be prepared by the expert following completion of the assignment, including overall assessment of the process, the results achieved and constraints encountered, as well as suggestions that might be considered for future assignments.

H. *Payment of roster members*

1. *Pro bono assignments*

31. Any expert may choose to undertake an assignment on a *pro bono* basis. The same principles relating to conflict of interest, acting in a personal capacity, and other obligations under section G would apply to such *pro bono* assignments.

2. *Secondment*

32. Any organization may permit experts affiliated with it to undertake an assignment as a secondment from their usual duties. Transparent and full disclosure of any such arrangements should be made. No government or institution is obligated to cover any or all of the cost of a nominated expert.

3. *Payments fixed by contract with requesting Party*

33. Legal arrangements for fees and/or expenses associated with an assignment should be addressed in contractual agreements between the Party and the expert in question.

I. *Liability*

34. Decisions taken by the requesting Party on the basis of advice provided will be the sole responsibility of the Party.

1. *Liability of nominating Party*

35. Nominating governments shall not be liable for the personal conduct, inputs or results arising from or connected with the work of an expert it has nominated.

2. *Liability of the Secretariat*

36. The Secretariat shall not be liable for, or subject to any legal process arising from or connected with, the use or advice of an expert from the roster.

3. *Liability of experts*

37. Liability of the expert and the applicable law should be addressed in the contract between the Party seeking assistance and the expert.

J. Reports

38. Parties and other Governments using experts from the roster are required to provide the Secretariat with an evaluation of the advice or other support provided by the experts and the results achieved. Such evaluations should be made available through the Biosafety Clearing-House and shall form part of expert's profile.

39. The Secretariat shall prepare, for each regular meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol, a report on the operations of the roster. The reports shall include factual information on the number of experts on the roster as well as regional, gender and discipline breakdowns of the roster. The reports shall also include information on direct contacts initiated by Parties and their results or contacts facilitated by the Secretariat and their results, including the individual experts contracted by each requesting Party, a note on the topic and description of the assignment, results of the work undertaken and the availability of written products. These reports shall be made available through the Biosafety Clearing-House.

K. Periodic review

40. The operation of the roster shall be subject to independent periodic reviews. The periodic reviews shall take place every five years in accordance with Article 35 of the Protocol. These periodic reviews shall be broad-based, looking at appropriate balances in the roster membership, its uses, successes, failures, quality control of roster assignments, the need for additional advisory services in administering the roster, and other possible recommendations for revisions to the mandate or these rules of procedure to respond to the findings.

Annex III

NOMINATION FORM FOR THE BIOSAFETY ROSTER OF EXPERTS

Fields/sections marked with an asterisk (*) are mandatory.

I. BRIEF PROFILE (150 words)*

II. BASIC PERSONAL INFORMATION*

Please provide full names rather than only acronyms or initials

Title: Ms. Mr. Other: _____
 Professor Dr.

Name:

Employer / Organization:

Job Title:

Address:

Telephone:

Facsimile:

Email:

Web Site:

Year and Place of Birth:

Gender: Male Female

Nationality:

Second Nationality:

III. DETAILS OF CURRENT EMPLOYMENT*

Start Date of Employment (year):

Organization Type: Academic Industry
 Government Non-Governmental Organization
 Inter-Governmental Organization (IGO) Other: _____

Name of Organization and the Department/Division/Unit

Name of Supervisor

Main Areas of Responsibility:
(Briefly describe how your work relates to the area(s) of expertise for which you're being nominated)

Specific Biosafety-Related Duties
(Briefly describe the duties/tasks performed and indicate the average % time spent on each)

Main relevant accomplishments

IV. EMPLOYMENT HISTORY*

Main Countries or Regions Worked:

Please give details of previous employment beginning with the most recent previous employer.

Previous Employer 1

Name, Address and Contact Details of the Employer / Organization:

Name and title of Supervisor:

Job Title:

Duration of Time Employed:

Main Areas of Responsibility:
(Briefly describe how your work related to your area(s) of expertise)

Main relevant accomplishments

Previous Employer 2

Name, Address and Contact Details of the Employer / Organization:

Name and Title of Supervisor:

Job Title:

Duration of Time Employed:

Main Areas of Responsibility:
(Briefly describe how your work related to your area(s) of expertise)

Main Relevant Accomplishments

Previous Employer 3

Name, Address and Contact Details
of the Employer / Organization:

Name and Title of Supervisor:

Job Title:

Duration of Time Employed:

Main Areas of Responsibility:
(Briefly describe how your work related to your main area of expertise)

Main Relevant Accomplishments

Other Relevant Work Experience

(Consulting experience)

Description of the Consultancy:

(Briefly describe how the work undertaken relates to your main area of expertise)

Responsibilities:

(Briefly describe your specific responsibilities and how they relate to your area(s) of expertise)

Main Relevant Accomplishments

Other Relevant Work Experience

(volunteer work experience)

Description of Work Done:

(Briefly describe how your work related to your main area of expertise)

Responsibilities:

(Briefly describe how your work relates to your main area of expertise)

Main Relevant Accomplishments

V. EDUCATION

Formal Education*

Primary Degree or Other Academic Distinction and the Subject* (*e.g. BSc. in Microbiology*):

Name of Academic Institution:

Dates (From To):

Academic Supervisor:

Second Degree or Other Academic Distinction and the Subject* (*e.g. MSc. in Microbiology*):

Name of Academic Institution:

Dates (From To):

Academic Supervisor:

Third Degree or Other Academic Distinction and the Subject* (*e.g. PhD in Microbiology*):

Name of Academic Institution:

Dates (From To):

Academic Supervisor:

Other Professional Qualifications

(List 3 other relevant specialized training and certifications obtained)

VI. AREAS OF EXPERTISE*

BROAD AREA OF EXPERTISE

Specify your main area of expertise:

<ol style="list-style-type: none">1. Scientific and technical expertise<ul style="list-style-type: none"><input type="checkbox"/> Botany, forestry and plant agricultural sciences<input type="checkbox"/> Zoology, aquaculture and animal agricultural sciences<input type="checkbox"/> Microbial sciences<input type="checkbox"/> Human health sciences<input type="checkbox"/> Ecological and environmental sciences<input type="checkbox"/> Socio-economic sciences<input type="checkbox"/> Information and communication technology<input type="checkbox"/> Biosafety Clearing-House2. Legal expertise3. Policy and regulatory expertise4. Biosafety systems development and implementation expertise
--

(Please select only one of the above areas of expertise)

SPECIFIC FIELD OF EXPERTISE

(Please indicate up to a maximum of three specific field(s) of expertise or discipline(s) under your respective broad area of expertise):

A. *Scientific and technical expertise*

- | | | |
|--------------------------|--------------------|----------------------------------|
| • Agricultural economics | • Animal nutrition | • Communication |
| • Agrobiodiversity | • Biochemistry | • Containment |
| • Agro-ecosystems | • Biodiversity | • Cost-benefit analysis |
| • Agronomy | • Bioethics | • Crop protection |
| • Animal breeding | • Bioinformatics | • Database design and management |
| • Animal health | • Biotechnology | • Ecology |

- Ecological genetics
 - Ecotoxicology
 - Entomology
 - Environmental economics
 - Environmental education
 - Environmental impact assessment
 - Environmental monitoring
 - Epidemiology
 - Evaluation
 - Evolution
 - Evolutionary ecology
 - Extension
 - Forest ecosystems
 - Fresh water ecosystems
 - Gender studies
 - Gene ecology
 - Gene flow
 - Genetic engineering
 - Genetics
 - Genomics
 - Health safety
 - Hematology
 - Human health
 - Human nutrition
 - Husbandry
 - Information systems analysis
 - Impact analysis
 - Immunology
 - Invasion biology
 - Knowledge management
 - Life cycle analysis
 - LMO detection
 - LMO documentation
 - LMO identification
 - Marine ecosystems
 - Microbiology
 - Molecular biology
 - Mycology
 - Pathology
 - Pest management
 - Physiology
 - Plant breeding
 - Plant health
 - Population genetics
 - Proteomics
 - Risk assessment
 - Risk management
 - Risk communication
 - Risk research
 - Soil ecosystems
 - Soil science
 - Social impact assessment
 - Statistics
 - Sustainable development
 - Surveillance
 - Taxonomy
 - Teaching
 - Technology assessment
 - Trade impact assessment
 - Traceability
 - Toxicology
 - Virology
 - Web-based learning
 - Website design
 - Others (please specify)
- Organism traits**
- Abiotic stress tolerance (drought, heat, cold, etc)
 - Antibiotic resistance
 - Biotic stress resistance (bacterial, fungus, nematode resistance)
 - Herbicide tolerance
 - Industrial traits (e.g. product quality)
 - Insect resistance
 - Marker genes
 - Nutritional traits
 - Performance traits (e.g. altered growth, yield)
 - Pharmaceutical traits
 - Virus resistance
 - Others (please specify)

B. Legal expertise

- Animal health issues
- Environmental justice
- Farmers rights
- Food and feed safety
- Human health
- Indigenous peoples issues
- Intellectual property (patents, trademarks, confidential information)
- International environmental law
- International treaties and standards

- Legislative drafting and review
- Liability and redress
- Local community rights/issues
- National biosafety legal systems
- National environment legal systems
- National legislative analysis
- Phytosanitary issues
- Plant breeders' rights
- Plant genetic resources
- Plant protection
- Plant variety protection
- Public health
- Trade and business
- Trade agreements
- Others (please specify)

C. Policy and regulatory expertise

- Customs/border control
- Database management
- Emergency/contingency planning
- Enforcement/compliance/prosecutions
- Food and feed regulatory systems
- Field trial regulation/ inspection
- Import/export control
- Identity preservation
- Laboratory quality audit and management
- Laboratory services (testing/diagnostics)
- LMO Audit/inspection/ monitoring systems
- LMO detection and analysis
- LMO field monitoring
- Notifications handling/administration
- Plant protection/ quarantine
- Policy/programme development
- Policy analysis
- Public participation
- Regulations/guidelines development
- Regulatory compliance oversight
- Risk-assessment audit
- Risk-assessment advice
- Risk-management advice
- Others (please specify)

D. Biosafety systems development and implementation expertise

- Administrative procedures and enforcement
- Agricultural and rural development
- Biodiversity policy
- Biosafety Clearing-House operations
- Biosafety legislation and regulation
- Biosafety policy
- Biotechnology policy
- Co-existence rules/measures
- Data management and information-sharing
- LMO decision-making
- LMO identification and documentation
- LMO import/export and transboundary movement oversight
- LMO monitoring for environmental impact
- LMO research and development
- LMOs traceability system development
- Poverty reduction, development and biosafety
- Project management
- Public awareness & participation
- Public information/ communications

- Risk assessment and risk management
- Socio-economic considerations regarding LMOs
- Sustainable development and biosafety
- Others (please specify)

VII. PUBLICATIONS*

List your three most important and relevant publications (in particular those related to your main field of expertise):

- 1.
- 2.
- 3.

List other publications (please list complete citations of all peer-reviewed articles, books, book chapters, conference papers and other publications; you may send a file if the list is long):

- 1.
- 2.
- 3.

VIII. AWARDS AND PROFESSIONAL MEMBERSHIPS

List up to 3 most relevant scientific/ professional awards received:

List relevant professional societies or organizations in which you have membership, (e.g. *Member or Chairperson of the International Society for Biosafety Research (ISBR) since 2001*):

List relevant technical committees, expert panels or advisory bodies on which you have served and briefly describe your specific responsibilities:

IX. KNOWLEDGE OF LANGUAGES*

Mother Tongue:

- Arabic: English Russian
 Chinese: French Spanish
 Other: _____

Other languages (Speaking)

- Arabic: NA/Excellent/Good/Fair
 Chinese: NA/Excellent/Good/Fair

	English	<input type="checkbox"/>	NA/Excellent/Good/Fair
	French	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Russian	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Spanish	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Other: _____		NA/Excellent/Good/Fair
Reading:	Arabic:	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Chinese:	<input type="checkbox"/>	NA/Excellent/Good/Fair
	English	<input type="checkbox"/>	NA/Excellent/Good/Fair
	French	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Russian	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Spanish	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Other: _____		NA/Excellent/Good/Fair
Writing:	Arabic:	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Chinese:	<input type="checkbox"/>	NA/Excellent/Good/Fair
	English	<input type="checkbox"/>	NA/Excellent/Good/Fair
	French	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Russian	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Spanish	<input type="checkbox"/>	NA/Excellent/Good/Fair
	Other: _____		NA/Excellent/Good/Fair

X. REFERENCES*

Please give name and detailed contact information for key professional references

Reference 1:

Reference 2:

Reference 3:

XI. ANY OTHER RELEVANT INFORMATION

Please list any other information relevant to your role as an expert.

XII. CONFIRMATION AND AGREEMENT*

I hereby confirm that the above information is correct and agree for its inclusion in the Roster of Experts on Biosafety under the Cartagena Protocol on Biosafety and the Convention on Biological Diversity. I have no objection to this information being made publicly available.

Signature: _____ *Date:* _____

XIII. CONFIRMATION BY NOMINATING GOVERNMENT*

This section must be completed by a national focal point

Government:	
Name of Government Representative:	
Focal Point Type:	<input type="checkbox"/> Cartagena Protocol on Biosafety national focal point <input type="checkbox"/> Biosafety Clearing-House national focal point <input type="checkbox"/> CBD national focal point
Date:	
Signature:	

BS-IV/5. Financial mechanism and resources

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

Recalling its decisions BS-II/5 and BS-III/5,

Taking note of the pre-session document prepared by the Executive Secretary on matters related to the financial mechanism and resources (UNEP/CBD/BS/COP-MOP/4/5),

Recognizing that the Council of the Global Environment Facility has commissioned an independent mid-term review of the Resource Allocation Framework to be undertaken by the Global Environment Evaluation Office for consideration at its meeting in November 2008,

Regretting that the Resource Allocation Framework of the Global Environment Facility review team did not consult the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Emphasizing the need for ensuring the sustainability of capacity-building activities funded by the Global Environment Facility,

1. *Welcomes* the successful fourth replenishment of the Global Environment Facility Trust Fund and *expresses its appreciation* to the countries that contributed to the Trust Fund;

2. *Welcomes also* the new Global Environment Facility Strategy for Financing Biosafety Activities (GEF/C.30/8/Rev.1) adopted as part of the Biodiversity Focal Area Strategy and Strategic Programming for GEF-4 (2007–2010) and the Program Document for Global Environment Facility Support to Biosafety;

3. *Takes note* of the measures undertaken by the Global Environment Facility to streamline the project cycle and to provide guidance on the implementation procedures for the Resource Allocation Framework (RAF);

4. *Recommends* to the Conference of the Parties, when adopting its multi-year guidance to the Global Environment Facility coinciding with its fifth replenishment, to incorporate the following guidance with respect to the support for the implementation of the Cartagena Protocol on Biosafety:

(a) *Requests* the Global Environment Facility Evaluation Office to assess the impact of the Resource Allocation Framework on the implementation of the Protocol, and propose measures that can minimize potential resource limitations that may affect the implementation of the Protocol including measures that facilitate consideration of regional and subregional projects developed by the countries of the region;

(b) *Urges* the Global Environment Facility to make financial resources available with a view to enable eligible Parties to prepare their national report;

(c) *Urges* the Global Environment Facility to extend the UNEP-GEF Biosafety Clearing-House project, in its current form as a global project with a view to ensuring sustainability of national nodes for the Biosafety Clearing-House and providing more capacity-building support, with special attention to targeted stakeholders (e.g., customs departments and phytosanitary inspectors), and to provide additional funding for these activities from sources other than the Resource Allocation Framework (RAF) taking into consideration the global nature of the project;

(d) *Invites* the Global Environment Facility, at the request of developing countries Governments, to provide financial and other support to enable universities and relevant institutions to develop and/or expand existing biosafety academic programmes and provide scholarships to students from developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition;

(e) *Requests* the Global Environment Facility, to cooperate with and support developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, in their efforts to build their capacities in the area of sampling and

detection of living modified organisms, including the setting up of laboratory facilities and training of local regulatory and scientific personnel;

(f) *Requests* the Global Environment Facility to consider the following programme funding priority needs for biosafety during the period of its fifth replenishment (2010-2014), where appropriate, using the issue-specific approach and providing longer term support for building, consolidating and enhancing sustainable human resource capacity:

- (i) Implementation of legal and administrative systems for notification procedures;
- (ii) Risk assessment and risk management;
- (iii) Implementation of enforcement measures including detection of living modified organisms;
- (iv) Implementation of liability and redress measures.

BS-IV/6. Cooperation with other organizations, conventions and initiatives

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

Having considered the note by the Executive Secretary on the status and experiences gained to date in promoting cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/4/6),

1. *Welcomes* the partnerships established by the Secretariat with, among others, the World Customs Organization and the secretariats of other multilateral environmental agreements, with a view to promoting synergy and enhancing capacity-building efforts under the Protocol in a cost-effective manner;

2. *Further welcomes* the participation of the Secretariat in the Green Customs Initiative which is in line with, in particular, paragraph (f) of decision BS II/6 and *encourages* the Secretariat to contribute to the organization of partnership meetings within available resources;

3. *Commends* the Executive Secretary on his sustained efforts to strengthen cooperation with other organizations, in particular with the World Trade Organization, and *requests* the Executive Secretary to further intensify efforts to gain observer status in the World Trade Organization committees on Sanitary and Phytosanitary measures (SPS) and Technical Barriers to Trade (TBT);

4. *Further commends* the Executive Secretary on his efforts to strengthen cooperation with Codex Alimentarius Commission, particularly in the work of its Ad Hoc Intergovernmental Task Force on Foods Derived from Biotechnology;

5. *Requests* the Executive Secretary to:

(a) Continue pursuing, reinforcing and intensifying, as the case may be, cooperative arrangements with all the organizations referred to in decision BS-II/6;

(b) Further explore the potential of other relevant organizations and processes that can contribute, financially or otherwise, to the effective implementation of the Protocol, in particular with regard to building capacities in developing countries;

(c) Report to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its fifth meeting on the implementation of the present decision.

BS-IV/7. Programme budget for the costs of the secretariat services for and the biosafety work programme of the Cartagena Protocol on Biosafety for the biennium 2009-2010

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

1. *Welcomes* the annual contribution of US\$ 1,040,400, to be increased by 2 per cent per year, from the host country Canada and the Province of Quebec to the operation of the Secretariat, of which 16.5 per cent has been allocated per annum to offset contributions from the Parties to the Protocol for the biennium 2009-2010;
2. *Approves* a core programme budget (BG) of US\$ 2,611,800 for the year 2009 and of US\$ 2,880,900 for the year 2010, for the purposes set out in table 1 below;
3. *Approves* a drawing of US\$ 740,000 from unspent balances or contributions (carry over) from previous financial periods which was US\$ 1,497,777 as of the end of 2005-2006 biennium to cover part of the 2009-2010 core programme budget;
4. *Authorises* the Executive Secretary to enter into commitments up to the level of the approved budget, drawing on available cash resources, including unspent balances, contributions from previous financial periods and miscellaneous income;
5. *Approves* Secretariat staffing as set out in table 2 below, and *requests* that all vacant staff positions be filled expeditiously;
6. *Agrees* to share the costs for secretariat services between those that are common to the Convention on Biological Diversity and the Protocol on an 85:15 ratio for the biennium 2009-2010;
7. *Adopts* the scale of assessments for the apportionment of the costs under the Protocol for 2009 and 2010 set out in table 5 below;
8. *Decides* to set the working capital reserve at a level of 5 per cent of the core programme budget (BG) expenditure, including programme support costs;
9. *Invites* all Parties to the Protocol to note that contributions to the core programme budget (BG) are due on 1 January of the year in which these contributions have been budgeted for, and to pay them promptly, and *urges* Parties in a position to do so, to pay by 1 October of the year 2008 for the calendar year 2009 and by 1 October 2009 for the calendar year 2010, the contributions set out in table 5 and in this regard *requests* Parties be notified of the amount of their contributions by 1 August of the year preceding the year in which the contributions are due;
10. *Notes* with concern that a number of Parties have not paid their contributions to the core budget (BG Trust Fund) for 2007 and prior years;
11. *Urges* Parties that have still not paid their contributions to the core budget (BG Trust Fund) for 2007 and prior years; to do so without delay and requests the Executive Secretary to publish and regularly update information on the status of contributions to the Protocol's Trust Funds (BG, BH and BI);
12. *Decides* that with regard to contributions due from 1 January 2005 onwards, Parties whose contributions are in arrears for two (2) or more years will not be eligible to become a member of the bureau of the Protocol; this will only apply in the case of Parties that are not least developed countries or small island developing states;
13. *Authorizes* the Executive Secretary to enter into arrangements with any Party whose contributions are in arrears for two or more years to mutually agree on a 'schedule of payments' for such a Party, to clear all outstanding arrears, within six years depending on the financial circumstances of the Party in arrears and pay future contributions by the due date, and report on the implementation of any such arrangement to the next meeting of the Bureau and to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety;

14. *Decides* that a Party with an agreed arrangement in accordance with paragraph 13 above and that is fully respecting the provisions of that arrangement will not be subject to the provisions of paragraph 12 above;

15. *Takes note* of the funding estimates for activities under the Protocol to be financed from:

(a) The Special Voluntary Trust Fund (BH) for Additional Voluntary Contributions in Support of Approved Activities for the biennium 2009-2010, as specified by the Executive Secretary (see resource requirements in table 3);

(b) The Special Voluntary Trust Fund (BI) for Facilitating Participation of the Developing Country Parties, in particular the least developed countries and small island developing States, and Parties with Economies in Transition, for the biennium 2009-2010, as specified by the Executive Secretary (see resource requirements in table 4);

and *urges* Parties to make contributions to these funds;

16. *Requests* the Secretariat to remind the Parties on the need for contributions to the BI Trust Fund at least six month prior to the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol reflecting on the financial need and urges Parties in the position to do so to ensure that the contributions are paid at least three months before the meeting;

17. *Invites* all States not Parties to the Protocol, as well as governmental, intergovernmental and non-governmental organizations and other sources, to contribute to the trust funds for the Protocol (BH, BI) to enable the Secretariat to implement approved activities in a timely manner especially capacity-building priorities and activities identified by developing countries and small island developing States, and Parties with economies in transition in respect of risk assessment and risk management and the effective operation of the Biosafety Clearing-House;

18. *Reaffirms* the importance of full and active participation of the developing country parties, in particular the least developed countries and small island developing States, as well as Parties with Economies in Transition in the activities of the Protocol and, with the aim of improving the legitimacy of Protocol decisions, authorises the Executive Secretary in agreement with the Bureau to draw upon the savings and or surplus of the BG Trust Fund up to a maximum of US\$ 150,000 to cover the costs incurred with the facilitation of the participation in the Conference of the Parties serving as the meeting of the Parties to the Protocol of the developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, if there are not sufficient funds available in the BI Trust Fund three months before the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

19. *Decides* that the trust funds for the Protocol (BG, BH, BI) shall be extended for a period of two years, beginning 1 January 2010 and ending 31 December 2011;

20. *Requests* the Executive Secretary to prepare and submit a programme budget for secretariat services and the biosafety work programme of the Protocol for the biennium 2011-2012 to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and to provide 3 alternatives for the budget based on:

(a) The Executive Secretary will make assessment of the required rate of growth for the programme budget;

(b) Increasing the core programme budget (BG Trust Fund) from the 2009 – 2010 level by 10 per cent in nominal terms;

(c) Maintaining the core programme budget (BG Trust Fund) from the 2009 – 2010 level in nominal terms;

21. *Requests* the Executive Secretary to report on income and budget performance, unspent balances and the status of surplus and carry-overs, including the status of implementation of paragraph 19 as well as any adjustments made to the Protocol budget for the biennium 2009-2010 and to provide to the

Conference of the Parties serving as the meeting of the Parties to the Protocol and biosafety focal points all financial information regarding the budget for the Convention on Biological Diversity at the same time as it is provided to Parties to the Convention;

22. *Requests* the Executive Secretary, in presenting the proposed programme budget for the biennium 2011-2012 to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, to use the modality and tracking mechanism to review the ratio specified in paragraph 6 above;

23. *Reconfirms* the importance of applying the procedure set out in annex I of decision VIII/10 of the Conference of the Parties to priority-setting to guide the allocation of financial resources by the Conference of the Parties serving as the meeting of the Parties to the Protocol, but agrees that the mid-meeting report to the plenary of the Conference of the Parties serving as the meeting of the Parties to the Protocol should be made available after the initial consideration of draft decisions by working groups;

24. *Requests* the Executive Secretary drawing on, *inter alia*, the Joint Inspection Unit recommendations contained in General Assembly document A/45/130, the experience of the United Nations Convention to Combat Desertification and the work done by the Secretariat of the Rotterdam Convention in response to decisions RC 3/7 and RC 1/17 paragraph 23, to explore the advantages and disadvantages of using the host country currency or the US\$ as the currency of the account and budget of the Protocol and to report and if appropriate make proposals for decision at the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

25. *Notes with appreciation* the decision of the Executive Director of the United Nations Environment Programme to finance the post of Fund Management Officer of the Cartagena Protocol on Biosafety through the programme support costs and *requests* the Executive Secretary to negotiate with the Executive Director additional support to the Protocol for the 2009-2010 biennium from this source and to report to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety;

26. *Invites* the Executive Director of the United Nations Environment Programme to report to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety on the use of the programme support cost (PSC) in support of the functioning of the Secretariat;

27. *Welcomes* the efforts of the Executive Secretary in greening activities by the Secretariat such as the carbon-offsetting of travel of staff and funded participants to the meetings under the Convention on Biological Diversity.

Table 1. Biosafety Protocol resource requirements from the core budget (BG Trust Fund) for the biennium 2009-2010

Expenditures		2009	2010	2009-2010
		(US\$ thousands)	(US\$ thousands)	(US\$ thousands)
A.	Staff costs*	1,541.5	1,587.3	3,128.8
B.	Biosafety Bureau meetings	50.0	60.0	110.0
C.	COP-MOP	0.0	400.0	400.0
D.	Consultants/subcontracts	25.0	25.0	50.0
E.	Travel on official business	60.0	60.0	120.0
F.	Liaison Group meetings on Capacity-Building	35.0	35.0	70.0
G.	Biosafety Clearing House advisory meetings	40.0	40.0	80.0
H.	Compliance committee meetings (1/year)	47.5	47.5	95.0
I.	AHTEG- risk assessment	90.0	0.0	90.0
J.	Temporary assistance/Overtime	20.0	20.0	40.0
K.	General operating expenses	248.1	254.6	502.8
L.	Translation of BCH website	20.0	20.0	40.0
M.	Meeting of Friends of the Co-Chairs on Liability and Redress	100.0	0.0	100.0
Sub-total (I)		2,277.1	2,549.5	4,826.6
II	Programme support charge 13%	296.0	331.4	627.5
III	Working capital reserve**	38.6		38.6
GRAND TOTAL (I + II + III)		2,611.8	2,880.9	5,492.7
<i>Less contribution from the host country</i>		175.1	178.6	353.7
TOTAL (I + II + III)		2,436.7	2,702.3	5,139.0
<i>Less savings from previous years</i>		470.0	270.0	740.0
NET TOTAL (amount to be shared by Parties)		1,966.7	2,432.3	4,399.0

* Includes 15% costs for 1P-5, 3 P-4, 6 P-3 and 3 G-S staff funded mainly by the Convention..

Table 2. Biosafety Protocol staffing requirements from the core budget (BG Trust Fund) for the biennium 2009-2010

	2009	2010
A Professional category		
P-5	1	1
P-4	3	3
P-3	2	2
P-2	1	1
Total professional category	7	7
B. Total General Service category	4	4
<i>TOTAL (A + B)</i>	11	11

Table 3. Special Voluntary Trust Fund (BH) for Additional Voluntary Contributions in Support of Approved Activities of the Cartagena Protocol for the biennium 2009-2010		
I.	Description	2009/2010
	<i>Meetings/Workshops</i>	<i>(USD Thousands)</i>
	Meeting of the Friends of the Co-chairs on Liability and Redress	210.0
	Participation in the Green Customs Initiative	120.0
	Coordination meetings for Governments and organizations involved in the biosafety capacity--building	160.0
	AHTEG on Risk Assessment	90.0
	<i>Consultants</i>	
	Study of users and potential users of the BCH	10.0
	Assess the effectiveness of various approaches to capacity-building used and lessons learned	20.0
	Prepare a synthesis of different risk assessment methods	15.0
	<i>Activities</i>	
	Assessment and Review (Article 35)	25.0
	Organize on-line conference on handling, packaging and transport practices (Publication)	20.0
	Voluntary Fund for the Roster of Experts	100.0
	Develop training modules on risk assessment and risk management of LMOs	584.2
	Publication of scientific reviews on risk assessment in the CBD Technical Series	10.0
	Public awareness and participation-Information materiel/publications	14.0
	Translation of Protocol website into Arabic, Chinese, French, Russian and Spanish	50.0
	Translation of reports on risk assessment and risk management in 5 UN languages	107
	Outreach activities for the fifth anniversary of the Protocol and the settings up of exhibits during the International Year of Biodiversity and other events.	50.0
	Subtotal I	1,585.2
II	<i>Programme support charges (13%)</i>	206.1
	Total Cost (I + II)	1,791.3

Table 4. Special Voluntary Trust Fund (BI) for Facilitating Participation of Parties in the Protocol for the biennium 2009-2010

(Thousands of United States dollars)

Description		2009	2010
I.	<i>Meetings</i>		
	Meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol		600.0
	Subtotal I		
		0.0	600.0
II.	Programme support charges (13%)		78.0
	Total Cost (I + II)	0.0	678.0

Table 5. Contributions to the Trust Fund for the Cartagena Protocol on Biosafety for the biennium 2009-2010

Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Albania	0.006	0.009	167	0.006	0.009	207	374
Algeria	0.085	0.120	2,369	0.085	0.120	2,930	5,299
Antigua and Barbuda	0.002	0.003	56	0.002	0.003	69	125
Armenia	0.002	0.003	56	0.002	0.003	69	125
Austria	0.887	1.257	24,722	0.887	1.257	30,575	55,296
Azerbaijan	0.005	0.007	139	0.005	0.007	172	312
Bahamas	0.016	0.023	446	0.016	0.023	552	997
Bangladesh	0.010	0.010	197	0.010	0.010	243	440
Barbados	0.009	0.013	251	0.009	0.013	310	561
Belarus	0.020	0.028	557	0.020	0.028	689	1,247
Belgium	1.102	1.562	30,714	1.102	1.562	37,986	68,700
Belize	0.001	0.001	28	0.001	0.001	34	62
Benin	0.001	0.001	28	0.001	0.001	34	62
Bhutan	0.001	0.001	28	0.001	0.001	34	62
Bolivia	0.006	0.009	167	0.006	0.009	207	374
Botswana	0.014	0.020	390	0.014	0.020	483	873
Brazil	0.876	1.241	24,415	0.876	1.241	30,196	54,611
Bulgaria	0.020	0.028	557	0.020	0.028	689	1,247
Burkina Faso	0.002	0.003	56	0.002	0.003	69	125
Cambodia	0.001	0.001	28	0.001	0.001	34	62
Cameroon	0.009	0.013	251	0.009	0.013	310	561
Cape Verde	0.001	0.001	28	0.001	0.001	34	62
Chad	0.001	0.001	28	0.001	0.001	34	62
China	2.667	3.780	74,332	2.667	3.780	91,931	166,263
Colombia	0.105	0.149	2,926	0.105	0.149	3,619	6,546
Congo	0.001	0.001	28	0.001	0.001	34	62
Costa Rica	0.032	0.045	892	0.032	0.045	1,103	1,995
Croatia	0.050	0.071	1,394	0.050	0.071	1,723	3,117
Cuba	0.054	0.077	1,505	0.054	0.077	1,861	3,366
Cyprus	0.044	0.062	1,226	0.044	0.062	1,517	2,743
Czech Republic	0.281	0.398	7,832	0.281	0.398	9,686	17,518
Dem. Republic of Congo	0.003	0.004	84	0.003	0.004	103	187
Denmark	0.739	1.047	20,597	0.739	1.047	25,473	46,070
Djibouti	0.001	0.001	28	0.001	0.001	34	62
Dominica	0.001	0.001	28	0.001	0.001	34	62
Dominican Republic	0.024	0.034	669	0.024	0.034	827	1,496
Ecuador	0.021	0.030	585	0.021	0.030	724	1,309
Egypt	0.088	0.125	2,453	0.088	0.125	3,033	5,486
El Salvador	0.020	0.028	557	0.020	0.028	689	1,247
Eritrea	0.001	0.001	28	0.001	0.001	34	62
Estonia	0.016	0.023	446	0.016	0.023	552	997

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Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Ethiopia	0.003	0.004	84	0.003	0.004	103	187
European Community	2.500	2.500	49,167	2.500	2.500	60,808	109,974
Fiji	0.003	0.004	84	0.003	0.004	103	187
Finland	0.564	0.799	15,719	0.564	0.799	19,441	35,160
France	6.301	8.930	175,615	6.301	8.930	217,195	392,810
Gabon	0.008	0.011	223	0.008	0.011	276	499
Gambia	0.001	0.001	28	0.001	0.001	34	62
Germany	8.577	12.155	239,049	8.577	12.155	295,648	534,698
Ghana	0.004	0.006	111	0.004	0.006	138	249
Greece	0.596	0.845	16,611	0.596	0.845	20,544	37,155
Grenada	0.001	0.001	28	0.001	0.001	34	62
Guatemala	0.032	0.045	892	0.032	0.045	1,103	1,995
Guinea	0.001	0.001	28	0.001	0.001	34	62
Guyana	0.001	0.001	28	0.001	0.001	34	62
Hungary	0.244	0.346	6,801	0.244	0.346	8,411	15,211
India	0.450	0.638	12,542	0.450	0.638	15,511	28,053
Indonesia	0.161	0.228	4,487	0.161	0.228	5,550	10,037
Iran	0.180	0.255	5,017	0.180	0.255	6,205	11,221
Ireland	0.445	0.631	12,403	0.445	0.631	15,339	27,742
Italy	5.079	7.198	141,557	5.079	7.198	175,073	316,629
Japan	16.624	22.000	432,666	16.624	22.000	535,106	967,772
Jordan	0.012	0.017	334	0.012	0.017	414	748
Kenya	0.010	0.014	279	0.010	0.014	345	623
Kiribati	0.001	0.001	28	0.001	0.001	34	62
Korea, Democratic Republic	0.007	0.010	195	0.007	0.010	241	436
Kyrgyzstan	0.001	0.001	28	0.001	0.001	34	62
Lao People's Dem. Rep.	0.001	0.001	28	0.001	0.001	34	62
Latvia	0.018	0.026	502	0.018	0.026	620	1,122
Lesotho	0.001	0.001	28	0.001	0.001	34	62
Liberia	0.001	0.001	28	0.001	0.001	34	62
Libya	0.062	0.088	1,728	0.062	0.088	2,137	3,865
Lithuania	0.031	0.044	864	0.031	0.044	1,069	1,933
Luxembourg	0.085	0.120	2,369	0.085	0.120	2,930	5,299
Madagascar	0.002	0.003	56	0.002	0.003	69	125
Malaysia	0.190	0.269	5,295	0.190	0.269	6,549	11,845
Maldives	0.001	0.001	28	0.001	0.001	34	62
Mali	0.001	0.001	28	0.001	0.001	34	62
Malta	0.017	0.024	474	0.017	0.024	586	1,060
Marshall Islands	0.001	0.001	28	0.001	0.001	34	62
Mauritania	0.001	0.001	28	0.001	0.001	34	62
Mauritius	0.011	0.016	307	0.011	0.016	379	686
Mexico	2.257	3.199	62,905	2.257	3.199	77,799	140,703
Mongolia	0.001	0.001	28	0.001	0.001	34	62
Montenegro	0.001	0.001	28	0.001	0.001	34	62

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Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Mozambique	0.001	0.001	28	0.001	0.001	34	62
Myanmar	0.005	0.007	139	0.005	0.007	172	312
Namibia	0.006	0.009	167	0.006	0.009	207	374
Nauru	0.001	0.001	28	0.001	0.001	34	62
Netherlands	1.873	2.654	52,202	1.873	2.654	64,562	116,764
New Zealand	0.256	0.363	7,135	0.256	0.363	8,824	15,959
Nicaragua	0.002	0.003	56	0.002	0.003	69	125
Niger	0.001	0.001	28	0.001	0.001	34	62
Nigeria	0.048	0.068	1,338	0.048	0.068	1,655	2,992
Niue	0.001	0.001	28	0.001	0.001	34	62
Norway	0.782	1.108	21,795	0.782	1.108	26,955	48,751
Oman	0.073	0.103	2,035	0.073	0.103	2,516	4,551
Palau	0.001	0.001	28	0.001	0.001	34	62
Panama	0.023	0.033	641	0.023	0.033	793	1,434
Papua New Guinea	0.002	0.003	56	0.002	0.003	69	125
Paraguay	0.005	0.007	139	0.005	0.007	172	312
Peru	0.078	0.111	2,174	0.078	0.111	2,689	4,863
Philippines	0.078	0.111	2,174	0.078	0.111	2,689	4,863
Poland	0.501	0.710	13,963	0.501	0.710	17,269	31,233
Portugal	0.527	0.747	14,688	0.527	0.747	18,166	32,854
Qatar	0.085	0.120	2,369	0.085	0.120	2,930	5,299
Republic of Korea	2.173	3.080	60,564	2.173	3.080	74,903	135,467
Republic of Moldova	0.001	0.001	28	0.001	0.001	34	62
Romania	0.070	0.099	1,951	0.070	0.099	2,413	4,364
Rwanda	0.001	0.001	28	0.001	0.001	34	62
Saint Kitts and Nevis	0.001	0.001	28	0.001	0.001	34	62
Saint Vincent & Gren.	0.001	0.001	28	0.001	0.001	34	62
Samoa	0.001	0.001	28	0.001	0.001	34	62
Saudi Arabia	0.748	1.060	20,847	0.748	1.060	25,783	46,631
Senegal	0.004	0.006	111	0.004	0.006	138	249
Serbia	0.021	0.030	585	0.021	0.030	724	1,309
Seychelles	0.002	0.003	56	0.002	0.003	69	125
Slovakia	0.063	0.089	1,756	0.063	0.089	2,172	3,927
Slovenia	0.096	0.136	2,676	0.096	0.136	3,309	5,985
Solomon Islands	0.001	0.001	28	0.001	0.001	34	62
South Africa	0.290	0.411	8,083	0.290	0.411	9,996	18,079
Spain	2.968	4.206	82,721	2.968	4.206	102,307	185,028
Sri Lanka	0.016	0.023	446	0.016	0.023	552	997
St. Lucia	0.001	0.001	28	0.001	0.001	34	62
Sudan	0.010	0.010	197	0.010	0.010	243	440
Suriname	0.001	0.001	28	0.001	0.001	34	62
Swaziland	0.002	0.003	56	0.002	0.003	69	125
Sweden	1.071	1.518	29,850	1.071	1.518	36,917	66,767
Switzerland	1.216	1.723	33,891	1.216	1.723	41,915	75,807

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Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Syria	0.016	0.023	446	0.016	0.023	552	997
Tajikistan	0.001	0.001	28	0.001	0.001	34	62
The former Yugoslav Republic of Macedonia	0.005	0.007	139	0.005	0.007	172	312
Thailand	0.186	0.264	5,184	0.186	0.264	6,411	11,595
Togo	0.001	0.001	28	0.001	0.001	34	62
Tonga	0.001	0.001	28	0.001	0.001	34	62
Trinidad and Tobago	0.027	0.038	753	0.027	0.038	931	1,683
Tunisia	0.031	0.044	864	0.031	0.044	1,069	1,933
Turkey	0.381	0.540	10,619	0.381	0.540	13,133	23,752
Uganda	0.003	0.004	84	0.003	0.004	103	187
Ukraine	0.045	0.064	1,254	0.045	0.064	1,551	2,805
United Kingdom of Great Britain and Northern Ireland	6.642	9.413	185,119	6.642	9.413	228,949	414,068
United Republic of Tanzania	0.006	0.009	167	0.006	0.009	207	374
Venezuela	0.200	0.283	5,574	0.200	0.283	6,894	12,468
Viet Nam	0.024	0.034	669	0.024	0.034	827	1,496
Yemen	0.007	0.010	195	0.007	0.010	241	436
Zambia	0.001	0.001	28	0.001	0.001	34	62
Zimbabwe	0.008	0.011	223	0.008	0.011	276	499
TOTAL	72.405	100.000	1,966,662	72.405	100.000	2,432,301	4,398,963

**BS-IV/8. Handling, transport, packaging and identification of living modified organisms:
paragraphs 2(b) and (c) of Article 18**

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

Recalling its decision BS-III/8,

1. *Requests* Parties and *encourages* other Governments and relevant international organizations to continue to implement the requirements under paragraphs 2(b) and 2(c) of Article 18 and associated decisions by the Conference of the Parties serving as the meeting of the Parties to the Protocol;
2. *Decides* to review this matter at its sixth meeting in light of the review of experience based on the analysis of the second national reports.

BS-IV/9. 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 its decision BS-III/10 and in particular paragraph 11 of the decision,

Noting the importance of sampling and detection methods in the implementation of the documentation requirements under the Protocol, in particular decision BS-III/10,

Welcoming national and international initiatives such as the Global Conference on GMO Analysis to be held in Como, Italy, from 24 to 27 June 2008 as a potential vehicle for cooperation in the dissemination and harmonization of approaches or methods in sampling and detection of living modified organisms,

Recalling the guidance to the financial mechanism on the Cartagena Protocol on Biosafety in decision VIII/18, in particular paragraph 12(g) concerning the development of technical, financial and human capacity including, *inter alia*, biosafety-related laboratories and relevant equipment,

Noting the importance of reference materials for the purpose of detection of living modified organisms, especially for those that are placed on the market,

Noting also the recommendations on capacity-building for the implementation of the identification and documentation requirements from the third and fourth Coordination Meetings for Governments and Organizations Implementing or Funding Biosafety Capacity-Building Activities (UNEP/CBD/BS/CM-CB/3/3, para. 35-37) and (UNEP/CBD/BS/COP-MOP/4/INF/23, para. 38-39 respectively), and the recommendation of the Compliance Committee regarding the need for exchanging experience and building capacities in the development and use of techniques for sampling and detection of living modified organisms,

1. *Notes* the important work that is being done by relevant international organizations such as the Codex Alimentarius Commission and the International Organization for Standardization and *encourages* Parties to participate in and share information with these and other relevant international standard-setting bodies, and utilize, as appropriate, criteria or methods for sampling and detection of living modified organisms published by them;

2. *Requests* Parties and *encourages* other Governments and relevant international organizations to ensure that information related to rules and standards on the sampling of living modified organisms and detection techniques, including experience with such techniques are made available via the Biosafety Clearing-House;

3. *Requests* Parties, and *encourages* other Governments, relevant international organizations as well as the Global Environment Facility, to cooperate with and support developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, in their efforts to build their capacities in the area of sampling and detection of living modified organisms, including the setting up of laboratory facilities and training of local regulatory and scientific personnel;

4. *Underlines* the importance of accreditation of laboratories involved in sampling and detection of living modified organisms;

5. *Encourages* those in possession of reference materials to provide access for those agencies that may need such materials for the purpose of detection of living modified organisms.

**BS-IV/10. Handling, transport, packaging and identification of living modified organisms:
paragraph 3 of Article 18**

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

Recalling paragraph 3 of Article 18 of the Protocol on the consideration of the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices for transboundary movements of living modified organisms,

Recalling also its decision BS-III/9,

1. *Decides* to continue to gain experience in the implementation of the Protocol's provisions regarding handling, transport, packaging and identification, and *requests* the Executive Secretary to continue to collaborate with relevant international organizations in this regard;

2. *Requests* Parties and *encourages* other Governments and international organizations to ensure that information related to standards on the identification, handling, packaging and transport of living modified organisms is available through the Biosafety Clearing-House;

3. *Encourages* Parties to participate in ongoing work on standards on handling, transport, packaging and identification of living modified organisms taking place in other relevant international organizations and, *decides* that if a gap in such standards has been identified, to consider the need for and modalities of developing the necessary standards, in particular by referring such gaps to other relevant international organizations;

4. *Requests* the Executive Secretary to organize an online conference to: (i) identify the relevant standards with regard to handling, transport, packaging and identification of living modified organisms; (ii) identify where gaps exist; and (iii) suggest possible modalities to fill the gaps; and to prepare a summary of the outcome of the conference, reflecting the full range of views expressed, for the consideration of the Conference of the Parties serving as the meeting of the Parties to Protocol at its fifth meeting;

5. *Invites* Parties, other Governments and relevant international organizations to provide the Executive Secretary with guiding questions for this online conference and *requests* the Executive Secretary to finalise the list of questions in consultation with the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

BS-IV/11. Risk assessment and risk management

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

Recalling its decision BS-III/11, on risk assessment and risk management,

I. Further guidance on specific aspects of risk assessment and risk management

Recalling paragraph 9 of decision BS-III/11, in which Parties agreed to consider, at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, the need for further guidance on specific aspects of risk assessment and risk management, and the appropriate modalities for development of any such guidance such as a further meeting of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management,

1. *Takes note* of the report of the Norway-Canada Workshop on Risk Assessment for Emerging Applications of Living Modified Organisms, and *expresses its gratitude* to the Governments of Norway and Canada for organizing this workshop;

2. *Takes note* of the conclusions and recommendations in the reports of the regional and subregional workshops on capacity-building and exchange of experiences on risk assessment and risk management of living modified organisms regarding the need to develop additional guidance on specific aspects of risk assessment;

3. *Decides* to establish through the Biosafety Clearing-House an open-ended online forum on specific aspects on risk assessment as referenced to in the annex;

4. *Decides* to establish an Ad Hoc Technical Expert Group on Risk Assessment and Risk Management according to the modality of work and the terms of reference annexed hereto;

5. *Invites* Parties, other Governments and relevant organizations to submit to the Executive Secretary, prior to the first meeting of the Ad Hoc Technical Expert Group, information relevant to the work of the Group, particularly on existing guidance documents on risk assessment;

6. *Requests* the Executive Secretary to:

(a) Convene ad hoc discussion groups and at least one real-time online conference per region prior to each of the meetings of the Ad Hoc Technical Expert Group, with the view to identifying major issues related to specific aspects of risk assessment and risk management as referenced to in the annex;

(b) Convene, prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and subject to the necessary financial resources being made available, two meetings of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management;

7. *Urges* Parties, other Governments and relevant organizations to make funds available to the Executive Secretary for the organization of the second meeting of the Ad Hoc Technical Expert Group, prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

II. Collaboration in identifying living modified organisms that may have an adverse effect on the conservation and sustainable use of biological diversity, taking also into account risks to human health

Recalling the provisions of the medium-term programme of work, decision BS-I/12 paragraph 4 (b) (iii), on cooperation in identifying living modified organisms 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, and taking appropriate measures regarding the treatment of such living modified organisms or specific traits,

8. *Requests* Parties and invites other Governments and relevant organizations to submit to the Executive Secretary, not later than three months prior to the first meeting of the Ad Hoc Technical

/...

Expert Group, scientifically sound information available at that time, on the identification of living modified organisms 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;

9. *Requests* the Executive Secretary to compile the information received and to prepare a synthesis report for consideration by the Ad Hoc Technical Expert Group and the Parties;

III. Capacity-building relevant to risk assessment and risk management

Recalling that risk assessment and other scientific and technical expertise are indicated as key elements requiring concrete action in the updated Action Plan for Building Capacities for the Effective Implementation of the Biosafety Protocol,

10. *Welcomes* the reports of the regional and subregional workshops on capacity-building and exchange of experiences on risk assessment and risk management of living modified organisms that were held in Barbados, Ethiopia, Malaysia and the Republic of Moldova;

11. *Expresses its gratitude* to the Governments of Germany, Netherlands, Norway, Spain and Switzerland for their financial contributions and the hosting Governments and the African Union for their organizational support;

12. *Requests* the Executive Secretary to convene, in cooperation with relevant regional organizations, at the earliest convenient date and subject to the availability of financial resources, a sub-regional workshop on capacity-building and exchange of experiences on risk assessment and risk management of living modified organisms in the Pacific subregion;

13. *Requests* the Executive Secretary, subject to availability of funds, to coordinate and facilitate, along with other relevant United Nations bodies and other international organizations, the development of training on risk assessment and risk management in relation to living modified organisms, and to convene prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties, regional or subregional training courses to enable countries to gain hands-on experience in preparing and evaluating risk assessment reports in accordance to the articles and Annex III of the Protocol.

14. These courses could, *inter alia*, cover:

- (a) How to establish interdisciplinary teamwork in the context of risk assessment;
- (b) Developing skills in using and interpreting existing information, as well as identifying and addressing information gaps; and
- (c) How to establish baseline information to be used in risk assessment;

15. *Calls upon* Parties, other Governments and relevant donor organizations to make funds available to the Secretariat to support the training activities referred to in the above paragraphs.

Annex

TERMS OF REFERENCE FOR THE AD HOC TECHNICAL EXPERT GROUP ON RISK ASSESSMENT AND RISK MANAGEMENT

1. The Ad Hoc Technical Expert Group (AHTEG) on Risk Assessment and Risk Management shall:
 - (a) Include experts selected on the basis of their expertise on the issues relevant for the mandate of the Group, based on a standardized common format for submission of CVs from experts nominated by Parties, respecting geographical representation, in accordance with the consolidated *modus operandi* of the SBSTTA of the Convention on Biological Diversity (decision VIII/10 of the Conference of the Parties, annex III);
 - (b) Include observers in accordance with the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(c) Meet twice, pending availability of funds, with an interval of not less than ten months between meetings and prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and perform necessary tasks between the two meetings to achieve the proposed outcomes outlined herein;

(d) During the first meeting, the Group shall:

- (i) Develop a “roadmap”, such as a flowchart, on the necessary steps to conduct a risk assessment in accordance with Annex III to the Protocol and, for each of these steps, provide examples of relevant guidance documents;
- (ii) Taking into consideration the identified need for further guidance on specific aspects of risk assessment, including particular types of (i) living modified organisms (for example, fish, invertebrates, trees, pharmaplants and algae); (ii) introduced traits; and (iii) receiving environments, as well as monitoring of the long-term effects of living modified organisms released in the environment, prioritize the need for further guidance on specific aspects of risk assessment and define which such aspects should be addressed first, taking also into account the need for and relevance of such guidance, and availability of scientific information;
- (iii) Define an action plan to produce, prior to the second meeting of the Group, modalities for development of the guidance documents on the specific aspects that were identified as priorities and for testing of the roadmap. This action plan should include the details of a process for monitoring and reviewing the progress in each of the specific aspects;
- (iv) Prepare an progress report containing a detailed summary of the terms and procedures for reviewing the modalities for the development of guidance documents to be followed prior to the second meeting of the Group;

(e) During the second meeting, the Group shall:

- (i) Revise and finalize the “roadmap” for the effective use of guidance documents on risk assessment;
- (ii) Make recommendations to the Secretariat on how to integrate the “roadmap” and tools for retrieval of guidance materials available in the Biosafety Information Resources Centre of the Biosafety Clearing-House that are relevant at the different stages of risk assessment;
- (iii) Review the action plan referred to in subparagraph 1 (d) (iii) of this annex on specific aspects of risk assessment and risk management developed in accordance with the terms and procedures established in the first meeting of the Group;
- (iv) Consider possible modalities for cooperation in identifying living modified organisms 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;
- (v) Prepare a report for consideration by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

2. The deliberations of the Ad Hoc Technical Expert Group shall be based primarily on:

- (a) Submissions received in accordance with paragraph 5 of this decision;
- (b) The reports of the regional and sub-regional workshops on capacity-building and exchange of experiences on risk assessment and risk management of living modified organisms (UNEP/CBD/BS/COP-MOP/4/INF/14-17) and the report of the Canada-Norway Workshop on Risk Assessment for Emerging Applications of Living Modified Organisms (UNEP/CBD/BS/COP-MOP/4/INF/13);

- (c) Contribution received through the open-ended online forum, ad hoc discussion groups and real-time online regional conferences;
- (d) Guidance materials available in the Biosafety Information Resource Centre of the Biosafety Clearing-House;
- (e) Any other relevant materials made available by the Secretariat.

BS-IV/12. Liability and redress under the Cartagena Protocol on Biosafety

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

Recalling Article 27 of the Cartagena Protocol on Biosafety, which requires the Conference of the Parties serving as the meeting of Parties to adopt, at its first meeting, a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms, analysing and taking due account of the on-going processes in international law on these matters, and to endeavour to complete this process within four years,

Recalling its decision BS-I/8, in which it decided to establish an Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety, with the terms of reference set out in the annex to that decision, to carry out the process pursuant to Article 27 of the Cartagena Protocol on Biosafety,

Noting with appreciation the work undertaken by the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety,

Expressing its appreciation to the Government of Colombia for hosting in Cartagena from 12-19 March 2008 the fifth meeting of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety,

Taking note of the final report of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/4/11 and Add.1),

Also taking note of the work undertaken by the Contact Group on Liability and Redress at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

1. *Decides* to establish a Group of the Friends of the Co-Chairs, Ms. Jimena Nieto (Colombia) and Mr. René Lefeber (the Netherlands), Concerning Liability and Redress in the Context of the Cartagena Protocol on Biosafety, with the following terms of reference:

(a) The Group shall hold one meeting and, if deemed necessary by the Co-Chairs, another meeting prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety;

(b) The Group will further negotiate international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms in the context of the Cartagena Protocol on Biosafety on the basis of the annex to this decision;

(c) The first meeting will be held in early 2009, for a period of five days, and the second meeting, if deemed necessary by the Co-Chairs, in early 2010, also for a period of five days, subject to the availability of funds;

(d) The meetings will be held in Montreal, unless an offer is made to host a meeting;

(e) The composition of the Group will be as follows: six representatives of the Asia-Pacific region, namely Bangladesh, China, India, Malaysia, Palau, and the Philippines; two representatives of the European Union; two representatives of Central and Eastern Europe; six representatives of the African Group; six representatives of the Latin American and Caribbean Group; and New Zealand, Norway, Switzerland and Japan;

(f) The Friends of the Co-Chairs may be accompanied by advisors from Parties as selected by the Friends. The participation of such advisors from eligible Parties to the Cartagena Protocol on Biosafety may be facilitated subject to the availability of funds;

(g) Observers may be invited to participate in the meetings or parts thereof at the discretion of the Co-Chairs;

(h) The outcome will be presented by the Co-Chairs to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety for its consideration; and

2. *Calls upon* Parties to the Cartagena Protocol on Biosafety and other Governments to consider providing voluntary contributions to organize these meetings and to facilitate participation by representatives (Friends and advisors) of eligible Parties to the Cartagena Protocol on Biosafety.

Annex

**PROPOSED OPERATIONAL TEXTS ON ~~APPROACHES AND OPTIONS IDENTIFIED~~
PERTAINING TO LIABILITY AND REDRESS IN THE CONTEXT OF ARTICLE 27 OF THE
BIOSAFETY PROTOCOL**

I. Working Towards Legally Binding Provisions

1.A. ADMINISTRATIVE APPROACH

**I. STATE RESPONSIBILITY (FOR INTERNATIONALLY WRONGFUL ACTS,
INCLUDING BREACH OF OBLIGATIONS OF THE PROTOCOL)**

Operational text

These rules and procedures shall not affect the rights and obligations of States under the rules of general international law with respect to the responsibility of States for internationally wrongful acts.

Preambular text

Recognizing that these rules and procedures would not affect the rights and obligations of States under the rules of general international law with respect to the responsibility of States for internationally wrongful acts.

II. SCOPE

A. Functional scope

Operational text 1

1. These rules and procedures apply to transport, transit, handling and use of living modified organisms [and products thereof], provided that these activities find their origin in a transboundary movement. The living modified organisms referred to are those:

- (a) Intended for direct use as food or feed, or for processing;
- (b) Destined for contained use;
- (c) Intended for intentional introduction into the environment.

2. With respect to intentional transboundary movements, these rules and procedures apply to damage resulting from any authorized use of the living modified organisms [and products thereof] referred to in paragraph 1.

3. These rules and procedures also apply to unintentional transboundary movements as referred to in Article 17 of the Protocol as well as illegal transboundary movements as referred to in Article 25 of the Protocol.

B. Geographical scope

Operational text 2

These rules and procedures apply to areas within the limits of its national jurisdiction[, including the exclusive economic zone,] [or control] of the Parties to the Protocol.

C. Limitation in time

Operational text 3

These rules and procedures apply to damage resulting from a transboundary movement of living modified organisms when that transboundary movement was commenced after their implementation by Parties into domestic law.

Operational text 3 alt

These rules and procedures apply to damage resulting from a transboundary movement of living modified organisms that started after the entry into force of these rules and procedures.

D. Limitation to the authorization at the time of the import of the living modified organisms

Operational text 4

[These rules and procedures apply to intentional transboundary movement in relation to the use for which living modified organisms are destined and for which authorization has been granted prior to the transboundary movement. If, after the living modified organisms are already in the country of import, a new authorization is given for a different use of the same living modified organisms, such use will not be covered by these rules and procedures.]

E. Non-Parties

Operational text 5

1. National rules on liability and redress implementing these rules and procedures should also cover damage resulting from the transboundary movements of living modified organisms from non-Parties, in accordance with Article 24 of the Protocol.

2. These rules and procedures apply to “transboundary movements” of living modified organisms, as defined in Article 3(k) of the Protocol.

III. DAMAGE
A. <i>Definition of damage</i>

Operational text 6

1. These rules and procedures apply to damage to the conservation and sustainable use of biological diversity, taking also into account [damage] [risks] to human health[, resulting from transboundary movement of living modified organisms].

2. For the purpose of these rules and procedures, damage to the conservation [and sustainable use] of biological diversity as defined in Article 2 of the Convention on Biological Diversity, means an adverse or negative effect on biological diversity that:

(a) Is measurable or otherwise observable taking into account, wherever available, scientifically-established baselines recognized by a competent national authority that takes into account any other human induced variation and natural variation; and

(b) Is significant as set out in paragraph 4 below.

3. [For the purposes of these rules and procedures, damage to the sustainable use, as defined in Article 2 of the Convention on Biological Diversity of biological diversity, means an adverse or negative effect on biological diversity that is significant as set out in paragraph 4 below and [may have resulted in loss of income] [has resulted in consequential loss to a state, including loss of income].]

4. A “significant” adverse or negative effect on the conservation and sustainable use of biological diversity as defined in Article 2 of the Convention on Biological Diversity is to be determined on the basis of factors, such as:

(a) The long term or permanent change, to be understood as change that will not be redressed through natural recovery within a reasonable period of time;

[(b) The extent of the qualitative or quantitative changes that adversely or negatively affect the components of biological diversity;

(c) The reduction of the ability of components of biological diversity to provide goods and services;]

[(b and c alt) A qualitative or quantitative reduction of components of biodiversity and their potential to provide goods and services;]

[(d) The extent of any adverse or negative effects on human health;]

[(d alt) The extent of any adverse or negative effects of the conservation and sustainable use of biological diversity on human health;]

[5. Parties may take into account local and regional conditions in order to ensure the workability of domestic liability rules and procedures, provided that this is consistent with the objective and provisions of the Protocol.]

B. Valuation of damage

Operational text 7

- [1. Damage to conservation and sustainable use of biological diversity shall be valued on the basis of the costs of response measures [in accordance with domestic laws and provisions].
2. For the purposes of these rules and procedures, response measures are reasonable actions to:
 - (i) [prevent,] minimize or contain damage, as appropriate;
 - [(ii) restore to the condition that existed before the damage or the nearest equivalent, by the replacement of the loss by other components of the biological diversity at the same location or for the same use or at another location or for another type of use.]]

C. Causation

Operational text 8

A causal link needs to be established between the damage and the activity in question in accordance with domestic law.

IV. PRIMARY COMPENSATION SCHEME

A. Elements of administrative approach based on allocation of costs of response measures and restoration measures

Operational text 9

Parties [may][shall][, as appropriate,] [, consistent with international [law] obligations,] provide for or take response measures in accordance with domestic law or[, in the absence thereof,] the procedures specified below, [provided that the domestic law is consistent with the objective of these rules and procedures].

Operational text 10

In the event of damage or imminent threat of damage, an operator [shall][should] immediately inform the competent authority of the damage or imminent threat of damage.

Operational text 10 alt

The Parties should endeavor to require the operator to inform the competent authority of an accident which causes or threatens to cause significant adverse damage to the conservation and sustainable use of biological diversity.

Operational text 11

In the event of damage [or imminent threat of damage], an operator shall, subject to the requirements of the competent authority, investigate, assess and evaluate the damage [or imminent threat of damage] and take appropriate response measures.

[In cases where no response measures can be implemented, the operator shall provide monetary compensation for the damage caused [where applicable under the domestic law].]

Operational text 11 alt

The Parties should endeavor to require any legal or natural person who caused significant damage by that person's intentional or negligent act or omission regarding the transboundary movement to undertake reasonable response measures to avoid, minimize or contain the impact of the damage.

Operational text 12

[1. The competent authority:

a) [should][shall] identify, in accordance with domestic law, the operator which has caused the damage [or the imminent threat of damage];

b) [should][shall] assess the significance of the damage and determine which response measures should be taken by the operator.]

2. The competent authority has the discretion to implement appropriate measures[, in accordance with domestic law, if any, including in particular] where the operator has failed to do so.

3. The competent authority has the right to recover the costs and expenses of, and incidental to, the implementation of any such appropriate measures, from the operator.

Operational text 13

“Operator” means any person in [operational control][[direct or indirect] command or control]:

(a) of the activity at the time of the incident [causing damage resulting from the transboundary movement of living modified organisms];

[(b) of the living modified organism [at the time that the condition that gave rise to the damage] [or imminent threat of damage] arose [including, where appropriate, the permit holder or the person who placed the living modified organism on the market];] [and/]or

(c) as provided by domestic law.

Operational text 13 alt

“Operator” means the developer, producer, notifier, exporter, importer, carrier, or supplier.

Operational text 13 alt bis

“Operator” means any person in operational control of the activity at the time of the incident and causing damage resulting from the transboundary movement of living modified organisms.

Operational text 14

Decisions of the competent authority imposing or intending to impose response measures should be reasoned and notified to the operator who should be informed of the procedures and legal remedies available to him, including the opportunity for the review of such decisions, *inter alia*, through access to an independent body, such as courts.

<i>A bis. Additional elements of an administrative approach</i>
1. Exemptions or mitigation

Operational text 15

[Domestic law may provide for] exemptions or mitigations [that] may be invoked by the operator [in the case of recovery of the costs and expenses]. Exemptions or mitigations [may be][are] based on [any one or more elements of] the following [exhaustive] list:

(a) Act of God or *force majeure*;

(b) Act of war or civil unrest;

[(c) Intervention by a third party [that caused damage despite the fact that appropriate safety measures were in place];]

[(d) Compliance with compulsory measures imposed by a public authority;]

[(d alt) A specific order imposed by a public authority on the operator and the implementation of such order caused the damage;]

[(e) An activity expressly authorized by and fully in conformity with an authorization given under domestic law;]

[(f) An activity not considered likely to cause environmental damage according to the state of scientific and technical knowledge at the time when the activity was carried out;]

[(g) National security exceptions [or international security]].

2. Recourse against third party by the person who is liable on the basis of strict liability

Operational text 16

These rules and procedures do not limit or restrict any right of recourse or indemnity that an operator may have against any other person.

3. Limitation of liability

a. Limitation in time (relative time-limit and absolute time-limit)

Operational text 17

Domestic law may provide for relative and/or absolute time limits for the recovery of costs and expenses[, provided that such limits shall not be less than [three] years for relative time limit and [twenty] years for absolute time limit].

b. Limitation in amount

Operational text 18

Domestic law may provide for financial limits for the recovery of costs and expenses[, provided that such limits shall not be less than [z] special drawing rights].

4. Coverage

Operational text 19

1. [Parties may[, consistent with international [law][obligations],] require the operator to establish and maintain, during the period of the time limit of liability, financial security, including through self-insurance.]

2. [Parties are urged to take measures to encourage the development of financial security instruments and markets by the appropriate economic and financial operators, including financial mechanisms in case of insolvency, with the aim of enabling operators to use financial guarantees to cover their responsibilities under domestic measures implementing these rules and procedures.]

1.B. CIVIL LIABILITY

Operational text 1

[Parties may or may not develop a civil liability system or may apply their existing one in accordance with their needs to deal with living modified organisms.]

Operational text 2

(a) [Subject to subsections (b), (c) and (d) below, nothing in these rules and procedures shall prejudice the right of Parties to have in place or to develop their domestic law or policy in the field of

civil liability and redress resulting from the transboundary movement of LMOs consistent with the objective of the Cartagena Protocol on Biosafety and these rules and procedures/this instrument/this supplementary Protocol.] [Parties may or may not develop a civil liability system or may apply their existing one in accordance with their needs to deal with living modified organisms.] [Parties should ensure that their national civil liability rules and procedures provide for redress to damage resulting from the transboundary movement of living modified organisms. In creating their national rules and procedures on civil liability, Parties may give special consideration to sub-sections (b), (c) and (d).]

(b) Any such law or policy, [shall] [include][address], *inter alia*, the following elements, taking into account[, as appropriate,] the Guidelines in Annex [x] [to this supplementary Protocol][decision BS-V/x]:

- a. Damage;
- b. Standard of liability: that may include strict, fault or mitigated liability;
- c. Channelling of [strict] liability;
- d. [Financial security, where feasible][compensation schemes];
- e. [Access to justice][Right to bring claims];
- f. [[Procedural rules that provide for] due process.]

[(c) Parties shall recognize and enforce foreign judgments in accordance with [the applicable rules of procedures of the domestic courts] [domestic law] [governing the enforcement of foreign judgments] in respect of matters within the scope of these rules and procedures/this instrument/ the Guidelines in Annex [x] to this [supplementary Protocol].[Parties who do not have legislation concerning recognition of foreign judgments should endeavour to enact such laws.]]

[(d) While this provision does not require any change in domestic law, and does not in itself constitute a treaty on reciprocal enforcement of foreign judgments, Parties[, whose domestic law requires bilateral reciprocity agreements for recognition of foreign judgments] [shall endeavor to extend their domestic law governing the reciprocal enforcement of foreign judgments to other Parties not presently covered by their domestic law].]

(c) & (d) alt

[Parties may, in accordance with domestic law, recognise and enforce foreign judgments arising from the implementation of the above guidelines.]

(e) The Guidelines shall be reviewed no later than [3] years after the entry into force of this instrument with a view to consider [elaborating a more comprehensive binding regime on civil liability] [making them binding], in the light of experience gained.

2. Working Towards Non-Legally Binding Provisions on Civil Liability

I. STATE RESPONSIBILITY (FOR INTERNATIONALLY WRONGFUL ACTS, INCLUDING BREACH OF OBLIGATIONS OF THE PROTOCOL)

{For operational and preambular texts, see sub-section I of section 1.A, above}

II. SCOPE

{For operational texts, see sub-section II of section 1.A, above}

III. DAMAGE

A. Definition of damage

Operational text 1

[1. These rules and procedures apply to damage [resulting from the transboundary movement of living modified organisms] as provided for by domestic law.]

[2. For the purposes of these rules and procedures, damage [resulting from the transboundary movement of living modified organisms] as provided for by domestic law may, *inter alia*, include:

(a) Damage to the conservation and sustainable use of biological diversity not redressed through the administrative approach *{For operational texts, see sub-section III.A of section 1.A, above}*;

(b) Damage to human health, including loss of life and personal injury;

(c) Damage to or impaired use of or loss of property;

(d) Loss of income and other economic loss [resulting from damage to the conservation or sustainable use of biological diversity];

[(e) Loss of or damage to cultural, social and spiritual values, or other loss or damage to indigenous or local communities, or loss of or reduction of food security.]]

B. Valuation of damage

Operational text 2

[1. Damage [resulting from the transboundary movement of living modified organisms] [shall][should] be valued in accordance with domestic laws and procedures, including factors such as:]

(a) The costs of response measures [in accordance with domestic law and [procedures] [regulations]];

[(b) The costs of loss of income related to the damage during the restoration period or until the compensation is provided;]

[(c) The costs and expenses arising from damage to human health including appropriate medical treatment and compensation for impairment, disability and loss of life;]

[(d) The costs and expenses arising from damage to cultural, social and spiritual values, including compensation for damage to the lifestyles of indigenous and/or local communities.]

/...

2. In the case of centres of origin and/or genetic diversity, their unique value should be considered in the valuation of damage, including incurred costs of investment.
3. For the purposes of these rules and procedures, response measures are reasonable actions to:
 - (i) [Prevent,] minimize or contain damage, as appropriate;
 - [(ii) Restore to the condition that existed before the damage or the nearest equivalent, by the replacement of the loss by other components of the biological diversity at the same location or for the same use or at another location or for another type of use.]]

<i>C. Causation</i>

Operational text 3

A causal link between the damage and the activity in question as well as the related allocation of the burden of proof to either the claimant or the respondent needs to be established in accordance with domestic law.

IV. PRIMARY COMPENSATION SCHEME
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<i>A. Civil liability (harmonization of rules and procedures)</i>
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Operational text 4

Parties [may][shall][should] have civil liability rules and procedures for damage [resulting from the transboundary movement of living modified organisms] in accordance with domestic law. Parties [should consider the inclusion of][shall include][may include] the following [minimum] elements and procedures.

<i>1. Standard of liability and channelling of liability</i>

Operational text 5

[The standard of liability, whether fault-based liability, strict liability or mitigated strict liability, needs to be established in accordance with domestic law.]

Option 1: Strict liability*Operational text 6*

[The operator [shall][should] be liable for damage [under these rules and procedures][resulting from transport, transit, handling and/or use of living modified organisms that finds its origin in such movements], regardless of any fault on his part.]

{For operational texts on “operator”, see sub-section IV.A of section 1.A, above}

Option 2: Mitigated strict liability*Operational text 7*

[1. A fault-based standard of liability [shall][should][may] be used except a strict liability standard [should][shall] be used in cases [such as] where[:]

- [(a) a risk-assessment has identified a living modified organism as ultra-hazardous; and/or]
- [(b) acts or omissions in violation of national law have occurred; and/or]
- [(c) violation of the written conditions of any approval has occurred.]

2. In cases where a fault-based standard of liability is applied, liability [shall][should] be channeled to the [entity having operational control][operator] of the activity that is proven to have caused the damage, and to whom intentional, reckless, or negligent acts or omissions can be attributed.

3. In cases where a strict liability standard has been determined to be applicable, pursuant to *paragraph 1 above*, liability shall be channeled to the [entity that has operational control][operator] over the activity that is proven to have caused the damage.]

Option 3: Fault-based liability

Operational text 8

[In a civil liability system, liability is established where a person:

- (a) Has operational control of the relevant activity;
- (b) Has breached a legal duty of care through intentional, reckless or negligent conduct, including acts or omissions;
- [(c) Such breach has resulted in actual damage to biological diversity; and]
- (d) Causation is established in accordance with section [] of these rules.]

2. The provision of interim relief

Operational text 9

Any competent court or tribunal may issue an injunction or declaration or take such other appropriate interim or other measure as may be necessary or desirable with respect to any damage or imminent threat of damage.

<i>A bis. Additional elements of civil liability</i>
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1. Exemptions or mitigation

Operational text 10

[Domestic law may provide for] exemptions or mitigations [that] may be invoked by the operator in the case of strict liability. Exemptions or mitigations [may be][are] based on [any one or more elements of] the following [exhaustive] list:

- (a) Act of God or *force majeure*;
- (b) Act of war or civil unrest;
- [(c) Intervention by a third party [that caused damage despite the fact that appropriate safety measures were in place];]
- [(d) Compliance with compulsory measures imposed by a public authority;]
- [(d alt) A specific order imposed by a public authority on the operator and the implementation of such order caused the damage;]
- [(e) An activity expressly authorized by and fully in conformity with an authorization given under domestic law;]
- [(f) An activity not considered likely to cause environmental damage according to the state of scientific and technical knowledge at the time when the activity was carried out;]
- [(g) National security exceptions [or international security];]
- [(h) Where the operator could not have reasonably foreseen the damage.]

2. Recourse against third party by the person who is liable on the basis of strict liability

Operational text 11

These rules and procedures do not limit or restrict any right of recourse or indemnity that an operator may have against any other person.

3. Joint and several liability or apportionment of liability

Operational text 12

In case two or more operators have caused the damage, joint and several liability or apportionment of liability may, as appropriate, apply in accordance with domestic law.

Operational text 12 alt

1. If two or more operators [are][may be] liable according to these rules and procedures, the claimant [should][shall] have the right to seek full compensation for the damage from any or all such operators, i.e., may be liable jointly and severally [without prejudice] [in addition][subject] to domestic laws providing for the rights of contribution or recourse.

2. If damage results from an incident that consists of a continuous occurrence, all operators involved successively in exercising the control of the activity during that occurrence shall be jointly and severally liable. However, the operator who proves that the occurrence during the period when he was exercising the control of the activity caused only a part of the damage shall be liable for that part of the damage only.

[3. If damage results from an incident that consists of a series of occurrences having the same origin, the operators at the time of any such occurrence shall be jointly and severally liable. However, any operator who proves that the occurrence at the time when he was exercising the control of the activity caused only a part of the damage shall be liable for that part of the damage only.]

4. Where the claim for damage has not been satisfied, the unsatisfied portion shall be fulfilled by any other person[, identified by the operator,] whose activity has contributed to the occurrence of the damage resulting from the transboundary movement.

4. Limitation of liability

a. Limitation in time (relative time-limit and absolute time-limit)

Operational text 13

Domestic law may provide for relative and/or absolute time limits for the submission of claims in the case of civil liability[, provided that such limits shall not be less than:

(a) [three] years from the date the claimant knew or reasonably could have known of the damage and its origin; and/or

(b) [fifteen] years from the date of the occurrence of the damage].

b. Limitation in amount

Operational text 14

[Domestic law may provide for financial limits for strict liability[, provided that such limits shall not be less than [z] special drawing rights].]

5. Coverage

Operational text 15

1. [Parties may[, consistent with international [law][obligations],] require the operator to establish and maintain, during the period of the time limit of liability, financial security, including through self-insurance.]
2. [Parties are urged to take measures to encourage the development of financial security instruments and markets by the appropriate economic and financial operators, including financial mechanisms in case of insolvency, with the aim of enabling operators to use financial guarantees to cover their responsibilities under domestic measures implementing these rules and procedures.]

3. Other Provisions

I. SUPPLEMENTARY COMPENSATION SCHEME

A. Residual State liability

Operational text 1

[Where a claim for damages has not been satisfied by an operator, the unsatisfied portion of that claim shall be fulfilled by the State where the operator is domiciled or resident.]

Operational text 1 alt

[For damage resulting from transboundary movement of living modified organisms, primary liability shall be that of the operator with residual state liability [to the state of the operator]].

B. Supplementary collective compensation arrangements

Operational text 1

1. Where the costs of response measures to redress damage to the conservation and sustainable use of biological diversity have not been redressed by the primary compensation scheme (*administrative approach*) or by any other applicable supplementary compensation scheme, additional and supplementary compensation measures aimed at ensuring adequate and prompt compensation may be taken.

2. These measures may include a supplementary collective compensation arrangement whose terms of reference will be decided upon by the Conference of the Parties serving as the meeting of the Parties.

3. Parties, other Governments as well as governmental, intergovernmental and non-governmental organizations, the private sector and other sources will be invited to contribute to such supplementary collective compensation arrangement in accordance with their national capacity to contribute.

Operational text 1 alt

No provision

OR

The Parties may consider the necessity of any solidarity arrangement for cases of damage which are not redressed through the primary compensation scheme in light of the experience gained through the implementation of the rules set out in this document.

II. SETTLEMENT OF CLAIMS

A. *Civil procedures*

Operational text 1

Civil law procedures should be available at the domestic level to settle claims for damage between claimants and defendants. In cases of transboundary disputes, the general rules of private international law will apply as appropriate. The competent jurisdiction is generally identified on the basis of the [defendants' domicile] [place where the damage occurred]. Alternative grounds of jurisdiction may be provided for well-defined cases according to national legislation, e.g. in relation to the place where a harmful event occurred. Special rules for jurisdiction may also be laid down for specific matters, e.g. relating to insurance contracts.

Operational text 1 alt

All matters of substance or procedure regarding claims before the competent court which are not specifically regulated in these rules and procedures shall be governed by the law of that court, including any rules of such law relating to conflict of laws, in accordance with generally accepted principles of law.

Operational text 1 second alt

No provision

B. *Special tribunal (e.g. Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment)*

Operational text 2

Resorting to special tribunals, such as the Permanent Court of Arbitration and its Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment, may be considered in specific cases such as when a large number of victims are affected.

Operational text 2 alt

Parties may also avail dispute settlement through civil/administrative procedures and special tribunals such as the Permanent Court of Arbitration's Optional Rules for the Arbitration of Disputes relating to Natural Resources and/or the Environment.

Operational text 2 second alt

In the event of a dispute between persons claiming for damage pursuant to these rules and procedures and persons liable under these rules and procedures, and where agreed by both or all parties, the dispute may be submitted to [final and binding] arbitration [in accordance with] [including through] the Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment including in specific cases such as when a large number of victims are affected.

Operational text 2 third alt

No provision.

C. Standing/Right to bring claims

Operational text 3 (civil liability)

1. Subject to domestic law, Parties should provide for a right to bring claims by [affected] natural and legal persons [with a legal interest in the matter] [, including those with an interest in [the conservation and sustainable use of biological diversity] [environmental [and socio-economic] matters and meeting relevant requirements under domestic law]]. Those persons should have access to remedies in the State of export that are no less prompt, adequate and effective than those available to victims that suffer damage from the same incident within the territory of that State.

2. States should guarantee appropriate access to information relevant for the pursuance of remedies, including claims for compensation.

Operational text 3 alt (civil liability)

All matters of substance or procedure regarding claims before the competent court which are not specifically regulated in these rules and procedures [shall][should] be governed by the law of that court, including any rules of such law relating to conflict of laws, in accordance with generally accepted principles of law.

Operational text 4 (administrative approach)

[Natural and legal persons[, including [those] non-governmental organizations promoting environmental protection and meeting relevant requirements under domestic law,] should have a right to [require][request] the competent authority to act according to [domestic law, or in the absence thereof,] these rules and procedures [and to challenge], through a review procedure, the competent authority's decisions, acts or omissions as appropriate under domestic law.]

III. COMPLEMENTARY CAPACITY-BUILDING MEASURES

Operational text 1 (to decision)

Invites Parties to take into account, as appropriate, in the next review of the Updated Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety, as contained in the annex to decision BS-III/3, these rules and procedures by (a) considering notions, such as “contributions in kind”, “model legislation”, or “packages of capacity building measures”, and (b) including capacity building measures, such as the provision of assistance in the implementation and application of these rules and procedures, including assistance to (i) develop national liability rules and procedures, (ii) foster inter-sectoral coordination and partnership among regulatory organs at the national level, (iii) ensure [appropriate][effective] public participation, and (iv) enhance the skills of the judiciary in handling issues pertaining to liability and redress.

Operational text 2

1. Recognizing the crucial importance of building capacities in biosafety, the Parties are encouraged to strengthen their efforts in implementing relevant COP-MOP decisions on capacity building under Article 22 of the Biosafety Protocol.

2. Parties are invited to take into account the present rules and procedures in formulating bilateral, regional and multilateral assistance to developing country Parties that are in the process of developing their domestic legislation relating to rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms.

Operational text 3 (to decision)

The COP-MOP decides that, under the COP-MOP's overall guidance, [the Parties shall cooperate in the development and/or strengthening of human resources and institutional capacities related to liability and

redress on the Cartagena Protocol on Biosafety, including through existing global, regional, subregional and national institutions and organizations and, as appropriate, through facilitating private sector involvement.][activities performed by experts selected from the roster of experts may include, upon request of the interested Party, the provision of advice:] [the Committee has the following functions:]

- (a) Parties on their domestic legislation in draft or existing form;
- (b) Capacity building workshops on legal issues relating to liability and redress;
- (c) [Identification of best practices related to national legislation on liability and redress;]
- (d) [Support to national capacity's self-assessment activities;]
- (e) [Advice on providers of adequate technology and procedures to access it].

BS-IV/13. *Subsidiary bodies*

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

Recalling its decision BS-III/13, paragraph 2,

Noting the note by the Executive Secretary (UNEP/CBD/COP-MOP/4/12), which identifies potential mechanisms for the provision of scientific and technical advice and the estimated costs associated with each such potential mechanism,

Recognizing the need for adequate and timely scientific and technical advice to facilitate the effective implementation of the Protocol,

Recognizing also the financial implications of potential mechanisms for the provision of scientific and technical advice,

Considering the possibility of seeking and utilizing, by the Conference of the Parties serving as the meeting of the Parties to the Protocol, the services and cooperation of, and information provided by, competent bodies in accordance with paragraph 4(c) of Article 29 of the Protocol,

1. *Decides* to establish, as necessary, ad hoc technical expert groups, with specific mandates to address one or more scientific and technical issues as the need arises, and to make recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol;

2. *Agrees* to consider, at its sixth meeting, the need to establish an open-ended subsidiary body for scientific and technical advice under the Protocol.

BS-IV/14. Monitoring and reporting under the Protocol

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

Taking note of the first national reports submitted by Parties and welcoming the analysis thereof prepared by the Secretariat,

Concerned with the low number of first national reports that have been submitted,

Welcoming the submission of national reports by non-Parties to the Protocol and encouraging all other non-Parties to do the same,

Recalling decision BS-III/14 regarding the need for financial support to facilitate the preparation of national reports,

Taking into account the recommendation of the Compliance Committee,

1. *Reminds* each Party of its obligation to submit national reports in accordance with Article 33 of the Protocol;

2. *Urges* Parties to observe relevant decisions on reporting, especially with regards to timeframes for the submission of national reports

3. *Reminds* Parties that not submitting a national report within the deadline does not absolve them from fulfilling their obligation for that reporting period and *requests* Parties that have not yet done so to submit, without further delay, to the Executive Secretary, their first regular national reports, covering the period between the entry into force of the Protocol for each Party and the reporting date;

4. *Requests* the Executive Secretary to repeat the analysis of the first national reports submitted after the deadline within three months after the meeting of the Parties and make the analysis available through the Biosafety Clearing-House;

5. *Also requests* the Executive Secretary to propose improvements to the reporting format based on experiences gained through the analysis of the first national reports, the recommendations of the Compliance Committee and suggestions made by Parties, for consideration at the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

6. *Urges* the Global Environment Facility to make financial resources available with a view to enable eligible Parties to prepare their national report.

BS-IV/15. Assessment and review

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

Recalling Article 35 of the Protocol,

Noting the limited experience gained by Parties in the implementation of the Protocol that results from the analysis of the first national reports,

Recognizing that the lack of operational experience does not provide a good basis for an effective assessment and review of the Protocol,

Taking note of the considerations highlighted in the views on assessment and review of the Protocol by the Parties and other Governments in initiating a process of evaluation of the effectiveness of the Protocol,

1. *Requests* the Executive Secretary to: (i) develop a sound methodological approach to contribute to an effective second assessment and review of the Protocol, its annexes, procedures and mechanisms, on the basis of the information contained in the first national reports, answers to the “effectiveness questionnaire”, the report of the Compliance Committee, information on the Biosafety Clearing-House and any other relevant documents; and (ii) draft criteria or indicators that could apply in the evaluation of the effectiveness of the Protocol and provide an indication of the utility;

2. *Invites* Parties to make submissions on a strategic plan for the Protocol and *requests* the Executive Secretary to present a draft strategic plan for consideration at its fifth meeting on this basis.

BS-IV/16. Socio-economic considerations (Article 26, paragraph 2)

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

Recalling Article 26 of the Protocol, in particular paragraph 2,

Recognizing the divergent views and the complexity of the issue of socio-economic impacts of living modified organisms as observed through the submissions received and synthesized by the Secretariat in accordance with the request made under decision BS-II/12,

1. *Notes* the importance of cooperation and the need for further study and research in the area of socio-economic impacts of living modified organisms, especially on indigenous and local communities;

2. *Notes also* the related discussions under the Convention on Biological Diversity;

3. *Further notes* the recommendations on capacity-building and socio-economic considerations from the fourth coordination meeting of Governments and organizations implementing and/or funding capacity-building activities (UNEP/CBD/BS/COP-MOP/INF/23, paras. 35-37) and *invites* the next coordination meeting to further consider possibilities for cooperation in identifying needs for capacity-building among Parties for research and information exchange on socio-economic impacts of living modified organisms and to submit any recommendation for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fifth meeting;

4. *Invites* Parties, other Governments and relevant organizations to continue to share their research, research method and experience in taking into account socio-economic impacts of living modified organisms, through the Biosafety Clearing-House, where it could be retrievable using the search term “socio-economic”;

5. *Agrees* to review this item at its sixth meeting based on information that may be provided through the second national reports.

BS-IV/17. Public awareness, education and participation

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

Recalling Article 23 of the Protocol and decision BS-II/13 on public awareness, education and participation,

Underscoring the importance of public awareness, education and participation for the effective implementation of the Protocol,

Welcoming the activities undertaken by Parties and relevant organizations towards the implementation of Article 23 of the Protocol,

Noting the challenges in implementing Article 23 expressed by Parties in their first national reports, including a lack of financial and technical resources and limited access to existing awareness materials and activities,

Emphasizing the need for a cohesive and focused approach to public awareness, education and participation,

Taking note of the progress made by the Secretariat in implementing the outreach strategy for the Cartagena Protocol on Biosafety endorsed at the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

1. *Decides* to develop a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms, with specific operational objectives, scope of activities and outputs and modalities of implementation;

2. *Invites* Parties, other Governments and relevant organizations to submit to the Executive Secretary, at least twelve months before the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, their views on the possible elements of a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms;

3. *Requests* the Executive Secretary to prepare a synthesis of the views in the submissions made by Parties, other Governments and relevant organizations;

4. *Invites* Parties, Governments and relevant organizations to make available through the Biosafety Clearing-House, materials and information on opportunities for supporting projects related to public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms;

5. *Requests* the Executive Secretary to prepare, taking into account submissions made in accordance with paragraph 2 above a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms for consideration at the fifth meeting of the Parties;

6. *Welcomes* the new outreach strategy for the Cartagena Protocol on Biosafety (2008-2012) developed by the Executive Secretary (UNEP/CBD/BS/COP-MOP/4/INF/18) and *requests* the Executive Secretary to advance its implementation;

7. *Invites* Parties, other Governments and relevant organizations to cooperate with, and support, the Executive Secretary in the implementation of the Outreach Strategy;

8. *Requests* the Executive Secretary to report on the implementation of the outreach strategy at the sixth meeting of the Parties to the Protocol.

BS-IV/18. Notification requirements (Article 8)

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

Recalling its decision to keep the item on notification under review with a view to elaborating and developing, if appropriate, at its fourth meeting, modalities of implementation of the requirements under Article 8 of the Protocol, taking into account national implementation and experiences that may be communicated through national reports and the Biosafety Clearing-House (BS-II/8, paragraph 1),

Recognizing that the information made available by Parties through their interim and first national reports, and the Biosafety Clearing-House, demonstrates the existence of no or limited experiences in implementing the notification requirements under Article 8 of the Protocol,

1. *Reiterates* its recommendation made to Parties to the Protocol to consider the elements referred to in paragraph 2 of decision BS-II/8 in implementing Article 8 of the Protocol;

2. *Decides* to review the item at its sixth meeting based on national implementation experiences that may be communicated through the second national reports.
