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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

Fifth meeting
Nagoya, Japan, 11-15 October 2010

**REPORT 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**

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* *Note by the Secretariat.* The present report is being re-issued to incorporate the corrections circulated as UNEP/CBD/BS/COP-MOP/5/17/Corr.1 and 2 and the consequential changes to table 5 in decision BS-V/7. Those changes in the contributions due from Parties will be reflected in the invoices for 2012.

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INTRODUCTION

A. *Background*

1. At the kind invitation of the Government of Japan, 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 was held in Nagoya, Aichi Prefecture, from 11 to 15 October 2010. It was held at the Nagoya Congress Centre, back-to-back with the tenth ordinary meeting of the Conference of the Parties to the Convention, which was convened at the same venue from 18 to 29 October 2010.

B. *Attendance*

2. All States were invited to participate in the meeting. The following Parties to the Cartagena Protocol attended: Antigua and Barbuda; Austria; Bangladesh; Belarus; Belgium; Benin; Bhutan; Bolivia; Botswana; Brazil; Bulgaria; Burkina Faso; Burundi; Cambodia; Cameroon; Central African Republic; Chad; China; Colombia; Comoros; Congo; Costa Rica; Croatia; Cuba; Cyprus; Czech Republic; Democratic Republic of the Congo; Denmark; Djibouti; Dominican Republic; Ecuador; Egypt; Eritrea; Estonia; European Union; Finland; France; Gabon; Georgia; Germany; Ghana; Grenada; Guatemala; Guinea; Guinea-Bissau; Guyana; Honduras; Hungary; India; Indonesia; Iran (Islamic Republic of); Ireland; Italy; Japan; Jordan; Kenya; Kiribati; Lao People's Democratic Republic; Lesotho; Liberia; Madagascar; Malawi; Malaysia; Maldives; Mali; Marshall Islands; Mauritania; Mauritius; Mexico; Mongolia; Mozambique; Namibia; Nauru; Netherlands; New Zealand; Nicaragua; Niger; Nigeria; Norway; Oman; Palau; Panama; Paraguay; Peru; Philippines; Poland; Portugal; Qatar; Republic of Korea; Republic of Moldova; Saint Lucia; Saint Vincent and the Grenadines; Samoa; Saudi Arabia; Senegal; Serbia; Slovenia; Solomon Islands; South Africa; Spain; Sri Lanka; Sudan; Suriname; Swaziland; Sweden; Switzerland; Tajikistan; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Turkmenistan; Uganda; Ukraine; United Kingdom of Great Britain and Northern Ireland; United Republic of Tanzania; Viet Nam; Yemen and Zimbabwe.

3. The following States not party to the Protocol were also represented: Argentina; Australia; Bahrain; Canada; Iraq; Kuwait and United States of America.

4. Observers from the following United Nations bodies, Secretariat units, specialized agencies and related organizations also attended: Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters; Convention on the Conservation of Migratory Species of Wild Animals; Food and Agriculture Organization Regional Office for Europe and Central Asia (FAO/REU); Global Environment Facility; United Nations Centre for Regional Development; United Nations Educational, Scientific and Cultural Organization; United Nations Environment Programme; United Nations University - Institute of Advanced Studies.

5. The following other organizations were represented: A SEED Japan (Youth NGO), ABRASEM, African Agricultural Technology Foundation, African Biosafety Network of Expertise, African Centre for Biosafety, African Union, Aichi Prefectural Government, Armenian Forests, Asian Development Bank, Bayer CropScience, Biodiversity Information Box, Biodiversity Network Japan, Biotechnology Coalition of the Philippines, CBD Alliance, Chubu Economic Federation, Chubu Fair Trade Association (CFTA), Chubu Region's Economy Union Confederation, Chubu University, Chukyo University, College of the Atlantic, Commission for the Information on Biotechnology, Communet Association, Community Technology Development Trust, Community-based Development Initiatives Center (CDIC), Compass Japan, Congress Corporation, CropLife Asia, CropLife International, CropLife International Compact Executive Committee, Dentsu Inc., Desarrollo Medio Ambiental Sustentable, Earth, Water & Green Foundation, Echizen City Eco-Village Interchange Center of the Association (E.E.I.C.), ECOROPA, Ecosystem Conservation Society-Japan, Eco-Tiras International Environmental Association, European Network of Scientists for Social Environmental Responsibility, Federation of German Scientists, Franciscans International, Fujimae Ramsar Society, Genet - European NGO Network on

Genetic Engineering, German Technical Cooperation/Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, Ghent University, Global Industry Coalition, GLOBE Japan, Greenpeace International, Greenwomen Analytical Environmental Agency, Group of 77, House of Councillors, House of Representatives, Institute for International Trade Negotiations, Inter-American Institute for Cooperation on Agriculture, International Centre for Genetic Engineering and Biotechnology, International Chamber of Commerce, International Food Policy Research Institute, International Grain Trade Coalition, Ipsifendus Legal Consulting, ISAAA Afri Center, IUCN - International Union for Conservation of Nature, Japan Bear & Forest Society, Japan Bioindustry Association (JBA), Japan Citizens' Network for Planet Diversity, Japan Civil Network for Convention on Biological Diversity, Japan Committee for IUCN, Japan Council on the UN Decade of Education for Sustainable Development (ESD-J), Japan Environmental Lawyers' Federation (JELF), Japan Forest Technology Association, Japan International Cooperation Agency, Japan Network for Earth Environment and Prevention of Pollution (JNEP), Japan Wetland Action Network, Japan Youth Ecology League, Japanese Communist Party, Kajima Corporation - Environmental Engineering Division, Kobe University, McGill University, Mie Prefecture - Shima City, Mie Prefecture Fisheries Research Institute (MPFRI), Mie University - Japan, Nagoya Chamber of Commerce and Industry, Nagoya City Greenery Association, Nagoya City University, Nagoya NGO Center, Nagoya Open University of the Environment, Nagoya University, Nature Conservation Society of Mt. Daisetsu and the Ishikari, Network Earth Village Japan, OMOTEHAMA NETWORK, ONLUS Verdi Ambiente Societa, Organization for Security and Co-operation in Europe, Otsuma Women's University, Pan-European Coalition of Environmental Citizens Organisations ECO-Forum, Public Research and Regulation Initiative, RAEIN-Africa, Ramsar Center Japan (RCJ), Ramsar Network Japan, Seikatsu Club Consumers' Co-operative Union, Shiga Prefecture, Simul International Inc., Specified Not-for-Profit Activity Corporation Voluntary Neighbors, Tadayoshi Ichida Office, Terra de Direitos, The Center for Food Safety, The Nature Conservation Society of Japan, The Nature Conservation Society of Tokyo, Third World Network, Tokushin Yamauchi, Union Economique et Monétaire Ouest Africaine, Universidad Nacional Agraria La Molina, University of Campinas, University of Canterbury, University of Rome Sapienza, University of Tokyo, University of Vechta, USC - Canada, Via Campesina, Washington Biotechnology Action Council / 49th Parallel Biotechnology Consortium, WWF – Japan.

I. ORGANIZATIONAL MATTERS

ITEM 1. OPENING OF THE MEETING

6. The fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety was opened at 10.15 a.m. on 11 October 2010.

7. At the opening session, statements were made by Mr. Wolfgang Koehler, on behalf of the outgoing President of the Conference of the Parties serving as the meeting of the Parties to the Protocol; Mr. Michihiko Kano, Minister of Agriculture, Forestry and Fisheries of the Government of Japan and incoming President of the Conference of the Parties; Mr. Balakrishna Pisupati, 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. Masaaki Kanda, Governor of the Prefecture of Aichi; and Mr. Takashi Kawamura, Mayor of the City of Nagoya.

1.1 Opening statement by Mr. Wolfgang Koehler of Germany, speaking on behalf of Ms. Julia Klöckner, Parliamentary State Secretary in the Federal Ministry of Food, Agriculture and Consumer Protection of Germany and President of the Conference of the Parties serving as the meeting of the Parties to the Protocol

8. Speaking on behalf of Ms. Julia Klöckner, Parliamentary State Secretary in the Federal Ministry of Food, Agriculture and Consumer Protection of Germany and President of the Conference of the Parties serving as the meeting of the Parties to the Protocol, Mr. Koehler said that it was an honour and a pleasure to welcome participants to the fifth meeting of the Conference of the Parties serving as the

meeting of the Parties to the Protocol in the beautiful city of Nagoya. He thanked the Japanese hosts for the excellent arrangements that they had made for the meeting and for having made participants feel so welcome.

9. Just over two years previously, the Parties had met in Bonn, Germany, where they had adopted, among others, the critical decision on liability and redress that had enabled and guided continuing negotiations. They had further established a process for developing guidance on risk assessment, which many Parties had long been requesting. The use of novel online communications tools had been included in a number of decisions, and those tools had been used effectively for exchanging information, sharing experiences and laying the groundwork for face-to-face meetings.

10. As a result of decisions that had been taken, the intersessional period had been a busy one and the Secretariat was to be commended for its hard work and commitment, which had been vital to the progress that had been made. The time was now right to capitalize on such efforts and to adopt a number of significant decisions during the fifth meeting of the Parties. In particular, Parties were poised to adopt a supplementary protocol on liability and redress in order to complete the mandate in Article 27 of the Protocol following negotiations that had continued late into the previous night. Parties would further be considering the first strategic plan for the Protocol and a programme of work on public awareness and participation. He said that he anticipated innovative proposals by participants for initiatives to be undertaken in the following intersessional period and that he was confident that a constructive spirit of discussion would prevail, leading to draft decisions that would be acceptable to all.

11. 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, Germany was currently still the President of the Conference of the Parties and thus 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. The German delegation was honoured to cede the chairmanship to the Japanese hosts of the meeting, whom he wished much success for the current meeting and over the subsequent years. He therefore invited Mr. Michihiko Kano, Minister of Agriculture, Forestry and Fisheries of the Government of Japan, to take over the proceedings.

1.2 Opening statement by Mr. Michihiko Kano, Minister of Agriculture, Forestry and Fisheries of the Government of Japan and incoming President of the Conference of the Parties serving as the meeting of the Parties to the Protocol

12. Mr. Michihiko Kano, Minister of Agriculture, Forestry and Fisheries of Japan, welcomed participants to Nagoya on behalf of the Government and people of Japan and commended the Government of Germany on the progress made under its presidency in the implementation of the Protocol. He was committed as Chair of the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to achieving the success of the meeting so as to build on the efforts of the Government of Germany. He recalled the objectives of the Convention but noted that biological diversity was declining around the world, contrary to the duty of the current generation to pass on to the next a lifestyle that coexisted harmoniously with nature. The fifth meeting of the Parties was a good opportunity to tackle such global challenges. He expressed pride at the fact that the meeting was being held in Japan during the International Year of Biodiversity.

13. Through the sustainable operation of its agriculture, forestry and fisheries, Japan contributed to the preservation of biological diversity by forming unique natural environments, known as *satochi*, *satoyama* and *satoumi*, references to different landscapes. He described how these landscapes help protect biological diversity through sustainable use.

14. Mr. Kano appealed for recognition of the importance of achieving the objectives of the Convention and the Protocol. He noted that it was important to achieve tangible results during the current meeting. He had been informed that agreement had finally been reached on the issue of liability and redress that very morning, concluding six years of negotiations. Capacity-building had to be promoted in order to achieve the objective of the Protocol, and in a strategic manner. There was widespread concern about the safety of the various recombinant organisms developed in recent years, and universal cooperation on this issue was crucial. He was confident that the meeting would be successful and he would work unstintingly to that end.

1.3 Opening statement by Mr. Masaaki Kanda, Governor of the Prefecture of Aichi

15. Mr. Masaaki Kanda, Governor of the Prefecture of Aichi welcomed the participants to the Prefecture of Aichi, which was pleased to host the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety. The Prefecture of Aichi had been an important driver of the Japanese economy for the past 33 years and represented an economy that was well balanced between industrial and agricultural production. EXPO 2005, held in Aichi Prefecture from 25 March to 25 September 2005, had been the first world's fair to embrace the issue of the environment head on. It had been decided that to reinforce that initiative, the Aichi Prefecture had offered to host the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, as well as the tenth Conference of the Parties to the Convention on Biological Diversity. The Aichi Prefecture, in establishing the Aichi-Nagoya COP 10 Promotion Committee together with the City of Nagoya and local business organizations, had been preparing for those events for two years, with the participation of many of its citizens. He reminded the participants that genetic engineering had improved the lives of many people but there remained much that was unknown about the risks involved and the local communities of Aichi Prefecture awaited the outcomes of the present deliberations, especially the proposed regime on liability and redress in the context of the Protocol, with anticipation.

1.4 Opening statement by Mr. Takashi Kawamura, Mayor of the City of Nagoya

16. Mr. Kawamura extended a welcome to all participants to the city of Nagoya and to the Conference. He expressed his deep thanks for the newly agreed protocol, referred to by speakers as a new-born baby. Nagoya, located in the central region of Japan, was its third largest city, and its culture and industry were well developed. The city had been founded 400 years earlier. In constructing its castle, some 35,000 trees had been felled in a forest that had belonged to the Owari clan some 80 kilometres away and the bed of the river running around the east side of the city had been excavated to provide construction material. Some hundred years had passed before the forest was restored. The surrounding area had blossomed and the river bustled with life for a period, followed by the pollution of urbanization. Although that could not be reversed in a single effort, much had been achieved in preparation for the four hundredth anniversary of the city, and he invited the participants to spread the fame of Nagoya and its beautiful river, and encourage their friends to visit. Reusable cups decorated with messages from the children of Nagoya had been given to participants to welcome them and commemorate the city's efforts to restore the environment. Every household was involved in a recycling campaign, whereby waste was completely separated into eleven categories, and he invited participants to promote similar efforts at home. He expressed his best wishes for the success of the Conference, and hoped some participants would want to stay to relax in the city when it ended.

1.5 Opening statement by the representative of the Executive Director of the United Nations Environment Programme

17. Speaking on behalf of Mr. Achim Steiner, Executive Director of UNEP, Mr. Pisupati said that Mr. Steiner was grateful to the Government of Japan for hosting the meetings. There were now 160 Parties to the Protocol, including Guinea-Bissau and Somalia since May and July 2010 respectively. The Secretariat needed strengthening to ensure results in the priority areas of enforcement and

capacity-building. More work was required on important issues including compliance, capacity building, and common approaches to risk assessment and risk management under the guidance of the Ad Hoc Technical Expert Group. Much progress had been made through the multilateral process to establish common ground, in particular concerning capacity-building and operationalization of the Protocol. Further progress would be dependent on all countries having the requisite human and institutional capacities. Funding was a fundamental issue and UNEP was ready to share its expertise with governments committed to raising the investment bar in order to advance capacity-building, which was one of its central preoccupations concerning implementation of the Protocol. Since 1995, UNEP had facilitated development of international technical guidelines for safety in biotechnology. Since 2000, together with the United Nations Development Programme (UNDP) and the World Bank and with funding from the Global Environment Facility (GEF), UNEP had assisted countries to meet their obligations and implement National Biosafety Frameworks (NBFs). It was currently assisting up to 130 countries to draft their NBFs, assisting 42 countries to implement their NBFs, and assisting 139 countries to access and benefit from the Biosafety Clearing-House. UNEP would implement the second phase of the clearing-house in 50 countries with funding from GEF. He said that, despite the many achievements of its first decade, the Cartagena Protocol remained a work in progress, and countries needed to demonstrate leadership. He believed that such leadership and the will to make a difference in practice would advance the international response to the biosafety agenda. Finally, he said that UNEP would continue its efforts to assist in evolving the Protocol to its full potential.

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

18. Mr. Djoghlaif paid tribute to Mr. Michihiko Kano, Minister of Agriculture, Forestry and Fisheries of the Government of Japan, Mr. Masaaki Kanda, Governor of the Prefecture of Aichi, and Mr. Takashi Kawamura, the Mayor of the City of Nagoya, for their extensive preparations for and organization of such a historic meeting.

19. He said that, although the Cartagena Protocol on Biosafety was one of the leading instruments related to the preservation of global biological diversity, more needed to be done. Discussions held before the meeting had been fruitful and he was pleased to report that the text of the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety had been agreed upon the previous day, and would be submitted for adoption by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol later in the week. The Supplementary Protocol was the result of long and in-depth discussions and was a landmark agreement, particularly as it was agreed during 2010, the International Year of Biodiversity, and in the city of Nagoya during its 400th anniversary. He paid tribute to the work of the Co-Chairs who had led the negotiations and to the Parties for their steady attention and active participation throughout the years. The agreement represented an important step towards the implementation of the Biosafety Protocol including the Strategic Plan (2011–2012) proposed for adoption at this meeting. The Strategic Plan contained five focal areas, 23 operational objectives and 72 indicators. The programme of work proposed for the next three meetings of the Parties to the Protocol was also expected to enhance implementation of the Protocol and the Strategic Plan in particular. In addition, there were a number of issues that still required guidance, particularly with regard to risk assessment, awareness raising and increasing stakeholder participation.

1.7 Opening statements by Parties and observers

20. At the 1st plenary session of the meeting, general statements were made by representatives of Colombia (on behalf of the Latin American and Caribbean Group), the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, Indonesia (on behalf of Asia-Pacific region), Malawi (on behalf of the African Group), Kenya and the Ukraine (on behalf of the Central and Eastern Europe region).

21. The speakers expressed gratitude to the Government of Japan for hosting the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and special thanks were extended for the efficiency with which visas had been issued.

22. At the 2nd plenary session of the meeting, a statement congratulating the conclusion of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress was made by a representative of the Republic of Korea. A representative of the African Union also made a statement.

1.8 Presentation

23. Mr. Kanda, Governor of the Prefecture of Aichi, introduced the representatives of the children of Aichi Prefecture who, he said, bore messages from the next generation of stewards of the Earth. In preparation for the meeting, the children of Aichi Prefecture had participated in the thinning of a forest in the prefecture and had produced the wooden benches, name plates and podium being used at the meeting from trees felled during thinning of forest. Mr. Kano and Mr. Djoghla received name plates from the children, inscribed on the reverse side with the messages “I love nature in the world,” and “All living things on Earth are friends”.

ITEM 2. ORGANIZATION OF THE MEETING

2.1. Officers

24. In accordance with Article 29, paragraph 3, of the Protocol, the current Bureau of the Conference of the Parties to the Convention served as the Bureau for the meeting of the Parties to the Protocol. The representatives from Parties to the Protocol who are also taking part in the tenth meeting of the Conference of the Parties were urged to remind their respective regions of the need to name members to the Bureau from Parties to the Convention that are also Parties to the Protocol.

25. On the proposal of the Bureau, it was agreed that Ms. Snežana Prokić (Serbia), a Vice-President of the Bureau, should serve as Rapporteur for the meeting.

26. The meeting was chaired by Mr. Hidenori Murakami (Japan) as incoming President of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

2.2. Adoption of the agenda

27. 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/5/1):

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 fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

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):
 - 10.1 Article 18, paragraph 2 (a);
 - 10.2 Article 18, paragraph 3.
11. Rights and/or obligations of Parties of transit of living modified organisms.
12. Liability and redress (Article 27).
13. Risk assessment and risk management (Articles 15 and 16).
14. Public awareness and participation (paragraph 1, Article 23).
15. Monitoring and reporting (Article 33).
16. Assessment and review (Article 35).
17. Strategic plan of the Protocol and programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

IV. FINAL MATTERS

18. Other matters.
19. Date and venue of the sixth meeting.
20. Adoption of the report.
21. Closure of the meeting.

2.3. Organization of work

28. At the opening session of the meeting, on 11 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol approved its organization of work, as orally amended, on the basis of the suggestions contained in annex I to the annotations to the provisional agenda (UNEP/CBD/BS/COP-MOP/5/1/Add.1).

29. Accordingly, the meeting established two working groups: Working Group I, under the chairmanship of Ms. Darja Stanič Racman (Slovenia) to consider agenda items 4 (Report of the Compliance Committee); 11 (Rights and/or obligations of Parties of transit of living modified organisms); 15 (Monitoring and reporting (Article 33)); 16 (Assessment and review (Article 35)); and 17 (Strategic Plan of the Protocol and programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol); and Working Group II, under the chairmanship of Mr. James Seyani (Malawi) 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), 10 (Handling, transport, packaging and identification (Article 18)); 13 (Risk assessment and risk management (Articles 15 and 16)); and 14 (Public awareness and participation (Article 23)).

30. Working Group I held four meetings from 11 to 14 October 2010. The Working Group adopted its draft report (UNEP/CBD/BS/COP-MOP/5/WG.1/L.1) at its 4th meeting, on 14 October 2010.
31. Working Group II held eight meetings from 11 to 14 October 2010. The Working Group adopted its draft report (UNEP/CBD/BS/COP-MOP/5/WG.2/L.1) at its 8th meeting, on 14 October 2010.
32. At the 2nd plenary session of the meeting, on 13 October 2010, progress reports were presented by the chairs of the two working groups.
33. The final reports of the working groups (UNEP/CBD/BS/COP-MOP/5/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 its third (final) plenary session, on 15 October 2010, and are integrated into the present report under the respective agenda items.

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

34. Agenda item 3 was taken up at the opening plenary session of the meeting, on 11 October 2010. 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 Ms. Somaly Chan (Cambodia), a Vice-President of the Bureau, to examine and report on credentials. Delegations that had not submitted their credentials were urged to do so as soon as possible during the course of the day.
35. At the 2nd plenary session of the meeting, on 13 October 2010, Ms. Somaly Chan informed the meeting that 116 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 91 Parties to the Protocol that were attending the meeting. The credentials of 65 delegations had been found to be in full compliance with the provisions of rule 18 of the rules of procedure. Those of 26 delegations complied only partially with those provisions, and a further 25 delegations attending the meeting had not submitted credentials. In keeping with past practice, the 51 delegations concerned had been requested to provide the Executive Secretary with their credentials in good order by 10 a.m. on 14 October 2010 to enable their review by the Bureau, or to sign a declaration undertaking to provide them within 30 days of the closure of the meeting (15 November 2010).
36. At the 3rd plenary session of the meeting, on 15 October 2010, Ms. Somaly Chan informed the meeting that 118 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 99 Parties to the Protocol that were attending the meeting. The credentials of 74 delegations had been found to be in full compliance with the provisions of rule 18 of the rules of procedure. Those of 25 delegations complied only partially with those provisions, and a further 19 delegations attending the meeting had not submitted credentials. In keeping with past practice, the 44 representatives concerned were requested to undertake to provide the Executive Secretary with their credentials in good order within 30 days of the closure of the meeting, and no later than 15 November 2010 to enable their review by the Bureau.
37. The President expressed the hope that all the delegations that had been requested to provide their credentials to the Executive Secretary would do so no later than 15 November 2010.
38. 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.

ITEM 4. REPORT OF THE COMPLIANCE COMMITTEE

39. Agenda item 4 was taken up at the opening plenary session of the meeting, on 11 October 2010. In considering the item, the meeting had before it the reports of the Compliance Committee on the work of its fifth, sixth and seventh meetings consolidated into a single document (UNEP/CBD/BS/COP-MOP/5/2), as well as a note containing a compilation of views of Parties on how the supportive role of the Compliance Committee could be improved (UNEP/CBD/BS/COP-MOP/5/2/Add.1).

40. Mr. Jürg Bally, Chairperson of the Compliance Committee, outlined the issues considered by the Committee at its fifth, sixth and seventh meetings, as set forth in its report. The Committee had considered how the rate of national reporting, the Committee's supportive role and the timely submission of the required information to the Biosafety Clearing-House could all be improved. Concerning the Committee's recommendations, which were annexed to its report, he suggested that they should be discussed as follows: recommendations 1 and 2 under agenda item 4, recommendations 3 to 8 under agenda item 15 and recommendations 9 and 10 under agenda item 5.

41. The President invited the meeting to take note of the report of the Compliance Committee and of the compilation of views of Parties on how the supportive role of the Compliance Committee could be improved.

42. A representative of the Secretariat noted that the term of office of five Committee members was due to expire on 31 December 2010, of whom two would have served two terms of office and were therefore not eligible for re-election and one had resigned before the end of his term and was yet to be replaced. The President invited each region to nominate one person to serve on the Compliance Committee.

43. Working Group I took up agenda item 4 at its 1st meeting on 11 October 2010. Statements were made by representatives of Argentina, Brazil, Cameroon (on behalf of the African Group), Canada, Colombia, Cuba, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, Japan, Kenya, Malaysia, Mexico, Norway, the Republic of Korea, Senegal, South Africa and Uganda.

44. 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.

45. At its 3rd meeting, on 13 October 2010, the Working Group took up a draft decision on the report of the Compliance Committee, submitted by the Chair.

46. The Working Group approved the draft decision for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.3.

47. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.3 and adopted it as decision BS-V/1. The text of the decision is contained in the annex to the present report.

48. Also at the 3rd plenary session of the meeting, on 15 October 2010, 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 2010. The meeting then elected by acclamation the following nominees to serve as members of the Compliance Committee from the beginning of 2011: (a) Africa group: Mr. Abisai Mafa (Zimbabwe); (b) Asia and the Pacific: Mr. Yusuf Al-Hafedh (Saudi Arabia), with Mr. Seung-hwan Choi (Republic of Korea) as a substitute in case any member from the region resigns or is unable to perform the functions of a Committee member; (c) Central and Eastern Europe group (CEE): Ms. Natalya Minchenko (Belarus) for 2011-2012 and Ms. Dubravka Stepic (Croatia) for 2013-2014; (d) Group of Latin American and

Caribbean States (GRULAC): Mr. Alejandro Hernández (Costa Rica); (e) Western European and Others Group (WEOG): Ms. Claire Hamilton (United Kingdom of Great Britain and Northern Ireland).

49. The President reminded the meeting that under decision BS-I/7 of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, members of the Compliance Committee should be elected for a full term of four years.

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

50. Agenda item 5 was taken up by Working Group II at its 1st meeting, on 11 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary outlining the progress made on the implementation of the Biosafety Clearing-House (UNEP/CBD/BS/COP-MOP/5/3) and an information note on the study of users and potential users of the Biosafety Clearing-House requested in decision BS-IV/2 (UNEP/CBD/BS/COP-MOP/5/INF/1).

51. In introducing the item, a representative of the Secretariat explained that section II of document UNEP/CBD/BS/COP-MOP/5/3 contained a progress report on the programme elements identified in the multi-year programme of work for the Biosafety Clearing-House; section III provided a synthesis of the study on users and potential users of the Biosafety Clearing-House; and section IV provided elements for a decision on the operation of the Biosafety Clearing-House. The annex to the document also contained a breakdown of the records submitted to the Biosafety Clearing-House as of March 2010.

52. The representative of the Secretariat also reminded the Working Group that it had been tasked at the 1st plenary session of the meeting with considering the recommendations of the Compliance Committee contained in paragraphs 9 and 10 of the annex to the consolidated reports of the Compliance Committee (UNEP/CBD/BS/COP-MOP/5/2) when considering the present agenda item.

53. Statements were made by representatives of Argentina, Colombia, China, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Ghana, India, Japan, Jordan, Mexico, New Zealand, Norway, the Republic of Korea, South Africa, and Uganda (on behalf of the African Group).

54. A statement was also made by a representative of the Public Research and Regulation Initiative.

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

56. At its 5th meeting, on 13 October 2010, the Working Group took up a draft decision on the operation and activities of the Biosafety Clearing-House, submitted by the Chair.

57. Statements were made by representatives of Bolivia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, the Islamic Republic of Iran, Mexico, Paraguay, the Republic of Korea, and Uganda (on behalf of the African Group).

58. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.4.

59. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.4 and adopted it as orally amended as decision BS-V/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

60. Agenda item 6 was taken up by Working Group II at its 1st meeting, on 11 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary on the status of capacity-building activities (UNEP/CBD/BS/COP-MOP/5/4); the report on the roster of biosafety experts

(UNEP/CBD/BS/COP-MOP/5/4/Add.1); the reports of the sixth and seventh meetings of the Liaison Group on Capacity-Building for Biosafety (UNEP/CBD/BS/COP-MOP/5/INF/3); the fifth and sixth Coordination Meetings for Governments and Organizations Implementing or Funding Biosafety Capacity-Building Activities (UNEP/CBD/BS/COP-MOP/5/INF/4); the third International Meeting of Academic Institutions and Organizations Involved in Biosafety Education and Training (UNEP/CBD/BS/COP-MOP/5/INF/7); a compilation of submissions made by Parties, other Governments and relevant organizations on ongoing biosafety capacity-building initiatives (UNEP/CBD/BS/COP-MOP/5/INF/8); and the report of the expert review of the effectiveness of various approaches to capacity-building and the lessons learned (UNEP/CBD/BS/COP-MOP/5/INF/9).

61. At the proposal of the Chair, the two aspects of the item, capacity-building and the roster of biosafety experts, were considered separately.

Capacity-building

62. Introducing the first part of the item, a representative of the Secretariat said that section I of the note by the Executive Secretary on the status of capacity-building activities presented a summary report on the status of implementation of the Action Plan for Building Capacities for the Effective Implementation of the Protocol; section II provided a summary on the training and capacity-building needs of Parties and other Governments; section IV summarized the outcomes of the expert review of the effectiveness of various approaches to capacity-building and the lessons learned; section V introduced the proposed terms of reference for the comprehensive review of the updated Action Plan; and section VI conveyed the recommendations of the sixth Coordination Meeting for Governments and Organizations Implementing or Funding Biosafety Capacity-Building Activities; and section VII contained elements of a draft decision on capacity-building. Annex I of the document contained the terms of reference for the Ad Hoc Expert Group on socio-economic considerations, and annex II contained the draft terms of reference for the comprehensive review of the updated Action Plan. The Working Group was invited to consider the information provided in the note by the Executive Secretary and to take note of the information documents in its deliberations.

63. Statements were made by representatives of Argentina, Bolivia, Brazil, China, Colombia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, Indonesia, Japan, Kenya (on behalf of the African Group), Mexico, Niger, Nigeria, New Zealand, Norway, the Republic of Korea, Thailand, Tunisia, and Viet Nam.

64. A statement was also made by a representative of the Third World Network.

65. 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.

66. At its 5th meeting, on 13 October 2010, the Working Group took up a draft decision on the status of capacity-building activities, submitted by the Chair.

67. Statements were made by representatives Benin, Bolivia, Brazil, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, Malawi, Mexico, New Zealand, and Paraguay.

68. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.5.

69. At the 6th meeting of the Working Group, on 14 October 2010, the representative of the European Union and its 27 member States (also on behalf of Croatia and Turkey) asked that the draft decision on capacity-building, that had been approved at the 5th meeting of the Working Group, be reopened to reconsider the issue of an ad hoc expert group on socio-economic considerations and its terms of reference.

70. The Chair reminded the representative of the European Union and its 27 member States (also on behalf of Croatia and Turkey) that the rules of procedure did not allow the Working Group to reopen discussion on decisions already approved by the Working Group.

71. The representative of Uganda (on behalf of the African Group) expressed his sympathy for the statement made by the representative of the European Union and its 27 member States (speaking also on behalf of Croatia and Turkey) but noted that the African Group had difficulties with re-opening documents already adopted as this would go against the rules of procedure and might force other delegations to reopen other approved decisions.

72. The representative of New Zealand shared the concerns of the representative of the European Union and its 27 member States (also on behalf of Croatia and Turkey) and asked that a way out be found for those concerns to be fully discussed.

73. The Chair proposed that informal consultations should be undertaken among interested Parties, including the representatives of European Union and its 27 member States (also on behalf of Croatia and Turkey), Honduras, Japan, Kenya, Mexico, New Zealand, Norway, Paraguay, the Republic of Korea, South Africa, the United Republic of Tanzania, Zimbabwe, and any other interested Parties, to resolve the concerns of the European Union and that the consensus achieved should be reported to plenary when it took up draft decision UNEP/CBD/BS/COP-MOP/5/L.5.

74. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.5.

75. The representative of the European Union and its 27 member States (speaking also on behalf of Croatia and Turkey) reported that the participants in the informal consultations had agreed on several amendments to the draft decision. The representative of Zimbabwe (on behalf of the African Group) made a few additional amendments.

76. The representative of Norway announced the offer by the Government of Norway of US\$ 75,000 to fund a regionally balanced workshop on capacity-building for research and information exchange on the socio-economic impacts of living modified organisms.

77. The President expressed his appreciation to the Government of Norway for its pledge to fund such a workshop.

78. Following further exchange of views, the Conference of Parties serving as the meeting of the Parties to the Protocol adopted the draft decision, as orally amended, as decision BS-V/3. The text of the decision is contained in the annex to the present report.

Roster of experts on biosafety

79. In considering the question of the roster of experts on biosafety, the Working Group had before it a note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/5/4/Add.1) which contained a report on the current status and operations of the roster, a report on the status and use of the pilot phase of the voluntary fund for the roster, as well as elements of a possible draft decision for the consideration of the Parties.

80. Statements were made by representatives of the European Union and its 27 member States (also on behalf of Croatia and Turkey), Kenya, Japan, the Republic of Korea, South Africa and Uganda.

81. A statement was also made by a representative of the Public Research and Regulation Initiative.

82. At the 2nd meeting of the Working Group, on 12 October 2010, statements were also made by representatives of Cambodia, Jordan, Malaysia and Mexico.

83. A statement was also made by a representative of the Washington Biotechnology Action Council.

84. During the meeting, delegates expressed their gratitude to the Government of Spain and the European Union for their contributions to the Voluntary Fund and appealed to Parties to nominate experts to the roster.

85. 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.

86. At its 5th meeting, on 13 October 2010, Working Group II took up a draft decision on the roster of biosafety experts, submitted by the Chair. Statements were made by representatives of South Africa and Uganda. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.6.

87. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.6 and adopted it as decision BS-V/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

88. Agenda item 7 was taken up at the opening plenary session of the meeting, on 11 October 2010. In considering the item, the meeting had before it a note by the Executive Secretary providing a summary report on the status of implementation of the previous guidance to the financial mechanism with respect to biosafety and information on other financial resources for the implementation of the Protocol (UNEP/CBD/BS/COP-MOP/5/5) and the report submitted by the secretariat of the Global Environment Facility (GEF) to the tenth meeting of the Conference of the Parties to the Convention on the status of implementation of the guidance to the financial mechanism, including the guidance with respect to biosafety (UNEP/CBD/COP/10/8).

89. A representative of the GEF reported on the support provided for the implementation of the Protocol. He noted that during the reporting period, GEF approved 37 projects for the implementation of National Biosafety Frameworks, totalling \$35.2 million, and also approved a project in support of the Biosafety Clearing-House.

90. The President said that further discussion of the agenda item would take place in Working Group II.

91. Agenda item 7 was taken up at the 4th meeting of Working Group II, on 13 October 2010. In considering the item, the meeting had before it UNEP/CBD/BS/COP-MOP/5/5.

92. Statements were made by representatives of the European Union and its 27 member States (also on behalf of Croatia and Turkey), Ghana, Japan, Jordan, Norway, South Africa, Uganda (on behalf of the African Group), United Republic of Tanzania and the United States of America.

93. At its 8th meeting, on 14 October 2010, the Working Group took up a draft decision on the financial mechanism and resources, submitted by the Chair. Statements were made by representatives of the European Union and its 27 member States (also on behalf of Croatia and Turkey), Guatemala, the Islamic Republic of Iran, Japan, Mexico and Uganda (on behalf of the African Group).

94. 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/5/L.16.

95. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.16 and adopted it, as orally amended, as decision BS-V/5. The text of the decision is contained in the annex to the present report.

ITEM 8. COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES

96. Agenda item 8 was taken up at the opening plenary session of the meeting, on 11 October 2010. In considering the item, the Parties had before them a note by the Executive Secretary on cooperative activities between the Secretariat and other organizations, conventions and initiatives relevant to the implementation of the Protocol including the Green Customs Initiative, the International Plant Protection Convention and the Secretariat of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (UNEP/CBD/BS/COP-MOP/5/6).

97. The President said that he would make consultations on this agenda item and prepare a draft decision for consideration at the next plenary session.

98. At the 2nd plenary session of the meeting, the President announced that he had conducted some consultations and prepared a text for consideration by the Parties. Statements were made by representatives of Brazil, the European Union and its 27 member States (also on behalf of Croatia and Turkey) and Mexico.

99. A representative of the Washington Biotechnology Action Council also made a statement.

100. Following the exchange of views, the President said that he would prepare a revised text incorporating the points raised during the discussion, for consideration by the plenary.

101. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.12 and adopted it as orally amended as decision BS-V/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

102. Agenda item 9 was taken up at the opening plenary session of the meeting, on 11 October 2010. In considering the item, the meeting had before it a note by the Executive Secretary on the administration of the Protocol and on budgetary matters (UNEP/CBD/BS/COP-MOP/5/7 and Add.1).

103. Introducing the item, a representative of the Secretariat said that the total assessed contributions paid by 31 December 2009 had amounted to 93 per cent of the total core budget approved by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fourth meeting. This was decrease of 1 per cent in comparison to the previous year. He also noted that pledges to the voluntary funds had been low. As requested by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its fourth meeting, the Executive Secretary had prepared three alternative budgets based on: (i) the required rate of growth; (ii) a 10 per cent nominal increase; and (iii) a zero percent nominal change from the 2009–2010 level. He emphasized that the budget could be adjusted to reflect issues raised and decisions taken at the meeting, in particular with regard to liability and redress for damage resulting from transboundary movements of living modified organisms and risk assessment.

104. It was agreed that a contact group be established to examine the budget proposed by the Executive Secretary and to advance the work under this item. Mr. Conrad Hunte (Antigua and Barbuda) was elected to chair the contact group.

105. Mr. Hunte reported to the second plenary session, on 13 October 2010, that the contact group had reviewed the budget proposals and draft decision presented by the Secretariat. He noted that the meetings of the contact group on budget were open to all participants.

106. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol took up draft decision UNEP/CBD/BS/COP-MOP/5/L.17 submitted by the contact group on the budget.

107. Introducing the draft decision, the chair of the contact group on the budget said the group had completed its deliberations that morning. When considering the budget proposed by the Executive Secretary, the group had taken into account a number of issues. In order to cover expenditures and to avoid large increases in Parties' assessed contributions, the group had agreed on a budget that contained a contribution drawn from the reserves of the Cartagena Protocol on Biosafety. This would also allow the implementation of the auditors' recommendations.

108. The group had also noted the possibility that the preparation and implementation of the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety would require additional human resources for the Secretariat, starting in the biennium 2013-2014.

109. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.17 and adopted it as orally amended as decision BS-V/7. The text of the decision is contained in the annex to the present report.

III. SUBSTANTIVE ISSUES ARISING FROM THE MEDIUM-TERM PROGRAMME OF WORK AND PREVIOUS DECISIONS OF THE PARTIES TO THE PROTOCOL

ITEM 10. HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION (ARTICLE 18)

110. Agenda item 10 was taken up at the 2nd meeting of Working Group II, on 12 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary on handling, transport, packaging and identification of living modified organisms - Synthesis of information on experience gained with the implementation of requirements related to paragraph 2 (a) of Article 18 (UNEP/CBD/BS/COP-MOP/5/8); a note on handling, transport, packaging and identification: the need for and modalities of developing standards (Article 18, paragraph 3) (UNEP/CBD/BS/COP-MOP/5/9); and the updated summary of information on standards and standard-setting bodies relevant to the handling, transport, packaging and identification of living modified organisms (UNEP/CBD/BS/COP-MOP/5/INF/6).

111. Introducing the item, a representative of the Secretariat said that document UNEP/CBD/BS/COP-MOP/5/8 contained a synthesis of the information received by the Executive Secretary on experience gained with the identification of shipments of living modified organisms intended for direct use as food of feed, or for processing and as well as information on capacity-building efforts. Section III of the document contained possible elements of a draft decision. Document UNEP/CBD/BS/COP-MOP/5/9 summarized the main themes and proposals discussed during the online forum on standards for the handling, transport, packaging and identification of living modified organisms organized by the Executive Secretary. Section V contained some possible elements of a draft decision, while UNEP/CBD/BS/COP-MOP/5/INF/6 contained a summary of the outcome of that forum, reflecting the full range of views expressed.

10.1 Paragraph 2 (a) of Article 18 of the Protocol

112. On the subject of paragraph 2 (a) of Article 18 of the Protocol, statements were made by representatives of Argentina, Bolivia, China, Ecuador, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, Indonesia, Japan, Malaysia, Mexico, Norway, New Zealand, Paraguay, the Philippines, the Republic of Korea, South Africa and Uganda (on behalf of the African Group).

113. A statement was also made by a representative of the Third World Network.

114. 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.

115. At its 5th meeting, on 13 October 2010, the Working Group took up a draft decision on handling, transport, packaging and identification of living modified organisms: paragraph 2 (a) of Article 18, submitted by the Chair. Statements were made by representatives of Bolivia, Brazil, the European Union and its 27 member States (also on behalf of Croatia and Turkey) and Mexico. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.7.

116. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.7 and adopted it as decision BS-V/8. The text of the decision is contained in the annex to the present report.

10.2 Paragraph 3 of Article 18 of the Protocol

117. On the subject of paragraph 3 of Article 18 of the Protocol, statements were made by representatives of Argentina, Bolivia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, the Islamic Republic of Iran, Japan, Kenya, New Zealand, Paraguay, the Philippines and Uganda (on behalf of the African Group). A statement was also made by a representative of the Global Industry Coalition. 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.

118. At its 5th meeting, on 13 October 2010, the Working Group took up the text of a draft decision on handling, transport, packaging and identification of living modified organisms: paragraph 3 of Article 18, submitted by the Chair.

119. Statements were made by representatives of Bolivia, Brazil, the European Union and its 27 member States (also on behalf of Croatia and Turkey), the Islamic Republic of Iran, New Zealand, South Africa and Uganda (on behalf of the African Group).

120. At the 6th meeting of the Working Group, on 14 October 2010, statements were also made by representatives of Bolivia, Brazil, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Japan, Mexico, New Zealand, Paraguay and Uganda (on behalf of the African Group). After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.14.

121. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.14 and adopted it as orally amended as decision BS-V/9. The text of the decision is contained in the annex to the present report

ITEM 11. RIGHTS AND/OR OBLIGATIONS OF PARTIES OF TRANSIT OF LIVING MODIFIED ORGANISMS

122. Agenda item 11 was taken up at the 1st meeting of Working Group I, on 11 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary on the rights and/or obligations of Parties of transit of living modified organisms (UNEP/CBD/BS/COP-MOP/5/10).

123. Introducing the item, a representative of the Secretariat said that the sections II and III of the document before the Working Group contained a summary of previous discussions and further information on existing regional and national requirements for the transit of living modified organisms, respectively. She suggested that the lack of submissions and new developments on this matter between the second meeting and the current meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol was an indicator that Parties did not feel there was a need to pursue the matter further. Therefore, section V of the document contained elements of a draft decision stating that further

consideration of the item could be set aside and, in future, the Compliance Committee could be invited to look into the matter if need arose.

124. Statements were made by representatives of Argentina, Cameroon (on behalf of the African Group), the European Union and its 27 member States (also on behalf of Croatia and Turkey) and Kenya.

125. The Chair noted that, in the light of the discussion, she would prepare a text incorporating the points raised during the discussion.

126. At its 3rd meeting, on 13 October 2010, the Working Group took up a draft decision on the rights and/or obligations of parties of transit of living modified organisms, submitted by the Chair. Statements were made by representatives of Cameroon (on behalf of the African Group), Japan, Kenya and New Zealand. 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/5/L.8.

127. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.8 and adopted it as decision BS-V/10. The text of the decision is contained in the annex to the present report.

ITEM 12. LIABILITY AND REDRESS (ARTICLE 27)

128. Agenda item 12 was taken up at the 1st plenary session of the meeting, on 11 October 2010. In considering the item, the meeting had before it the final report of the Group of Friends of the Co-Chairs concerning Liability and Redress in the context of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/5/11).

129. Ms. Jimena Nieto (Colombia), Co-Chair of the Group of Friends of the Co-Chairs, reviewed the work of the Group, which was more fully described in its report. She said that although the Group had before it consolidated draft guidelines on civil liability and redress, taking into account the Group's agreement made at its first meeting to develop a legally binding supplementary protocol based on an administrative approach, the Group had agreed that it was not necessary to further elaborate those guidelines. However, that did not affect any steps that might be taken in the future with regard to the development of binding rules on civil liability for damage resulting from living modified organisms.

130. The Group had also considered the critical negotiations that had taken place at Nagoya, as well as the common practice of naming treaties after the place of their adoption. However, the Group had also recalled that the Government of Malaysia had hosted its two previous meetings and the mandate for the negotiations on liability and redress had been adopted in Kuala Lumpur in 2004 by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Group had therefore agreed to name the draft supplementary protocol after the cities of Nagoya and Kuala Lumpur.

131. Mr. René Lefeber (Netherlands), Co-Chair of the Group of Friends, stated that the draft decision was subject to a review by a legal drafting group in order to ensure the legal clarity and consistency of the text of the proposed supplementary protocol in all six official languages of the United Nations. He also informed the meeting that the negotiations had demonstrated that multilateral environmental negotiations could still produce valuable results. It had been many years since the last multilateral environmental agreement, and the adoption of a new such agreement during the International Year of Biodiversity would give new impetus to multilateral environmental negotiations. Further, the supplementary protocol provided a new approach to addressing liability for damage to biological diversity that was complementary to existing approaches including, in particular, civil liability. A definition of damage to biological diversity had also been agreed to at the international level which formed the basis for redressing such damage. He remarked that the supplementary protocol would be an important contribution to the ongoing work under the Convention on Biological Diversity.

132. Mr. Lefeber also said that the process of the negotiations had been as transparent as international negotiations could be and had enabled the effective participation of both Parties and observers. It had

sparked initiatives that would unite all who had an interest in biosafety matters to effectively address any damage to biological diversity. He thanked the *Earth Negotiations Bulletin* for their daily reports and the Secretariat for its support, as well as his Co-Chair, Ms. Jimena Nieto.

133. It was noted that it had emerged during the negotiations of the Supplementary Protocol that Parties to the Protocol hold different understandings of the application of Article 27 of the Protocol to processed materials that are of living modified organism-origin. One such understanding is that Parties may apply the Supplementary Protocol to damage caused by such processed materials, provided that a causal link is established between the damage and the living modified organism in question.

134. Paraguay expressed concern regarding the reference to the last preambular paragraph of the Cartagena Protocol on Biosafety in paragraph 2 of Article 10 of the Supplementary Protocol.

135. The President thanked the Co-Chairs for their work and asked them to co-chair the legal drafting group and report back to the subsequent session of the plenary.

136. At the 2nd plenary session of the meeting, on 13 October 2010, Ms. Jimena Nieto (Colombia), Co-Chair of the legal drafting group, said that the group had made minor legal and editorial changes to the text of the draft supplementary protocol, working mainly on the English version, and a revised text would be submitted to the plenary for adoption once all language versions were ready.

137. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.2, containing the proposed text of the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, and adopted it as orally amended as decision BS-V/11. The text of the decision is contained in the annex to the present report.

138. The representative of Brazil congratulated all those who had been involved in the long negotiation process on having successfully agreed on the Supplementary Protocol and thanked the Co-Chairs of the legal drafting group for their guidance, patience and commitment. The Supplementary Protocol not only added greater significance to the current International Year of Biodiversity, but also strengthened the Cartagena Protocol and the Convention on Biological Diversity. In order to address the environmental and socioeconomic concerns deriving from its unique position of being simultaneously a mega-diverse country, a producer of living modified organisms and the biggest exporter of commodities among the Parties to the Cartagena Protocol, Brazil had striven tirelessly to build a flexible and constructive approach to the negotiations of the Supplementary Protocol, which reflected the diversity of interests among Parties and took account of the concerns of Parties, civil society and the private sector. In his view, Article 10 of the Supplementary Protocol was a good example of the efforts made to accommodate divergent views. He noted that financial guarantees were not environmental guarantees and would not in themselves prevent damage to biological diversity. Implementation of the Supplementary Protocol must be consistent with that of other international agreements, particularly those on trade, in order to avoid creating costly and burdensome barriers. International agreements on trade and on the environment should be mutually supportive with a view to achieving sustainable development.

139. Statements were also made by representatives of Argentina, Peru and South Africa.

ITEM 13. RISK ASSESSMENT AND RISK MANAGEMENT (ARTICLES 15 AND 16)

140. Agenda item 13 was taken up at the 2nd meeting of Working Group II, on 12 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary on risk assessment and risk management (Articles 15 and 16) (UNEP/CBD/BS/COP-MOP/5/12); a compilation of submissions 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 (UNEP/CBD/BS/COP-MOP/5/INF/11); the reports on intersessional activities on risk

assessment and risk management (UNEP/CBD/BS/COP-MOP/5/INF/12-17) as well as a draft training manual entitled “Risk Assessment of Living Modified Organisms” (UNEP/CBD/BS/COP-MOP/5/INF/22).

141. Introducing the item, a representative of the Secretariat said that the Working Group was being invited to consider three main issues of risk assessment and risk management and, to further facilitate its deliberations, the Working Group was invited to consider the issues one at a time.

Development of further guidance on risk assessment and risk management

142. In introducing the first part of the item, a representative of the Secretariat said that decision BS-IV/11 had established an open-ended online forum on specific aspects of risk assessment through the Biosafety Clearing-House and an Ad Hoc Technical Expert Group on Risk Assessment and Risk Management. A total of 229 experts selected on the basis of their relevant expertise had taken part in the open-ended online forum of which 153 had been nominated by 48 different Parties, 11 by non-Parties and 65 by relevant organizations. The members of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management had been selected by the Secretariat, in consultation with the Bureau, and respecting geographical and gender representation, from among the experts nominated to the open-ended online forum. Participation in the first round of activities under the online forum was also taken into account in the selection of participants in the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management. In order to achieve the tasks mandated by decision BS-IV/11 a total of 18 ad hoc discussion groups and eight real-time online conferences had been carried out under the online forum, as well as two face-to-face meetings and several rounds of online discussions had been carried out by the Ad Hoc Technical Expert Group.

143. At the invitation of the Chair, Mr. Helmut Gaugitsch (Austria), Chair of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management said that the Expert Group had been composed of 28 experts which had been selected on the basis of the procedure outlined by the Secretariat. Ms. Vilasini Pillai (Malaysia) had been appointed Rapporteur of the Expert Group and Mr. Hans Bergmans (Netherlands), Ms. Beatrix Tappeser (Germany), Ms. Eliana Maria Gouveia Fontes (Brazil), and Mr. Kazuo Watanabe (Japan), with the assistance of Ms. Sol Ortiz Garcia (Mexico), had chaired its four sub-working groups. In addition to several rounds of online discussion groups, the Expert Group had held two rounds of real-time online conferences, in the different regions. The two face-to-face meetings of the Expert Group had been held in Montreal, Canada and Ljubljana, Slovenia. The core results of the process had been a roadmap for the risk assessment of living modified organisms, which included a flow chart, and guidance on the risk assessment of: living modified organisms with stacked genes or traits, living modified crops with tolerance to abiotic stress, and living modified mosquitoes. He also stressed that the roadmap was meant as a living document and aimed to provide further guidance on how to perform a risk assessment according to Annex III of the Cartagena Protocol on Biosafety.

144. Statements were made by representatives of Ecuador, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, Japan, Nigeria (on behalf of the African Group) and the Philippines.

145. At the 3rd meeting of the Working Group, on 12 October 2010, statements were also made by representatives of Argentina, Bolivia, Brazil, Cambodia, China, Colombia, Ghana (on behalf of the African Group), the Islamic Republic of Iran, Malaysia, Mexico, New Zealand, Niger, Norway, Panama, Paraguay, Ukraine and the United States of America.

146. Statements were also made by representatives of Greenpeace International, the Public Research and Regulation Initiative, Third World Network, and the Universidad Nacional Agraria La Molina.

Capacity-building on risk assessment

147. In introducing the second part of the item, a representative of the Secretariat said that in collaboration with several United Nations bodies and international organizations, the Secretariat had developed a draft training manual entitled “Risk Assessment of Living Modified Organisms” (UNEP/CBD/BS/COP-MOP/5/INF/22) which was composed of four modules that provided an overview of the risk assessment process. The manual had been used during two capacity-building activities and the participants at those activities had agreed that the manual was a useful training tool which should be developed into interactive training material and be translated and distributed in all official languages of the United Nations.

148. At the 3rd meeting of the Working Group, on 12 October 2010, statements were made by representatives of Burkina Faso, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India and Nigeria (on behalf of the African Group).

Identification of living modified organisms that may or are not likely to have adverse effects on the conservation and sustainable use of biodiversity

149. In introducing the third part of the item, a representative of the Secretariat said that according to the medium-term programme of work contained in decision BS-I/12, the Conference of the Parties serving as the meeting of the Parties to the Protocol should, at its fourth and fifth meetings, consider modalities that could enable the identification of living modified organisms that may or are not likely to have adverse effects on the conservation and sustainable use of biological diversity. Further elements regarding the identification of living modified organisms or specific traits that may have adverse effects might be found in section IV of the note by the Executive Secretary on risk assessment and risk management, while section V of the document identified certain living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.

150. At the 3rd meeting of the Working Group, on 12 October 2010, statements were made by representatives of Bolivia, Brazil, Colombia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, the Islamic Republic of Iran, Japan, Korea, Niger, Norway and the Philippines.

151. A statement was made by a representative of the Public Research and Regulation Initiative.

152. 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.

153. At its 6th meeting, on 14 October 2010, the Working Group took up a draft decision on risk assessment and risk management, submitted by the Chair.

154. Statements were made by representatives of Bolivia, Colombia, the European Union and its 27 Member States (also on behalf of Croatia and Turkey), Honduras, Japan, Malaysia, Mexico, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay and the Philippines.

155. At the 7th meeting of the Working Group, on 14 October 2010, statements were also made by representatives of Bolivia, Brazil, Colombia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Ghana, Guatemala, Honduras, India, the Islamic Republic of Iran, Malaysia, Mexico, New Zealand, Niger, Nigeria, Norway, Paraguay, the Philippines, South Africa and Uganda (on behalf of the African Group).

156. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.13.

157. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-

MOP/5/L.13 and adopted it as orally amended as decision BS-V/12. The text of the decision is contained in the annex to the present report

ITEM 14. PUBLIC AWARENESS AND PARTICIPATION (ARTICLE 23, PARAGRAPH 1)

158. Agenda item 14 was taken up at the 3rd meeting of Working Group II, on 12 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary on public awareness and participation (UNEP/CBD/BS/COP-MOP/5/13) and a compilation of the submissions of views on the possible elements of a programme of work on public awareness, education and participation (UNEP/CBD/BS/COP-MOP/5/INF/18).

159. Introducing the item, a representative of the Secretariat said that the Executive Secretary had prepared UNEP/CBD/BS/COP-MOP/5/13 to facilitate discussion and possible adoption of the programme of work. Section II presented a synthesis report on the implementation of paragraph 1 (a) of Article 23, while section III presented a synthesis of views regarding possible elements of the programme of work. A draft programme of work was presented in the annex to the document.

160. Statements were made by representatives of Bolivia, Cambodia, Colombia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Ghana, Honduras, India, Japan, Jordan, Kenya, Malaysia, Maldives, Mexico, the Philippines, the Republic of Korea and South Africa.

161. At the 4th meeting of the Working Group, on 13 October 2010, statements were also made by representatives Argentina, Bangladesh, the Islamic Republic of Iran and New Zealand.

162. Statements were also made by representatives of ECOROPA and the Public Research and Regulation Initiative.

163. 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.

164. At its 7th meeting, on 14 October 2010, the Working Group took up a draft decision on public awareness, education and participation, submitted by the Chair.

165. Statements were made by representatives of the European Union and its 27 member States (also on behalf of Croatia and Turkey), Ghana, Guatemala, the Islamic Republic of Iran, Kenya, the Republic of Korea and Uganda (on behalf of the African Group).

166. At the 8th meeting of the Working Group, on 14th October 2010, statements were also made by Bolivia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Guatemala, the Islamic Republic of Iran and Mexico.

167. 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/5/L.15.

168. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.15 and adopted it as orally amended as decision BS-V/13. The text of the decision is contained in the annex to the present report.

ITEM 15. MONITORING AND REPORTING (ARTICLE 33)

169. Agenda item 15 was taken up at the 1st meeting of Working Group I, on 11 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary on monitoring and reporting under the Protocol (Article 33) (UNEP/CBD/BS/COP-MOP/5/14).

170. Introducing the item, a representative of the Secretariat said that the annex of the document before the Working Group contained a draft new reporting format that had been developed by the Secretariat at the request of the Conference of the Parties serving as the meeting of the Parties to the Protocol at its fourth meeting. The draft reporting format was more comprehensive and would be used to establish a baseline and facilitate measurement of progress in the implementation of the Protocol. She also drew attention to the draft decision contained in section II of the document.

171. Statements were made by representatives of Argentina, Brazil, Cameroon (on behalf of the African Group), Cuba, the Democratic Republic of Congo, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Guatemala, India, Japan, Kenya, Malaysia, Mexico, New Zealand, Norway, South Africa and Uganda.

172. In response to comments from several Parties, a representative of GEF explained that the GEF Biodiversity Strategy contained a provision of US\$ 500,000 for all Parties for reporting under the “Enabling Activities” section. With regard to queries about timing for the distribution of funding for the preparation of the second national reports, he explained that, as the deadline for submission of the national reports was one year prior to the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, it would be difficult to answer that question before the date for the sixth meeting was agreed. In his view, accessing financial resources was feasible provided the Parties concerned and implementing agencies acted in a timely manner. He, however, assured the Working Group that GEF would do its utmost to ensure that all disbursements were made expeditiously.

173. The Chair said that, in light of the discussion, she would prepare a text incorporating the points raised both during the discussion and in written submissions on the agenda item by the Parties.

174. At its 3rd meeting, on 13 October 2010, the Working Group took up a draft decision on monitoring and reporting, submitted by the Chair.

175. Statements were made by representatives of Cameroon (on behalf of the African Group), the European Union and its 27 member States (also on behalf of Croatia and Turkey), Liberia, Malaysia, Mexico, New Zealand and Sudan.

176. 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/5/L.9.

177. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.9 and adopted it as decision BS-V/14. The text of the decision is contained in the annex to the present report.

ITEM 16. ASSESSMENT AND REVIEW (ARTICLE 35)

178. Agenda item 16 was taken up at the 1st meeting of Working Group I, on 11 October 2010. In considering the item, the meeting had before it a note by the Executive Secretary on assessment and review (Article 35): approach and criteria: a proposed framework for the second assessment and review (UNEP/CBD/BS/COP MOP/5/15).

179. Introducing the item, a representative of the Secretariat explained that the note had been prepared in response to a request by Parties for a proposal on a possible methodology for the second evaluation of the effectiveness of the Protocol, and it considered timing, scope and indicators and also set out elements for a suggested draft decision.

180. Statements were made by representatives of Brazil, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Liberia, Mexico, Norway, the Republic of Korea and Senegal.

181. A statement was also made by a representative of the Public Research and Regulation Initiative.

182. In response to a question by Senegal, a representative of the Secretariat clarified that the scope of the methodology would cover regional as well as national initiatives with respect to implementation.

183. At its 2nd meeting, on 12 October 2010, the Working Group resumed its consideration of the item. Statements were made by representatives of Brazil, Cameroon (on behalf of the African Group), Mexico and Uganda. A statement was also made by a representative of the Public Research and Regulation Initiative.

184. At the conclusion of the discussion, the Chair said that, taking into account the views expressed, she would prepare a text for its consideration.

185. At its 3rd meeting, on 13 October 2010, the Working Group took up a draft decision on assessment and review, submitted by the Chair. Statements were made by representatives of Argentina, Cameroon (on behalf of the African Group), Cuba, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Kenya, Malaysia, Mexico and Uganda. A statement was also made by a representative of the Public Research and Regulation Initiative.

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/5/L.10.

187. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.10 and adopted it as decision BS-V/15. The text of the decision is contained in the annex to the present report.

ITEM 17. STRATEGIC PLAN OF THE PROTOCOL AND PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

188. Agenda item 17 was taken up at the 1st meeting of Working Group I, on 11 October 2010. In considering the item, the Working Group had before it a note by the Executive Secretary on draft elements of a Strategic Plan for the Protocol covering the period 2011–2020 (UNEP/CBD/BS/COP-MOP/5/16).

189. Introducing the item, a representative of the Secretariat noted that the document was derived from submissions and comments from Parties, the report of the evaluation of the Protocol, elements of the first national reports, decisions of the past four meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol and comments from the consultative process established to facilitate discussion and consensus on the Strategic Plan. The document had undergone significant changes since its first draft, following the consultations at five intersessional meetings. She drew attention to annexes I and II of the document, which contained the draft elements of the Strategic Plan of the Protocol and the draft multi-year programme of work for the Protocol, respectively, and to section IV of the document, which contained elements of a decision for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

190. Statements were made by representatives of Cameroon, Colombia, Malaysia and Senegal.

191. At its 2nd meeting, on 12 October 2010, the Working Group resumed its consideration of the item. Statements were made by representatives of Argentina, Burkina Faso, Cambodia, Cameroon (on behalf of the African Group), Colombia (on behalf of the Latin American and Caribbean Group), the European Union and its 27 member States (also on behalf of Croatia and Turkey), India, the Islamic Republic of Iran, Japan, Kenya, Malaysia, Mexico, New Zealand, Norway, Peru, the Republic of Korea, South Africa, Sudan, Uganda, Viet Nam and Yemen.

192. At the conclusion of the discussion, the Chair said that, taking into account the views expressed, she would prepare a draft decision for its consideration.

193. At its 3rd meeting, on 13 October 2010, the Working Group took up a draft decision on the Strategic Plan, submitted by the Chair. Statements were made by representatives of Cambodia, Cameroon (on behalf of the African Group), the European Union and its 27 member States (also on behalf of Croatia and Turkey), Japan, Mexico, Namibia, New Zealand, Norway, South Africa and Uganda. A statement was also made by a representative of the Public Research and Regulation Initiative.

194. At its 4th meeting, on 14 October 2010, the Working Group took up a revised draft decision on the subject, submitted by the Chair. Statements were made by representatives of Brazil, Cameroon (on behalf of the African Group), Colombia, the European Union and its 27 member States (also on behalf of Croatia and Turkey), Norway, Peru and Senegal.

195. The Chair said that the final version of the Strategic Plan would depend on the outcome of discussions under agenda item 13 by Working Group II and would be amended at a later date to reflect their decision.

196. Following the exchange of views, the Working Group approved the draft decision, as orally amended and pending the outcome of discussions by Working Group II, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/5/L.11.

197. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/5/L.11.

198. The President noted that the Strategic Plan of the Protocol would have to be aligned, as appropriate, with the other recommendations that had been made by the working groups.

199. Following an exchange of views, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the draft decision, as orally amended, as decision BS-V/16. The text of the decision is contained in the annex to the present report.

IV. FINAL MATTERS

ITEM 18. OTHER MATTERS

Tribute to the Government and people of Japan

200. At the 3rd plenary session of the meeting, on 15 October 2010, the Conference of the Parties serving as the meeting of the Parties to the Protocol expressed its sincere gratitude to the Government and people of Japan for the cordial hospitality accorded to participants to the meeting and for their contribution to its success. In that connection, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted decision BS-V/17. The text of the tribute is contained in the annex to the present report.

ITEM 19. DATE AND VENUE OF THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

201. At its 3rd plenary session, the Parties to the Protocol decided that their sixth meeting would be held in conjunction with the eleventh 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 tenth meeting.

ITEM 20. ADOPTION OF THE REPORT

202. The present report was adopted, as orally amended, at the 3rd plenary session of the meeting, on 15 October 2010, on the basis of the draft report presented by the Rapporteur (UNEP/CBD/BS/COP-MOP/5/L.1) and the reports of Working Group I and Working Group II (UNEP/CBD/BS/COP-MOP/5/L.1/Add.1 and 2).

ITEM 21. CLOSURE OF THE MEETING

203. Ms. Masayo Tanabu, Parliamentary Secretary at the Ministry of Agriculture, Forestry and Fisheries of Japan, thanked all the participants in the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. The meeting had provided an invaluable opportunity for participants from around the world to come together and discuss biological diversity in an international context. The meeting had also seen the culmination of six-years of negotiations with the adoption of the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, for which the Co-Chairs of the legal drafting group must be commended. The Cartagena Protocol was still a young document, having entered into force only in 2003, but she was confident that, with the same spirit of cooperation that had been demonstrated at the current meeting, Parties would be able to overcome any challenges that might arise in future. She thanked the outgoing President from Germany and said that Japan would now do all that it could to ensure a smooth start to the life of the Supplementary Protocol and would work hard with all participants to achieve the objectives of the Cartagena Protocol.

204. Representatives of Colombia (on behalf of the Group of Latin American and Caribbean countries), the European Union and its 27 member States (also on behalf of Croatia and Turkey), Malawi (on behalf of the African group), Palau (on behalf of the Asia-Pacific group) and Ukraine (on behalf of the Central and Eastern Europe group) expressed their thanks to all those who had made the meeting a success.

205. The Executive Secretary congratulated participants on the outstanding fulfilment of their mandate at what had been a rewarding and historic meeting, particularly with regard to the adoption of the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety. He commended the Co-Chairs of the Group of Friends and the subsequent legal drafting group and all who worked with them on their dedication and outstanding work. He also paid tribute to the host country, Japan, and to the President of the meeting, the Chairs of the two working groups, as well as to the chair of the contact group on budget. As always, the Secretariat would strive to implement the decisions which had been adopted and overcome the challenges that entailed.

206. A representative of India congratulated the host country for the success of the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and paid tribute to the previous President of the Conference of the Parties from Germany for his leadership and hard work over the previous two years. Capacity-building was key to the implementation of the Protocol and India stood ready to work with other Parties on that issue. He looked forward to welcoming the delegates to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in India.

207. After the customary exchange of courtesies, the President declared 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 closed, at 7.30 p.m. on Friday, 15 October 2010.

Annex

**DECISIONS ADOPTED BY THE CONFERENCE OF THE PARTIES SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY AT ITS
FIFTH MEETING
*Nagoya, Japan, 11–15 October 2010***

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BS-V/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 views submitted by Parties on how the supportive role of the Compliance Committee could be improved (UNEP/CBD/BS/COP-MOP/2/Add.1),

Taking note also of the recommendations of the Compliance Committee (UNEP/CBD/BS/COP-MOP/5/2, annex),

Recalling the objective, nature and underlying principles of the Procedures and Mechanisms on Compliance under the Cartagena Protocol on Biosafety as specified in section I of the annex to decision BS-I/7, which underline the promotion of compliance and addressing cases of non-compliance through the provision of advice and assistance, in a simple, facilitative, non-adversarial and cooperative manner, and by paying particular attention to the special needs of developing countries, taking into full consideration the difficulties they face in the implementation of the Protocol,

Recognizing the need for building further the confidence of Parties in the role of the Compliance Committee and the application of the compliance procedures and mechanisms of the Protocol by, among other things, emphasizing and strengthening the facilitative and supportive role of the Committee as well as mobilizing financial resources, technology transfer and capacity-building projects,

1. *Decides* that:

(a) In the event of a submission relating to compliance by any Party with respect to itself in the context of paragraph 1 (a) of section IV of the annex to decision BS-I/7, the Compliance Committee shall, in response, consider taking only those measures specified in paragraphs 1 (a) and (b) of section VI of the annex to decision BS-I/7, namely the provision of advice or assistance to the Party concerned and/or making recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol regarding the provision of financial and technical assistance, technology transfer, training and other capacity-building measures;

(b) The Compliance Committee may also consider taking the measures referred to in subparagraph (a) above in a situation where a Party fails to submit its national report, or information has been received through a national report or the Secretariat, based on information from the Biosafety Clearing-House, that shows that the Party concerned is faced with difficulties complying with its obligations under the Protocol;

2. *Requests* the Compliance Committee to carry out its supportive role in accordance with paragraph 1 above in confidence and with the cooperation of the concerned Party;

3. *Encourages* Parties that are facing difficulties complying with one or more of their obligations under the Protocol due to lack of capacity to make a submission to the Compliance Committee relating to their compliance so that the Committee or the Conference of the Parties serving as the meeting of the Parties to the Protocol could consider taking facilitative and supportive measures, as appropriate, with a view to helping the Party overcome the difficulties.

BS-V/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,

Welcoming the improvements made to the Management Centre of the Biosafety Clearing-House and to the structure of the common formats for the submission of information,

Recalling preambular paragraph 3 of decision BS-II/13 on the importance of making information concerning the safe transfer, handling and use of living modified organisms available to different stakeholders in comprehensible formats and adapting awareness materials to local languages and situations,

Welcoming the results of the “Study of users and potential users of the Biosafety Clearing-House”,

Welcoming also the endorsement of the “Project for Continued Enhancement of Building Capacity for Effective Participation in the Biosafety Clearing-House” by the Global Environment Facility,

1. *Reminds* Parties of their obligations, and *invites* other Governments, to:
 - (a) Provide to the Biosafety Clearing-House, in a timely manner, complete and accurate information on final decisions pertaining to living modified organisms and the risk assessment summaries regarding such decisions, as well as risk assessment summaries for all instances when requested by the Protocol including, inter alia, intentional introductions of living modified organisms into the environment for field trials regardless on whether or not the living modified organism will be subjected to future transboundary movements or commercialization;
 - (b) Cooperate fully with the Secretariat in its efforts to maintain complete information in the Biosafety Clearing-House;
 - (c) Indicate and document specific obstacles preventing or hindering the effective use of the Biosafety Clearing-House;
2. *Invites* Parties, other Governments and users of the Biosafety Clearing-House to continue making relevant biosafety information available through the Biosafety Information Resource Centre;
3. *Also invites* Parties, other Governments and relevant organizations to consider the implementation of the “LMO quick-link” tool by their relevant national agencies when reference is made to a living modified organism;
4. *Requests* Parties and *invites* other Governments and relevant organizations to submit to the Executive Secretary views on the changes made during the last intersessional period to the (i) common formats; (ii) registration procedure; (iii) tools for the analysis of search results; and (iv) graphical representations of data, and requests the Executive Secretary to take these views into account for future improvements of the Biosafety Clearing-House;
5. *Requests* the Executive Secretary to continue providing assistance and information to Parties on how to submit and retrieve information from the central portal of the Biosafety Clearing-House and to explore innovative ways for assisting Parties in making information in the Biosafety Clearing-House available also in languages other than the official United Nations languages;

6. *Also requests* the Executive Secretary to facilitate, through the Biosafety Clearing-House, online forums and conferences on topics relevant to biosafety and the implementation of the Protocol, in particular to facilitate the common understanding of the use of certain terms of Article 20 of the Protocol and of the type of information that should be made available in risk assessments submitted to the Biosafety Clearing-House;

7. *Requests* Parties and *invites* other Governments and relevant organizations to participate actively in the activities mentioned in paragraph 6 above with the view to reaching an adequate level of regional participation and ensuring that the results of the discussion may be taken into account;

8. *Requests* the Executive Secretary to increase the involvement of Biosafety Clearing-House national focal points by promoting, *inter alia*, regular exchange of information and online discussions and to explore innovative ways for gathering views from Parties where internet connectivity is limited;

9. *Invites* relevant United Nations bodies and international organizations to enhance cooperation and avoid duplication regarding the provision of information on living modified organisms and *requests* the Executive Secretary to explore ways to develop a mechanism for harmonizing similar data from various other sources (e.g. the Organisation for Economic Co-operation and Development and the Food and Agriculture Organization of the United Nations) with the view to avoiding duplication of efforts and improving the utility of the Biosafety Clearing-House as a global mechanism for information-sharing on biosafety;

10. *Invites* Parties, other Governments and relevant international organizations to provide funding and to strengthen and expand initiatives aimed at overcoming obstacles encountered by developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, in meeting their obligations under Article 20 of the Protocol, including capacity-building and the development of infrastructure necessary for facilitating the retrieval and submission of information to the Biosafety Clearing-House;

11. *Requests* Parties and *invites* other Governments to identify their needs regarding national Biosafety Clearing-House nodes in a detailed manner through the Biosafety Clearing-House, and *requests* the United Nations Environment Programme, through the ongoing “Project for Continued Enhancement of Building Capacity for Effective Participation in the Biosafety Clearing-House” (hereinafter referred to as “the BCH-II project”), and the Executive Secretary to provide the necessary support for the needs identified;

12. *Encourages* Parties, relevant United Nations bodies and relevant international organizations to continue training activities at the national and regional levels and *welcomes* the offers by the Republic of Korea and the Islamic Republic of Iran to host sub-regional workshops in 2011 in cooperation with relevant international organizations;

13. *Invites* Parties, other Governments and relevant organizations to make funds available for the operationalization of paragraph 5 above for the benefit of developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition;

14. *Requests* the United Nations Environment Programme, through the BCH-II project, to promote capacity-building activities at the global, regional and, in particular, sub-regional levels in order to increase exchange of experiences among different countries;

15. *Further requests* the United Nations Environment Programme, through the BCH-II project, to produce in collaboration with the Executive Secretary, further guidance on the Biosafety

Clearing-House with special attention to the various target stakeholders (e.g. government officials, media, the general public, members of civil-society organizations, etc.) and to categories of potential users that have been identified as being least aware of the Biosafety Clearing-House.

BS-V/3. Status of capacity-building activities

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

Recalling decision BS-III/3 that adopted an updated Action Plan for Building Capacities for the Effective Implementation of the Protocol and decided to undertake a comprehensive review of the Action Plan every five years,

Welcoming the initiatives undertaken by various Parties, other Governments and relevant organizations in support of the Action Plan,

Recalling decisions BS-I/5, BS-II/3 and BS-IV/3 inviting Parties and other Governments to submit their capacity-building and training needs to the Secretariat and the Biosafety Clearing-House,

Also recalling paragraph 3 of decision BS-IV/16 which invited the Coordination Meeting for Governments and Organizations Implementing or Funding Biosafety Capacity-Building Activities 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,

Recognizing the need for cooperation among Parties in the development of capacities for the implementation of the Protocol, particularly at regional and subregional levels,

Emphasizing the need to maximize synergies and efficient use of the limited available resources,

I. Status of the implementation of the Action Plan and country capacity needs

1. *Takes note* of the status report on the implementation of the Action Plan contained in the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/5/4, section II);

2. *Urges* Parties and other Governments that have not yet done so to submit reports on their capacity-building activities undertaken in support of the Action Plan within the next six months using the online format available in the Biosafety Clearing-House to facilitate the comprehensive review of the Action Plan;

3. *Takes note* of the report on the training and capacity-building needs of Parties and other Governments prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/5/4, section III);

4. *Invites* developed country Parties, other Governments and relevant organizations to take into account the specific capacity needs identified by Parties in their bilateral and multilateral assistance, targeting such assistance to where resources are needed for the implementation of the Protocol;

5. *Invites* Parties and other Governments to develop institutional frameworks and long-term research-based knowledge for the purpose of assessing relevant information and regulating, managing, monitoring and controlling risks of living modified organisms;

6. *Urges* Parties and other Governments that have not yet submitted their prioritized needs to the Biosafety Clearing-House, and those Parties and other Governments that have already submitted but wish to revise their submissions, to do so within six months, to enable the Secretariat to prepare a more representative and comprehensive needs assessment report to facilitate the next comprehensive review of the Action Plan;

7. *Requests* the Executive Secretary to undertake a comprehensive needs assessment every four years and *invites* Parties to complete the needs assessment at least 12 months before the meeting of the Parties that would consider the needs assessment report;

8. *Requests* the Executive Secretary to publish and make available to Parties a toolkit on regional and subregional approaches to capacity-building in biosafety based on the guidance developed by the fifth Coordination Meeting;

II. Biosafety education and training

9. *Takes note* of the report of the Third International Meeting of Academic Institutions and Organizations Involved in Biosafety Education and Training (UNEP/CBD/BS/COP-MOP/5/INF/7);

10. *Commends* the Government of Japan for organizing and hosting the above meeting;

11. *Invites* Parties and other Governments to:

(a) Support existing biosafety education and training initiatives, including mobility support, and facilitate the development of new initiatives;

(b) Establish coordination mechanisms for education and training in biosafety at national, subregional and regional levels;

(c) Commission country surveys/studies to establish baseline data on the current situation regarding education and training related to biosafety and make the information available to the Biosafety Clearing-House;

(d) Make available to academic institutions relevant documents (including “real-life” dossiers and full risk assessment reports), where available, for educational purposes, while respecting the need to protect confidential information in accordance with Article 21 of the Protocol;

III. Comprehensive review of the Action Plan and approaches to capacity-building

12. *Endorses* the terms of reference for the comprehensive review of the updated Action Plan contained in the annex hereto;

13. *Invites* Parties, other Governments and relevant organizations to submit to the Executive Secretary, by 30 June 2011, relevant information that might facilitate the comprehensive review of the updated Action Plan as well as views and suggestions on possible revisions to the Action Plan;

14. *Requests* the Executive Secretary to commission an independent evaluation of the effectiveness and outcomes of capacity-building initiatives implemented in support of the Action Plan to facilitate the comprehensive review of the Action Plan;

15. *Reiterates* its invitation to Parties, other Governments and relevant organizations, made in paragraph 17 of decision BS-IV/3, to submit to the Executive Secretary information on their experiences with, and lessons learned from, the use of the revised set of indicators in monitoring and evaluating capacity-building activities implemented in support of the Action Plan;

16. *Requests* the Executive Secretary to prepare a working document to facilitate the comprehensive review of the Action Plan, taking into account the submissions made in accordance with

paragraphs 13 and 15 above, the information provided in the second national reports, and the findings of the independent evaluation referred to in paragraph 14 above;

17. *Welcomes* the report on the expert review of the effectiveness of various approaches to biosafety capacity-building and the lessons learned produced by the United Nations Environment Programme (UNEP/CBD/BS/COP-MOP/5/INF/9);

18. *Invites* Parties, other Governments and relevant organizations to take into account, as appropriate, the findings and recommendations of the expert review in the design and implementation of their biosafety capacity-building initiatives and support programmes;

19. *Requests* the Executive Secretary to organize an online forum to identify strategic approaches to capacity-building and develop a capacity assessment framework and a framework for monitoring and evaluation, and submit the outcomes to the Parties at their sixth meeting;

20. *Requests* the Executive Secretary to develop, with advice from the Liaison Group on Capacity-Building for Biosafety, toolkits to assist Parties and relevant organizations to improve the effectiveness of their capacity-building initiatives and approaches;

IV. Cooperation on identification of capacity-building needs for research and information exchange on socio-economic considerations

21. *Takes note* of the recommendations of the sixth Coordination Meeting for Governments and Organizations Implementing or Funding Biosafety Capacity-Building Activities regarding possibilities for cooperation in identifying needs for capacity-building among Parties for research and information exchange on socio-economic impacts of living modified organisms (UNEP/CBD/BS/COP-MOP/5/INF/4);

22. *Invites* Parties and other Governments to submit to the Biosafety Clearing-House their capacity-building needs and priorities regarding socio-economic considerations;

23. *Urges* Parties, other Governments and relevant organizations to submit to the Executive Secretary relevant information on socio-economic considerations, including guidance material and case studies on, *inter alia*, institutional arrangements and best practices;

24. *Requests* the Executive Secretary to convene regional online conferences to: (i) facilitate the exchange of views, information and experiences on socio-economic considerations on a regional basis; and (ii) identify possible issues for further consideration;

25. *Requests also* the Executive Secretary to convene, prior to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, subject to the necessary financial resources being made available, a regionally-balanced workshop on capacity-building for research and information exchange on socio-economic impacts of living modified organisms, with the following main objectives:

(a) Analysis of the capacity-building activities, needs and priorities regarding socio-economic considerations submitted to the Biosafety Clearing-House by Parties and other Governments, and identification of options for cooperation in addressing those needs;

(b) Exchange and analysis of information on the use of socio-economic considerations in the context of Article 26 of the Protocol;

26. *Welcomes* the offer from the Government of Norway to support activities on socio-economic considerations referred to in paragraph 25 above;

27. *Requests* the Liaison Group on Capacity-Building for Biosafety to give advice to the Executive Secretary on the organisation of the workshop referred to in paragraph 25 above;

28. *Requests* the Executive Secretary to synthesize the outcomes of the online conferences and workshop referred to in paragraphs 24 and 25 above and submit a report to the sixth meeting of the Parties for consideration of further steps;

29. *Invites* Parties, in collaboration with regional bodies and relevant organizations, to organize regional workshops to facilitate sharing of information and experiences regarding socio-economic considerations;

30. *Welcomes* the report of the survey on the application of and experience in the use of socio-economic considerations in decision-making on living modified organisms conducted by the United Nations Environment Programme and the Secretariat (UNEP/CBD/BS/COP-MOP/5/INF/10);

31. *Invites* the United Nations Environment Programme and other organizations to conduct additional case studies to document experiences and lessons learned in different regions.

Annex

TERMS OF REFERENCE FOR THE COMPREHENSIVE REVIEW OF THE UPDATED ACTION PLAN

A. Introduction

1. In its decision BS-III/3, the meeting of the Parties adopted an updated Action Plan and decided that a comprehensive review of the Action Plan would be conducted every five years, based on an independent evaluation of the initiatives undertaken in support of its implementation. The first review of the Action Plan was undertaken in 2005 and the results were presented in documents UNEP/CBD/BS/COP-MOP/3/4 and UNEP/CBD/BS/COP-MOP/3/INF/4.

2. The next comprehensive review process will take place in 2011 and its outcomes will be considered by the Parties at their sixth meeting, expected to take place in 2012. The following terms of reference have been developed to facilitate the review process. They outline the objectives of the review; the scope and schedule of activities to be undertaken and the indicative responsibilities of various stakeholders; the information sources to support the review; and the expected outputs.

B. Objectives of the review

3. The objectives of the comprehensive review are to:

(a) Assess the progress made in implementing the Action Plan (including key results and impacts) and examine the effectiveness of the Action Plan in facilitating the development and/or strengthening of human resources and institutional capacities in biosafety;

(b) Identify the gaps in the implementation of the Action Plan and the obstacles and constraints limiting its full implementation and propose possible measures for overcoming them;

- (c) Identify best practices and lessons learned in the implementation of the Action Plan;
 - (d) Propose, as appropriate, revisions to the Action Plan, taking into account the additional emerging needs and priorities of Parties and other Governments and the new Strategic Plan for the Protocol (2011-2020);
 - (e) Propose options for enhancing the implementation of the Action Plan and for improving the monitoring and evaluation of its progress and effectiveness.
4. The overall objective of the review will be to ensure that the Action Plan is relevant and effective in providing a coherent framework for capacity-building efforts in response to the needs and priorities of Parties and other Governments.

C. Scope and schedule of activities to be undertaken

5. The review process will include the following activities/tasks:

<i>Activity/Task</i>	<i>Timeframe/deadline</i>	<i>Responsibility</i>
1. Submission of reports on capacity-building activities undertaken in support of Action Plan	15 Apr 2011	Parties, other Governments and relevant organizations
2. Submission of capacity-building and training needs using the questionnaire in the BCH	15 Apr 2011	Parties, other Governments
3. Submission of experiences with, and lessons learned from, the use of the revised set of indicators	30 June 2011	Parties, other Governments and relevant organizations
4. Submission of views and suggestions on possible revisions to the Action Plan	30 June 2011	Parties, other Governments and relevant organizations
5. Independent evaluation of the initiatives undertaken in support of the Action Plan	June-Oct 2011	Consultant
6. A review of the above submissions and preparation of discussion documents to facilitate the review	Sept-Oct. 2011	Secretariat; Liaison Group on Capacity-Building
7. Preparation of a working document to facilitate the comprehensive review by the Parties at their sixth meeting	June 2012	Secretariat

D. Information sources for the comprehensive review

6. The review will draw from various information sources, including the following:
- (a) Status reports on implementation of the Action Plan prepared by the Secretariat for the meetings of the Parties;
 - (b) Reports on the training and capacity-building needs of Parties and other Governments;
 - (c) The second national reports on the implementation of the Protocol;

(d) Information, views and suggestions submitted by Parties, other Governments and relevant organizations;

(e) Expert review report on the effectiveness of various approaches to biosafety capacity-building produced by the United Nations Environment Programme;

(f) Previous evaluations and assessments of biosafety capacity-building initiatives and other relevant documents; and

(g) Report on the independent evaluation of the initiatives undertaken in support of the implementation of the Action Plan.

E. Expected outcomes of the review

7. The expected outcomes of the comprehensive-review process are:

(a) A draft revised Action Plan;

(b) A new monitoring and evaluation framework for the Action Plan, incorporating a revised set of indicators;

(c) A revised capacity-building needs assessment framework;

(d) A guidance document on strategic approaches to biosafety capacity-building at national and regional levels.

BS-V/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, BS-III/4 and BS-IV/4,

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 prepared by the Executive Secretary (UNEP/CBD/BS/COP MOP/5/4/Add.2),

Emphasizing the important role of the roster of experts in assisting developing country Parties and Parties with economies in transition to build their capacities for the effective implementation of the Protocol,

Noting the limited availability of resources to enable developing country Parties and Parties with economies in transition to use experts from the roster,

I. Status and use of the roster of experts

1. *Urges* Governments that have not yet done so to nominate experts to the roster;
2. *Reminds* Parties and other Governments, in their nomination of experts to the roster, to take into account the need for gender balance and for balanced coverage of the different areas of expertise in the roster;
3. *Urges* Parties and other Governments to facilitate, where appropriate, the release of the experts on the roster, and in a timely and flexible manner, when they are selected by other Parties to undertake assignments under the Protocol;
4. *Invites* Parties and other Governments to submit to the Executive Secretary information regarding their experiences and challenges in nominating to and using experts from the roster of biosafety experts, as well as project future needs with the view to improving the nomination processes and the nomination form at least six months before the sixth meeting of the Parties;
5. *Urges* Parties and other Governments to raise the awareness of nominated experts of their obligations, as specified in the guidelines for the roster;
6. *Requests* the Executive Secretary, in preparation for the evaluation of the performance of the roster at the sixth meeting of the Parties, to review the experience with the use of the roster, identify the challenges faced and assess future needs of Parties, on the basis of the information provided by Parties and other Governments;
7. *Also requests* the Executive Secretary to propose, as appropriate, amendments to the nomination form based on the operational experience with the roster and the information submitted by Parties and other Governments in accordance with paragraph 4 above, for consideration by the Parties at their sixth meeting;

II. Pilot phase of the Voluntary Fund for the Roster

8. *Commends* the Government of Spain and the European Union for making contributions to the Voluntary Fund for the Roster of Experts;

9. *Invites* developed country Parties and other donors to make contributions to the Voluntary Fund to ensure full operationalization of the roster in order to facilitate implementation of the Strategic Plan for the Protocol (for the period 2011-2020);

10. *Requests* the Executive Secretary to propose, as appropriate, amendments to the Interim Guidelines for the Pilot Phase of the Voluntary Fund for the Roster of Experts based on the operational experience, for consideration by the Parties at their sixth meeting.

BS-V/5. Financial mechanism and resources

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

Recalling Article 28 of the Protocol and decisions BS-II/5, BS-III/5 and BS-IV/5,

Having reviewed document UNEP/CBD/BS/COP-MOP/5/5 prepared by the Executive Secretary and the report of the Global Environment Facility (GEF) submitted to the tenth meeting of the Conference of the Parties (UNEP/CBD/COP/10/6),

Welcoming the policy recommendations for the fifth replenishment of the Global Environment Facility Trust Fund (GEF-5) geared towards greater country ownership and improved effectiveness and efficiency of the GEF, including through enhancing accountability to the conventions and streamlining the project cycle,

Taking note of the findings of the mid-term review conducted by the Global Environment Facility Evaluation Office in 2008 (GEF/C.35/Inf.2) and the Fourth Overall Performance Study with respect to the impact of the Resource Allocation Framework on the availability of GEF resources for the implementation of the Protocol,

Noting with concern that the indicative resource envelope for biosafety in the fourth replenishment of the GEF Trust Fund was only partially utilised and that the indicative resource envelope for biosafety in GEF-5 has been reduced,

Recognizing the continuing need for financial resources for the implementation of the Protocol,

1. *Welcomes* the fifth replenishment of the Global Environment Facility Trust Fund and *expresses* its appreciation to the donor countries that made pledges to the Trust Fund;

2. *Takes note* of the measures undertaken by the Global Environment Facility to further streamline the project cycle for medium-sized and full-sized projects and GEF programmatic approaches during the fifth replenishment period;

3. *Urges* eligible Parties to give priority to biosafety, as appropriate, when applying for GEF funding against their country allocations under the biodiversity focal area;

4. *Recommends* to the Conference of the Parties, in adopting its guidance to the Global Environment Facility with respect to support for the implementation of the Cartagena Protocol on Biosafety, to urge the GEF to:

(a) Continue to implement all previous guidance to the financial mechanism with respect to biosafety;

(b) Consider, in the context of the replenishment process for GEF-6, supporting the implementation of the Protocol within the System for Transparent Allocation of Resources by defining specific quotas for biosafety for each country, on the basis of the second national reports on the implementation of the Protocol;

(c) Make available, in a timely manner, financial resources to eligible Parties to facilitate the preparation of their second national reports under the Cartagena Protocol on Biosafety;

(d) Expand its support for capacity-building for effective participation in the Biosafety Clearing-House to all eligible Parties to the Protocol and to submit a report for consideration by the sixth meeting of the Parties to the Protocol;

(e) Ensure the inclusion of biosafety-related elements in the terms of reference for national capacity self-assessments and other capacity assessment initiatives carried out with GEF funding;

(f) Ensure that identification requirements of paragraph 2 (a) of Article 18 and related decisions are taken into account in activities carried out with GEF funding;

(g) Ensure that the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms is taken into account in activities carried out with GEF funding;

(h) Make funds available to eligible Parties in a facilitated manner and to monitor, as appropriate, the expeditious accessibility of those funds;

5. *Invites* developed country Parties to respond to the defined needs of developing country Parties and the Parties with economies in transition for financial and technological resources for the implementation of the Protocol through bilateral, regional and multilateral channels;

6. *Invites also* Parties to provide, in their national reports, under the section of the reporting format that refers to capacity-building, information on their experience in accessing existing funds from the Global Environment Facility;

7. *Requests* the Executive Secretary to further explore means for mobilizing additional financial resources for implementation of the Protocol and report to the sixth meeting of the Parties to the Protocol.

BS-V/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,

Welcoming the information provided by the Executive Secretary on activities taken to improve cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/5/6),

Welcoming also the cooperation by the Executive Secretary with the Green Customs Initiative, the World Trade Organization, the Organisation for Economic Co-operation and Development, the International Plant Protection Convention and the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters among others,

Underlining that effective implementation of the Protocol, including in the area of public awareness and participation, can be fostered through greater cooperation and coordination among relevant organizations, multilateral agreements and initiatives,

Recognizing the importance of coherence among relevant instruments within the larger context of international environmental governance and in relation, in particular, to the Convention on Biological Diversity and the Cartagena Protocol on Biosafety,

1. *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 and Technical Barriers to Trade;

2. *Requests* the Executive Secretary, subject to the availability of funds, to:

(a) Pursue memoranda of understanding with the International Organization for Standardization and the International Seed Testing Association to further cooperation with these organizations in the context of Article 18;

(b) Continue participating in the relevant meetings of the international standard-setting organizations referred to in decision BS-II/6;

(c) Cooperate with other organizations, conventions and initiatives that are developing work on information-sharing mechanisms with the aim of: (i) identifying possible linkages; and (ii) avoiding, as appropriate, the development of incompatible or duplicate data-sets and guaranteeing the reliability of the information provided;

(d) Maintain cooperation with organizations involved in packaging and transport rules and standards.

BS-V/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 2011-2012

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\$ 1,082,432, 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 2011-2012;

2. Approves a core programme budget (BG) of US\$ 2,597,800 for the year 2011 and of US\$ 3,102,600 for the year 2012, for the purposes set out in table 1 below;

3. Approves a drawing of US\$850,000 from unspent balances or contributions (carry over) from previous financial periods from the BG Trust Fund which are projected to be US\$1,560,959 as at the end of 2009-2010 biennium to cover part of the 2011-2012 core programme budget;

4. Approves secretariat staffing as set out in table 2 below;

5. Notes that preparation for and implementation of the Supplementary Protocol may require additional human resources for the Secretariat starting in the budget biennium 2013-2014.

6. Adopts the scale of assessments for the apportionment of the costs under the Protocol for 2011 and 2012 set out in table 5 below;

7. 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;

8. Authorizes 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;

9. 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 2011-2012;

10. 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 December of the year 2010 for the calendar year 2011 and by 1 October 2011 for the calendar year 2012, the contributions set out in table 5 and in this regard requests Parties be notified where possible of the amount of their contributions by 1 August of the year preceding the year in which the contributions are due;

11. Notes with concern that a number of Parties have not paid their contributions to the core budget (BG Trust Fund) for 2010 and prior years;

12. Urges Parties that have still not paid their contributions to the core budget (BG Trust Fund) for 2010 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);

13. *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 Conference of the Parties serving as the meeting of the Parties to the Protocol; this will only apply in the case of Parties that are not least developed countries or small island developing States;

14. *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;

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

16. *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 and decision making of the Protocol;

17. *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 2011-2012, as specified by the Executive Secretary (see resource requirements in table 4 below);

(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 2011-2012, as specified by the Executive Secretary (see resource requirements in table 4 below);

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

18. *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;

19. *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;

20. *Takes note* of the report of the Executive Secretary (UNEP/CBD/COP/10/INF/16) on the advantages and disadvantages of using the host country currency or the US\$ as the currency of the account and budget of the Convention on Biological Diversity;

21. *Decides that* the trust funds for the Protocol (BG, BH, BI) should be further extended for a period of two years, beginning 1 January 2012 and ending 31 December 2013 and requests the Executive Director of the United Nations Environment Programme (UNEP) to seek the approval of the Governing Council of UNEP for their extensions;

22. *Requests* the Executive Secretary, notwithstanding the continued need for a programme budget, to liaise with UNEP with a view to exploring the feasibility of applying the results-based management concept, and particularly results-based budgeting where appropriate, to the work of the

Protocol, taking into account the practices of UNEP and other organizations and to report thereon to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its sixth meeting;

23. *Requests* the Executive Secretary to use the measurable indicators of achievement and performance set out in the annex to the present decision as a management tool for the Secretariat and to report thereon to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its next meeting;

24. *Requests* the Executive Secretary to prepare and submit a programme budget for secretariat services, including terms of reference for any proposals for new staff and the work programme of the Protocol and the Supplementary Protocol for the biennium 2013-2014 to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and to provide three 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 2011-2012 level by 10 percent in nominal terms;

(c) Maintaining the core programme budget (BG Trust Fund) from the 2011-2012 level in nominal terms;

and include explanations of the differences in staff and activities between the alternatives as well as their consequences;

25. *Requests* the Executive Secretary to report on income and budget performance, unspent balances and the status of surplus and carry-overs as well as any adjustments made to the Protocol budget for the biennium 2011-2012 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;

26. *Further requests* that the programme of work of the Secretariat is presented to the Conference of the Parties serving as the meeting of the Parties to the Protocol at the same time as it is presented to the Conference of the Parties to the Convention.

Table 1

Biosafety Protocol resource requirements from the core budget (BG Trust Fund) for the biennium 2011-2012

Expenditures		2011	2012	<i>TOTAL</i>
		(US\$ thousands)	(US\$ thousands)	(US\$ thousands)
A.	Staff costs*	1,698.8	1,750.9	3,449.7
B.	Biosafety Bureau meetings	50.0	60.0	110.0
C.	COP-MOP	0.0	400.0	400.0
D.	Consultants/subcontracts	20.0	20.0	40.0
E.	Travel on official business	55.0	50.0	105.0
F.	Liaison Group meetings on Capacity-Building	30.0	30.0	60.0
G.	Biosafety Clearing House advisory meetings	40.0	40.0	80.0
H.	Compliance Committee meetings (1/year)	40.0	40.0	80.0
I.	AHTEG – Risk Assessment	0.0	60.0	60.0
J.	General operating expenses	259.7	259.7	519.4
K.	Temporary assistance/Overtime	15.0	15.0	30.0
L.	Translation of BCH website	20.0	20.0	40.0
M.	Independent evaluation of capacity building initiatives			20.0
		20.0	0.0	
N.	Study on Assessment and Review	20.0	0.0	20.0
O.	Study on Handling, transport, packaging and identification – the need for and modalities of developing standards	20.0	0.0	20.0
Sub-total (I)		2,288.6	2,745.6	5,034.2
II	Programme support charge 13%	297.5	356.9	654.4
III	Working capital reserve	11.7		11.7
GRAND TOTAL (I + II + III)		2,597.8	3,102.6	5,700.4
Less contribution from host country		182.2	185.8	368.0
TOTAL		2,415.6	2,916.7	5,332.4
Less savings from previous years		450.0	400.0	850.0
NET TOTAL (amount to be shared by Parties)		1,965.6	2,516.7	4,482.4

* Includes 15% costs for 1P-5, 1 P-4; 3 P-3 and 2 G-S staff funded mainly by the Convention

Table 2

		2011	2012
A	Professional category		
	D-1	1	1
	P-4	3	3
	P-3	3	3
	P-2	1	1
	Total professional category	8	8
B.	Total General Service category	5	5
	<i>TOTAL (A + B)</i>	13	13

Table 3

Special Voluntary Trust Fund (BH) for Additional Voluntary Contributions in Support of Approved Activities of the Cartagena Protocol for the biennium 2011-2012

I Description	2011-2012
Meetings/Workshops	
Status of capacity-building activities and the use of the roster of biosafety experts ¹	200,000
Customs officers training of trainers on identification /documentation of LMOs	220,000
Regional Workshops for heads of laboratories for detection of LMOs	400,000
Liability and redress	50,000
AHTEG on risk assessment and risk management ²	60,000
Regional Workshops on Risk assessment and risk management	438,000
Regional Workshops - Public awareness and participation	100,000
Assessment and review expert meetings	100,000
Regional Workshops Monitoring and Reporting – national reports	400,000
Short term staff/Temporary Assistance	
Status of capacity-building activities and the use of the roster of biosafety experts	9,000
Risk assessment and risk management	9,000
Assessment and review	4,500
Consultants	
Operation and activities of the Biosafety Clearing-House	20,000
Status of capacity-building activities and the use of the roster of biosafety experts	20,000
Risk assessment and risk management	15,000
Public awareness and participation	20,000
Travel of Staff	
Status of capacity-building activities and the use of the roster of biosafety experts	40,000
Cooperation with other organizations, conventions and initiatives	30,000
Liability and redress	10,000
Risk assessment and risk management	30,000
Public awareness and participation	10,000
Assessment and review	10,000
Publications/Printing costs	
Biosafety Clearing-House – Technical Guidance publication	40,000
Toolkits for capacity-building activities	40,000
Liability and redress	30,000
Risk assessment and risk management	70,000
Public awareness and participation	80,000
Assessment and review	4,000
Activities	
Operation and activities of the Biosafety Clearing-House (equipment)	45,000
Voluntary fund for the roster of biosafety experts	100,000
Sub-total I	2,604,500
II. Programme support costs (13%)	338,585
Total Costs (I + II)	2,943,085

¹ US\$ 75,000 pledged by Norway to support activities on socio-economic considerations.

² Funded by the European Union.

Table 4

Special Voluntary Trust Fund (BI) for Facilitating Participation of Parties in the Protocol for the biennium 2011-2012

(Thousands of United States dollars)

Description	2011	2012
I. Meetings		
Meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol		600.0
Subtotal I		600.0
II. Programme support charges (13%)		78.0
Total Cost (I + II)		678.0

Table 5. Contributions to the Trust Fund for the Cartagena Protocol on Biosafety for the biennium 2011-2012

Party	UN scale of assessments 2011 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2011 US\$	UN scale of assessments 2012 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2012 US\$	Total contributions 2011-2012 US\$
Albania	0.010	0.014	278	0.010	0.014	356	633
Algeria	0.128	0.181	3,554	0.128	0.181	4,551	8,105
Angola	0.010	0.010	197	0.010	0.010	252	448
Antigua and Barbuda	0.002	0.003	56	0.002	0.003	71	127
Armenia	0.005	0.007	139	0.005	0.007	178	317
Austria	0.851	1.202	23,629	0.851	1.202	30,254	53,884
Azerbaijan	0.015	0.021	417	0.015	0.021	533	950
Bahamas	0.018	0.025	500	0.018	0.025	640	1,140
Bangladesh	0.010	0.010	197	0.010	0.010	252	448
Barbados	0.008	0.011	222	0.008	0.011	284	507
Belarus	0.042	0.059	1,166	0.042	0.059	1,493	2,659
Belgium	1.075	1.519	29,849	1.075	1.519	38,218	68,067
Belize	0.001	0.001	28	0.001	0.001	36	63
Benin	0.003	0.004	83	0.003	0.004	107	190
Bhutan	0.001	0.001	28	0.001	0.001	36	63
Bolivia	0.007	0.010	194	0.007	0.010	249	443
Bosnia and Herzegovina	0.014	0.020	389	0.014	0.020	498	886
Botswana	0.018	0.025	500	0.018	0.025	640	1,140
Brazil	1.611	2.276	44,732	1.611	2.276	57,274	102,006
Bulgaria	0.038	0.054	1,055	0.038	0.054	1,351	2,406
Burkina Faso	0.003	0.004	83	0.003	0.004	107	190
Burundi	0.001	0.001	28	0.001	0.001	36	63
Cambodia	0.003	0.004	83	0.003	0.004	107	190
Cameroon	0.011	0.016	305	0.011	0.016	391	697
Cape Verde	0.001	0.001	28	0.001	0.001	36	63
Central African Republic	0.001	0.001	28	0.001	0.001	36	63
Chad	0.002	0.003	56	0.002	0.003	71	127
China	3.189	4.505	88,548	3.189	4.505	113,374	201,922
Colombia	0.144	0.203	3,998	0.144	0.203	5,119	9,118
Comoros	0.001	0.001	28	0.001	0.001	36	63
Congo	0.003	0.004	83	0.003	0.004	107	190
Costa Rica	0.034	0.048	944	0.034	0.048	1,209	2,153
Croatia	0.097	0.137	2,693	0.097	0.137	3,449	6,142
Cuba	0.071	0.100	1,971	0.071	0.100	2,524	4,496
Cyprus	0.046	0.065	1,277	0.046	0.065	1,635	2,913
Czech Republic	0.349	0.493	9,691	0.349	0.493	12,408	22,098
Democratic People's Republic of Korea	0.007	0.010	194	0.007	0.010	249	443
Democratic Republic of the Congo	0.003	0.004	83	0.003	0.004	107	190
Denmark	0.736	1.040	20,436	0.736	1.040	26,166	46,602

Party	UN scale of assessments 2011 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2011 US\$	UN scale of assessments 2012 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2012 US\$	Total contributions 2011-2012 US\$
Djibouti	0.001	0.001	28	0.001	0.001	36	63
Dominica	0.001	0.001	28	0.001	0.001	36	63
Dominican Republic	0.042	0.059	1,166	0.042	0.059	1,493	2,659
Ecuador	0.040	0.057	1,111	0.040	0.057	1,422	2,533
Egypt	0.094	0.133	2,610	0.094	0.133	3,342	5,952
El Salvador	0.019	0.027	528	0.019	0.027	675	1,203
Eritrea	0.001	0.001	28	0.001	0.001	36	63
Estonia	0.040	0.057	1,111	0.040	0.057	1,422	2,533
Ethiopia	0.008	0.011	222	0.008	0.011	284	507
European Union	2.500	2.500	49,141	2.500	2.500	62,919	112,059
Fiji	0.004	0.006	111	0.004	0.006	142	253
Finland	0.566	0.800	15,716	0.566	0.800	20,122	35,838
France	6.123	8.649	170,015	6.123	8.649	217,683	387,698
Gabon	0.014	0.020	389	0.014	0.020	498	886
Gambia	0.001	0.001	28	0.001	0.001	36	63
Georgia	0.006	0.008	167	0.006	0.008	213	380
Germany	8.018	11.326	222,633	8.018	11.326	285,053	507,687
Ghana	0.006	0.008	167	0.006	0.008	213	380
Greece	0.691	0.976	19,187	0.691	0.976	24,566	43,753
Grenada	0.001	0.001	28	0.001	0.001	36	63
Guatemala	0.028	0.040	777	0.028	0.040	995	1,773
Guinea	0.002	0.003	56	0.002	0.003	71	127
Guinea-Bissau	0.001	0.001	28	0.001	0.001	36	63
Guyana	0.001	0.001	28	0.001	0.001	36	63
Honduras	0.008	0.011	222	0.008	0.011	284	507
Hungary	0.291	0.411	8,080	0.291	0.411	10,346	18,426
India	0.534	0.754	14,827	0.534	0.754	18,985	33,812
Indonesia	0.238	0.336	6,608	0.238	0.336	8,461	15,070
Iran (Islamic Republic of)	0.233	0.329	6,470	0.233	0.329	8,284	14,753
Ireland	0.498	0.703	13,828	0.498	0.703	17,705	31,533
Italy	4.999	7.062	138,806	4.999	7.062	177,723	316,528
Japan	12.530	17.700	347,916	12.530	17.700	445,463	793,379
Jordan	0.014	0.020	389	0.014	0.020	498	886
Kazakhstan	0.076	0.107	2,110	0.076	0.107	2,702	4,812
Kenya	0.012	0.017	333	0.012	0.017	427	760
Kiribati	0.001	0.001	28	0.001	0.001	36	63
Kyrgyzstan	0.001	0.001	28	0.001	0.001	36	63
Lao People's Democratic Republic	0.001	0.001	28	0.001	0.001	36	63
Latvia	0.038	0.054	1,055	0.038	0.054	1,351	2,406
Lesotho	0.001	0.001	28	0.001	0.001	36	63
Liberia	0.001	0.001	28	0.001	0.001	36	63
Libyan Arab Jamahiriya	0.129	0.182	3,582	0.129	0.182	4,586	8,168
Lithuania	0.065	0.092	1,805	0.065	0.092	2,311	4,116
Luxembourg	0.090	0.127	2,499	0.090	0.127	3,200	5,699

Party	UN scale of assessments 2011 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2011 US\$	UN scale of assessments 2012 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2012 US\$	Total contributions 2011-2012 US\$
Madagascar	0.003	0.004	83	0.003	0.004	107	190
Malawi	0.001	0.001	28	0.001	0.001	36	63
Malaysia	0.253	0.357	7,025	0.253	0.357	8,995	16,020
Maldives	0.001	0.001	28	0.001	0.001	36	63
Mali	0.003	0.004	83	0.003	0.004	107	190
Malta	0.017	0.024	472	0.017	0.024	604	1,076
Marshall Islands	0.001	0.001	28	0.001	0.001	36	63
Mauritania	0.001	0.001	28	0.001	0.001	36	63
Mauritius	0.011	0.016	305	0.011	0.016	391	697
Mexico	2.356	3.328	65,418	2.356	3.328	83,760	149,178
Mongolia	0.002	0.003	56	0.002	0.003	71	127
Montenegro	0.004	0.006	111	0.004	0.006	142	253
Mozambique	0.003	0.004	83	0.003	0.004	107	190
Myanmar	0.006	0.008	167	0.006	0.008	213	380
Namibia	0.008	0.011	222	0.008	0.011	284	507
Nauru	0.001	0.001	28	0.001	0.001	36	63
Netherlands	1.855	2.620	51,507	1.855	2.620	65,948	117,456
New Zealand	0.273	0.386	7,580	0.273	0.386	9,706	17,286
Nicaragua	0.003	0.004	83	0.003	0.004	107	190
Niger	0.002	0.003	56	0.002	0.003	71	127
Nigeria	0.078	0.110	2,166	0.078	0.110	2,773	4,939
Niue	0.001	0.001	28	0.001	0.001	36	63
Norway	0.871	1.230	24,185	0.871	1.230	30,966	55,150
Oman	0.086	0.121	2,388	0.086	0.121	3,057	5,445
Pakistan	0.082	0.116	2,277	0.082	0.116	2,915	5,192
Palau	0.001	0.001	28	0.001	0.001	36	63
Panama	0.022	0.031	611	0.022	0.031	782	1,393
Papua New Guinea	0.002	0.003	56	0.002	0.003	71	127
Paraguay	0.007	0.010	194	0.007	0.010	249	443
Peru	0.090	0.127	2,499	0.090	0.127	3,200	5,699
Philippines	0.090	0.127	2,499	0.090	0.127	3,200	5,699
Poland	0.828	1.170	22,991	0.828	1.170	29,437	52,428
Portugal	0.511	0.722	14,189	0.511	0.722	18,167	32,356
Qatar	0.135	0.191	3,749	0.135	0.191	4,799	8,548
Republic of Korea	2.260	3.192	62,753	2.260	3.192	80,347	143,099
Republic of Moldova	0.002	0.003	56	0.002	0.003	71	127
Romania	0.177	0.250	4,915	0.177	0.250	6,293	11,207
Rwanda	0.001	0.001	28	0.001	0.001	36	63
Saint Kitts and Nevis	0.001	0.001	28	0.001	0.001	36	63
Saint Lucia	0.001	0.001	28	0.001	0.001	36	63
Saint Vincent and the Grenadines	0.001	0.001	28	0.001	0.001	36	63
Samoa	0.001	0.001	28	0.001	0.001	36	63
Saudi Arabia	0.830	1.172	23,046	0.830	1.172	29,508	52,554

Party	UN scale of assessments 2011 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2011 US\$	UN scale of assessments 2012 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2012 US\$	Total contributions 2011-2012 US\$
Senegal	0.006	0.008	167	0.006	0.008	213	380
Serbia	0.037	0.052	1,027	0.037	0.052	1,315	2,343
Seychelles	0.002	0.003	56	0.002	0.003	71	127
Slovakia	0.142	0.201	3,943	0.142	0.201	5,048	8,991
Slovenia	0.103	0.145	2,860	0.103	0.145	3,662	6,522
Solomon Islands	0.001	0.001	28	0.001	0.001	36	63
Somalia	0.001	0.001	28	0.001	0.001	36	63
South Africa	0.385	0.544	10,690	0.385	0.544	13,687	24,378
Spain	3.177	4.488	88,215	3.177	4.488	112,948	201,162
Sri Lanka	0.019	0.027	528	0.019	0.027	675	1,203
Sudan	0.010	0.010	197	0.010	0.010	252	448
Suriname	0.003	0.004	83	0.003	0.004	107	190
Swaziland	0.003	0.004	83	0.003	0.004	107	190
Sweden	1.064	1.503	29,544	1.064	1.503	37,827	67,371
Switzerland	1.130	1.596	31,376	1.130	1.596	40,173	71,550
Syrian Arab Republic	0.025	0.035	694	0.025	0.035	889	1,583
Tajikistan	0.002	0.003	56	0.002	0.003	71	127
Thailand	0.209	0.295	5,803	0.209	0.295	7,430	13,234
The former Yugoslav Republic of Macedonia	0.007	0.010	194	0.007	0.010	249	443
Togo	0.001	0.001	28	0.001	0.001	36	63
Tonga	0.001	0.001	28	0.001	0.001	36	63
Trinidad and Tobago	0.044	0.062	1,222	0.044	0.062	1,564	2,786
Tunisia	0.030	0.042	833	0.030	0.042	1,067	1,900
Turkey	0.617	0.872	17,132	0.617	0.872	21,935	39,067
Turkmenistan	0.026	0.037	722	0.026	0.037	924	1,646
Uganda	0.006	0.008	167	0.006	0.008	213	380
Ukraine	0.087	0.123	2,416	0.087	0.123	3,093	5,509
United Kingdom of Great Britain and Northern Ireland	6.604	9.329	183,371	6.604	9.329	234,783	418,154
United Republic of Tanzania	0.008	0.011	222	0.008	0.011	284	507
Venezuela	0.314	0.444	8,719	0.314	0.444	11,163	19,882
Viet Nam	0.033	0.047	916	0.033	0.047	1,173	2,090
Yemen	0.010	0.010	197	0.010	0.010	252	448
Zambia	0.004	0.006	111	0.004	0.006	142	253
Zimbabwe	0.003	0.004	83	0.003	0.004	107	190
TOTAL	71.533	100.000	1,965,633	71.533	100.000	2,516,742	4,482,375

Annex

**INDICATORS OF ACHIEVEMENT AND PERFORMANCE FOR THE PROGRAMME
BUDGET**

A. Budget management

1. Budget allocated versus expenditures (for the BG Trust Fund)
2. Budget allocated versus expenditures (for the BH Trust Fund)

B. Resource mobilization for the BH and BI Trust Funds

1. Funds mobilized under the BH Trust Fund for Secretariat-led activities
2. Funds mobilized under the BH Trust Fund for capacity-building through regional workshops
3. Funds mobilized under the BI Trust Fund

C. Capacity-building and outreach

1. Training activities and workshops for which Secretariat provides resources:
 - a. Number of participants
 - b. Number of Parties involved
 - c. Level of participant satisfaction
2. Number of publications distributed
3. Number of website hits
4. Number of meetings attended by the Secretariat

D. Other functions of the Secretariat

1. Percentage of working documents made available to Parties in all working languages within deadlines
2. Percentage of plenary sessions of the Conference of the Parties for which interpretation services were provided
3. Percentage of activities on the work programme of the Compliance Committee that are implemented

BS-V/8. 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 paragraph 2 (a) of Article 18 of the Protocol and its decision BS-III/10,

Noting the limited experience gained to date in the implementation of paragraph 4 of decision BS-III/10,

Noting also the importance of the identification of living modified organisms intended for direct use as food or feed, or for processing, in documentation accompanying their shipment,

Noting further the importance of documentation and identification of living modified organisms intended for direct use as food or feed, or for processing, including for risk management purposes,

1. *Requests* Parties and *urges* other Governments to continue to take measures to ensure that the information required by paragraph 2 (a) of Article 18 and paragraph 4 of decision BS-III/10 to identify living modified organisms intended for direct use as food or feed, or for processing, is incorporated into existing documentation accompanying the living modified organisms, as specified in paragraph 1 of decision BS-III/10;

2. *Urges* Parties to expedite the implementation of their biosafety regulatory frameworks and make available to the Biosafety Clearing-House any laws, regulations and guidelines for the implementation of the Protocol, and any changes to their regulatory requirements related to the identification and documentation of living modified organisms intended for direct use as food or feed, or for processing;

3. *Requests* Parties and *urges* other Governments to take measures that facilitate further implementation of decision BS-III/10, in particular its paragraph 4;

4. *Requests* Parties and *encourages* other Governments and relevant organizations to cooperate with and support developing country Parties and Parties with economies in transition to build capacity to implement the identification requirements of paragraph 2 (a) of Article 18 and related decisions;

5. *Encourages* Parties to develop domestic systems or use existing ones, as appropriate, to prevent imported living modified organisms intended for direct use as food or feed, or for processing, from being used for other purposes such as introduction into the environment;

6. *Decides*, taking into account the limited experience gained to date in the implementation of paragraph 4 of decision BS-III/10, to postpone the decision-taking referred to in paragraph 7 of decision BS-III/10 until its seventh meeting. This decision-taking should also include consideration of the need for a stand-alone document, as referred to in paragraph 2 of decision BS-III/10;

7. *Requests* Parties and *invites* other Governments and relevant organizations to submit to the Executive Secretary, no later than six months prior to the seventh meeting of the Parties to the Protocol, further information on experience gained with the implementation of paragraph 4 of decision BS-III/10 as well as the present decision, including any information on obstacles that are encountered in the implementation of these decisions as well as specific capacity-building needs to implement these

decisions, and *requests* the Executive Secretary to compile the information and prepare a synthesis report for consideration by the Parties at their seventh meeting.

BS-V/9. *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-IV/10,

Welcoming the outcomes from the Online Forum on Standards for Shipments of Living Modified Organisms,

1. *Requests* the Executive Secretary to:

(a) Continue following developments in standards related to the handling, transport, packaging and identification of living modified organisms and to report to the Parties at their sixth meeting on any such developments. The report should include information on developments in standard-setting on the sampling and detection of living modified organisms;

(b) Disseminate the results of the Online Forum on Standards for Shipments of Living Modified Organisms, including information about potential gaps in international standards, to relevant organizations;

(c) Organize regional workshops for: (i) heads of laboratories involved in the detection of living modified organisms to exchange information and experience on the implementation of relevant standards and methods; and (ii) customs officers requiring capacity in the sampling and detection of living modified organisms further to paragraph 10 of decision BS-III/10 and paragraph 3 of decision BS-IV/9;

(d) Commission a study to analyse information on existing standards, methods and guidance relevant to the handling, transport, packaging and identification of living modified organisms and to make the study available for consideration by the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. This study should address in particular:

- (i) Possible gaps in existing standards, guidance and methods;
- (ii) Ways to facilitate cooperation with relevant organisations;
- (iii) Guidance on the use of existing international regulations and standards;
- (iv) The possible need for the elaboration of standards for handling, transport, packaging and identification of living modified organisms;

2. *Invites* standard-setting bodies to form an electronic communications group with the Secretariat of the Convention on Biological Diversity to exchange information on activities relevant to the handling, transport, packaging and identification of living modified organisms being undertaken in each forum;

3. *Invites* the International Plant Protection Convention to collaborate with the Secretariat of the Convention on Biological Diversity in the development of an explanatory document on the

terminology of the Protocol in relation to the glossary of phytosanitary terms adopted by the Commission on Phytosanitary Measures;

4. *Requests* Parties and *encourages* other Governments and relevant organizations, as appropriate, to make available to the Biosafety Clearing-House information on:

(a) Standards relevant to the handling, transport, packaging and identification of living modified organisms;

(b) Existing guidance on the use of relevant international standards;

(c) Methods for the detection and identification of living modified organisms;

5. *Invites* Parties to nominate national and international reference laboratories with the view to establishing, through the Biosafety-Clearing House, an electronic network of laboratories to facilitate the identification of living modified organisms as well as the sharing of information and experiences.

BS-V/10. *Rights and/or obligations of Parties of transit of living modified organisms*

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

Taking note of the views expressed and the discussions held in relation to the rights and/or obligations of Parties of transit of living modified organisms at its second and third meetings,

Taking note also of existing national, regional and international requirements relating to transit of goods and substances in general, and transit of living modified organisms in particular, and

Considering the current absence of new submissions of views or information from Parties to the Protocol on this item,

1. *Encourages* Parties to continue addressing issues related to the transit of living modified organisms through their territories using their domestic administrative and legal systems;

2. *Decides* to consider this item at its eighth meeting.

BS-V/11. International rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms

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

Recalling Article 27 of the Cartagena Protocol on Biosafety,

Recalling its decision BS-I/8 by which it established 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 the decision, to carry out the process pursuant to Article 27 of the Cartagena Protocol on Biosafety,

Noting with appreciation the work 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, as contained in the reports of its five meetings,

Recalling also its decision BS-IV/12 by which it established a Group of the Friends of the Co-Chairs to 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 the decision,

Noting with appreciation the work of the Group of the Friends of the Co-Chairs, as contained in the reports of its meetings,

Noting the valuable work carried out by the two Co-Chairs of the Working Group, Ms. Jimena Nieto (Colombia) and Mr. René Lefeber (Netherlands), over the past six years in steering the process in the context of Article 27 of the Cartagena Protocol on Biosafety, through both formal and informal ways,

Recalling Article 22 of the Cartagena Protocol on Biosafety, which calls upon Parties to cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety,

Recognizing the need to facilitate the implementation of this decision through complementary capacity-building measures,

Noting initiatives by the private sector concerning recourse in the event of damage to biological diversity caused by living modified organisms,

**A. NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL
ON LIABILITY AND REDRESS TO THE CARTAGENA
PROTOCOL ON BIOSAFETY**

1. *Decides* to adopt the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, as contained in the annex to the present decision (hereinafter referred to as “the Supplementary Protocol”);

2. *Requests* the Secretary-General of the United Nations to be the Depository of the Supplementary Protocol and to open it for signature at the United Nations Headquarters in New York from 7 March 2011 to 6 March 2012;

3. *Encourages* Parties to the Cartagena Protocol on Biosafety to implement the Supplementary Protocol pending its entry into force;

4. *Calls upon* the Parties to the Cartagena Protocol on Biosafety to sign the Supplementary Protocol on 7 March 2011 or at the earliest opportunity thereafter and to deposit instruments of ratification, acceptance or approval or instruments of accession, as appropriate, as soon as possible;

5. *Decides* that during the budget period 2011-2012, the activities of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress will be funded from the trust funds of the Cartagena Protocol on Biosafety;

6. *Notes* that the Secretariat may need additional human resources for the implementation of the Supplementary Protocol once it enters into force;

B. ADDITIONAL AND SUPPLEMENTARY COMPENSATION MEASURES

7. *Decides* that, where the costs of response measures as provided for in the Supplementary Protocol have not been covered, such a situation may be addressed by additional and supplementary compensation measures;

8. *Decides* that the measures referred to in paragraph 7 above may include arrangements to be addressed by the Conference of the Parties serving as the meeting of the Parties;

C. COMPLEMENTARY CAPACITY-BUILDING MEASURES

9. *Urges* the Parties to cooperate, taking into account the 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, in the development and/or strengthening of human resources and institutional capacities relating to the implementation of the Supplementary Protocol, including through existing global, regional, subregional and domestic institutions and organizations and, as appropriate, through facilitating private sector involvement;

10. *Invites* Parties to take the present decision into account in formulating bilateral, regional and multilateral assistance to developing country Parties that are in the process of developing their domestic law relating to the implementation of the Supplementary Protocol;

11. *Decides* to take the present decision into account, as appropriate, in the next review of the Action Plan referred to in paragraph 9 above.

Annex

NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS TO THE CARTAGENA PROTOCOL ON BIOSAFETY

The Parties to this Supplementary Protocol,

Being Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, hereinafter referred to as “the Protocol”,

Taking into account Principle 13 of the Rio Declaration on Environment and Development,

Reaffirming the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development,

Recognizing the need to provide for appropriate response measures where there is damage or sufficient likelihood of damage, consistent with the Protocol,

Recalling Article 27 of the Protocol,

Have agreed as follows:

ARTICLE 1

Objective

The objective of this Supplementary Protocol is to contribute to the conservation and sustainable use of biological diversity, taking also into account risks to human health, by providing international rules and procedures in the field of liability and redress relating to living modified organisms.

ARTICLE 2

Use of terms

1. The terms used in Article 2 of the Convention on Biological Diversity, hereinafter referred to as “the Convention”, and Article 3 of the Protocol shall apply to this Supplementary Protocol.

2. In addition, for the purposes of this Supplementary Protocol:

(a) “Conference of the Parties serving as the meeting of the Parties to the Protocol” means the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol;

(b) “Damage” means an adverse effect on the conservation and sustainable use of biological diversity, taking also into account risks to human health, that:

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

(ii) Is significant as set out in paragraph 3 below;

(c) “Operator” means any person in direct or indirect control of the living modified organism which could, as appropriate and as determined by domestic law, include, *inter alia*, the permit

holder, person who placed the living modified organism on the market, developer, producer, notifier, exporter, importer, carrier or supplier;

- (d) “Response measures” means reasonable actions to:
 - (i) Prevent, minimize, contain, mitigate, or otherwise avoid damage, as appropriate;
 - (ii) Restore biological diversity through actions to be undertaken in the following order of preference:
 - a. Restoration of biological diversity to the condition that existed before the damage occurred, or its nearest equivalent; and where the competent authority determines this is not possible;
 - b. Restoration by, *inter alia*, replacing the loss of biological diversity with other components of biological diversity for the same, or for another type of use either at the same or, as appropriate, at an alternative location.
3. A “significant” adverse effect 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 affect the components of biological diversity;
 - (c) The reduction of the ability of components of biological diversity to provide goods and services;
 - (d) The extent of any adverse effects on human health in the context of the Protocol.

ARTICLE 3

Scope

1. This Supplementary Protocol applies to damage resulting from living modified organisms which 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, this Supplementary Protocol applies to damage resulting from any authorized use of the living modified organisms referred to in paragraph 1 above.
3. This Supplementary Protocol also applies to damage resulting from unintentional transboundary movements as referred to in Article 17 of the Protocol as well as damage resulting from illegal transboundary movements as referred to in Article 25 of the Protocol.
4. This Supplementary Protocol applies to damage resulting from a transboundary movement of living modified organisms that started after the entry into force of this Supplementary Protocol for the Party into whose jurisdiction the transboundary movement was made.

5. This Supplementary Protocol applies to damage that occurred in areas within the limits of the national jurisdiction of Parties.
6. Parties may use criteria set out in their domestic law to address damage that occurs within the limits of their national jurisdiction.
7. Domestic law implementing this Supplementary Protocol shall also apply to damage resulting from transboundary movements of living modified organisms from non-Parties.

ARTICLE 4

Causation

A causal link shall be established between the damage and the living modified organism in question in accordance with domestic law.

ARTICLE 5

Response measures

1. Parties shall require the appropriate operator or operators, in the event of damage, subject to any requirements of the competent authority, to:
 - (a) Immediately inform the competent authority;
 - (b) Evaluate the damage; and
 - (c) Take appropriate response measures.
2. The competent authority shall:
 - (a) Identify the operator which has caused the damage;
 - (b) Evaluate the damage; and
 - (c) Determine which response measures should be taken by the operator.
3. Where relevant information, including available scientific information or information available in the Biosafety Clearing-House, indicates that there is a sufficient likelihood that damage will result if timely response measures are not taken, the operator shall be required to take appropriate response measures so as to avoid such damage.
4. The competent authority may implement appropriate response measures, including, in particular, when the operator has failed to do so.
5. The competent authority has the right to recover from the operator the costs and expenses of, and incidental to, the evaluation of the damage and the implementation of any such appropriate response measures. Parties may provide, in their domestic law, for other situations in which the operator may not be required to bear the costs and expenses.
6. Decisions of the competent authority requiring the operator to take response measures should be reasoned. Such decisions should be notified to the operator. Domestic law shall provide for remedies, including the opportunity for administrative or judicial review of such decisions. The competent

authority shall, in accordance with domestic law, also inform the operator of the available remedies. Recourse to such remedies shall not impede the competent authority from taking response measures in appropriate circumstances, unless otherwise provided by domestic law.

7. In implementing this Article and with a view to defining the specific response measures to be required or taken by the competent authority, Parties may, as appropriate, assess whether response measures are already addressed by their domestic law on civil liability.

8. Response measures shall be implemented in accordance with domestic law.

ARTICLE 6

Exemptions

1. Parties may provide, in their domestic law, for the following exemptions:

- (a) Act of God or *force majeure*; and
- (b) Act of war or civil unrest.

2. Parties may provide, in their domestic law, for any other exemptions or mitigations as they may deem fit.

ARTICLE 7

Time limits

Parties may provide, in their domestic law, for:

- (a) Relative and/or absolute time limits including for actions related to response measures;
- and
- (b) The commencement of the period to which a time limit applies.

ARTICLE 8

Financial limits

Parties may provide, in their domestic law, for financial limits for the recovery of costs and expenses related to response measures.

ARTICLE 9

Right of recourse

This Supplementary Protocol shall not limit or restrict any right of recourse or indemnity that an operator may have against any other person.

ARTICLE 10

Financial security

1. Parties retain the right to provide, in their domestic law, for financial security.

2. Parties shall exercise the right referred to in paragraph 1 above in a manner consistent with their rights and obligations under international law, taking into account the final three preambular paragraphs of the Protocol.

3. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol after the entry into force of the Supplementary Protocol shall request the Secretariat to undertake a comprehensive study which shall address, *inter alia*:

- (a) The modalities of financial security mechanisms;
- (b) An assessment of the environmental, economic and social impacts of such mechanisms, in particular on developing countries; and
- (c) An identification of the appropriate entities to provide financial security.

ARTICLE 11

Responsibility of States for internationally wrongful acts

This Supplementary Protocol 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.

ARTICLE 12

Implementation and relation to civil liability

1. Parties shall provide, in their domestic law, for rules and procedures that address damage. To implement this obligation, Parties shall provide for response measures in accordance with this Supplementary Protocol and may, as appropriate:

- (a) Apply their existing domestic law, including, where applicable, general rules and procedures on civil liability;
- (b) Apply or develop civil liability rules and procedures specifically for this purpose; or
- (c) Apply or develop a combination of both.

2. Parties shall, with the aim of providing adequate rules and procedures in their domestic law on civil liability for material or personal damage associated with the damage as defined in Article 2, paragraph 2 (b):

- (a) Continue to apply their existing general law on civil liability;
- (b) Develop and apply or continue to apply civil liability law specifically for that purpose; or
- (c) Develop and apply or continue to apply a combination of both.

3. When developing civil liability law as referred to in subparagraphs (b) or (c) of paragraphs 1 or 2 above, Parties shall, as appropriate, address, *inter alia*, the following elements:

- (a) Damage;
- (b) Standard of liability including strict or fault-based liability;

- (c) Channelling of liability, where appropriate;
- (d) Right to bring claims.

ARTICLE 13

Assessment and review

The Conference of the Parties serving as the meeting of the Parties to the Protocol shall undertake a review of the effectiveness of this Supplementary Protocol five years after its entry into force and every five years thereafter, provided information requiring such a review has been made available by Parties. The review shall be undertaken in the context of the assessment and review of the Protocol as specified in Article 35 of the Protocol, unless otherwise decided by the Parties to this Supplementary Protocol. The first review shall include a review of the effectiveness of Articles 10 and 12.

ARTICLE 14

Conference of the Parties serving as the meeting of the Parties to the Protocol

1. Subject to paragraph 2 of Article 32 of the Convention, the Conference of the Parties serving as the meeting of the Parties to the Protocol shall serve as the meeting of the Parties to this Supplementary Protocol.
2. The Conference of the Parties serving as the meeting of the Parties to the Protocol shall keep under regular review the implementation of this Supplementary Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Supplementary Protocol and, *mutatis mutandis*, the functions assigned to it by paragraphs 4 (a) and (f) of Article 29 of the Protocol.

ARTICLE 15

Secretariat

The Secretariat established by Article 24 of the Convention shall serve as the secretariat to this Supplementary Protocol.

ARTICLE 16

Relationship with the Convention and the Protocol

1. This Supplementary Protocol shall supplement the Protocol and shall neither modify nor amend the Protocol.
2. This Supplementary Protocol shall not affect the rights and obligations of the Parties to this Supplementary Protocol under the Convention and the Protocol.
3. Except as otherwise provided in this Supplementary Protocol, the provisions of the Convention and the Protocol shall apply, *mutatis mutandis*, to this Supplementary Protocol.
4. Without prejudice to paragraph 3 above, this Supplementary Protocol shall not affect the rights and obligations of a Party under international law.

ARTICLE 17

Signature

This Supplementary Protocol shall be open for signature by Parties to the Protocol at the United Nations Headquarters in New York from 7 March 2011 to 6 March 2012.

ARTICLE 18

Entry into force

1. This Supplementary Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organizations that are Parties to the Protocol.

2. This Supplementary Protocol shall enter into force for a State or regional economic integration organization that ratifies, accepts or approves it or accedes thereto after the deposit of the fortieth instrument as referred to in paragraph 1 above, on the ninetieth day after the date on which that State or regional economic integration organization deposits its instrument of ratification, acceptance, approval, or accession, or on the date on which the Protocol enters into force for that State or regional economic integration organization, whichever shall be the later.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

ARTICLE 19

Reservations

No reservations may be made to this Supplementary Protocol.

ARTICLE 20

Withdrawal

1. At any time after two years from the date on which this Supplementary Protocol has entered into force for a Party, that Party may withdraw from this Supplementary Protocol by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

3. Any Party which withdraws from the Protocol in accordance with Article 39 of the Protocol shall be considered as also having withdrawn from this Supplementary Protocol.

ARTICLE 21

Authentic texts

The original of this Supplementary Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Supplementary Protocol.

DONE at Nagoya on this fifteenth day of October two thousand and ten.

BS-V/12. Risk assessment and risk management (Articles 15 and 16)

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

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

I. Further guidance on specific aspects of risk assessment

1. *Commends* the use of innovative methods under the open-ended online forum on risk assessment and risk management as an efficient means to maximize the use of limited financial resources;

2. *Takes note* of the conclusions and recommendations of the open-ended online forum and the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management and *welcomes* the resulting “Guidance on Risk Assessment of Living Modified Organisms” (hereinafter referred to as “the Guidance”);

3. *Notes* that the Guidance is a document in evolution and that its objective is to provide a reference that may assist Parties and other Governments in implementing the provisions of the Protocol with regards to risk assessment, in particular its Annex III and, as such, this Guidance is not prescriptive and does not impose any obligations upon the Parties;

4. *Decides* to extend the current open-ended online forum and the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management in accordance with the terms of reference annexed hereto;

5. *Urges* Parties and *invites* other Governments and relevant organizations to nominate further experts with experience relevant to risk assessment to the open-ended online forum and to actively participate in the online discussions;

6. *Further notes* that the first version of the Guidance requires further scientific reviewing and testing to establish its overall utility and applicability to living modified organisms of different taxa introduced into different environments, and *requests* the Executive Secretary to, prior to the first meeting of the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management, (i) translate the first version of the Guidance into all United Nations languages with a view to enabling a large number of experts to take part in the reviewing process; (ii) coordinate with Parties and other Governments, through their technical and scientific experts, and relevant organizations, a review process of the first version of the Guidance; (iii) make the comments of the review process available through the Biosafety-Clearing House;

7. *Requests* the Executive Secretary to convene, prior to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, (i) *ad hoc* discussion groups and real-time online conferences under the open-ended online forum, and (ii) two meetings of the Ad Hoc Technical Expert Group, and to compile the views and recommendations submitted by participants in the online forum for consideration by the Parties;

8. *Further requests* the Executive Secretary to: (i) update the common format for submission of records to the Biosafety Information Resources Centre in order to link its records on risk assessment to specific sections of the Guidance; and (ii) explore possible ways to link background materials available in the “Scientific Bibliographic Database on Biosafety” to specific sections of the Guidance;

II. Capacity-building in risk assessment

Welcoming the development of a training manual on risk assessment of living modified organisms,

Welcoming also the reports of the Pacific Subregional Workshop on Capacity-building and Exchange of Experiences on Risk Assessment (UNEP/CBD/BS/COP-MOP/5/INF/16) held in Nadi, Fiji and of the Asian Subregional Training Course on Risk Assessment of Living Modified Organisms (UNEP/CBD/BS/COP-MOP/5/INF/17) held in Siem Reap, Cambodia and *taking note* of their recommendations,

9. *Requests* the Executive Secretary to:

(a) Submit the training manual to experts and other reviewers from Parties and other Governments for an assessment of its effectiveness;

(b) Convene, at the earliest convenient date, further regional or subregional training courses to enable countries to gain hands-on experience in the preparation and evaluation of risk assessment reports in accordance with the relevant articles and Annex III of the Protocol, and to further test the first version of the Guidance and make the results of the testing available through the Biosafety-Clearing House;

(c) Improve the training manual “Risk Assessment of Living Modified Organisms” in cooperation with relevant United Nations bodies, other relevant organizations and expert reviewers by revising it on the basis of the recommendations provided during the regional and subregional capacity-building activities and feedback from Parties, in such a way that any further improvements of the training manual, on the one hand, and of the Guidance through the process outlined in paragraph 6 above, on the other hand, is made in a coherent and complementary manner;

(d) Develop an interactive learning tool based on the training manual, and make it available through the Biosafety Clearing-House in all United Nations languages with the view to developing a more cost-effective way for delivering training on risk assessment;

III. 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

Welcoming the views submitted by Parties, other Government and relevant organizations regarding 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 and *acknowledging* the challenges in harmonizing the divergent views,

Welcoming also the recommendations by the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management regarding 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, in particular the implementation of a step-wise approach for this purpose that starts with the exchange of information,

10. *Urges* Parties and *invites* other Governments to submit to the Biosafety Clearing-House decisions and risk assessments where potential adverse effects have been identified, as well as any other relevant information that may assist Parties in 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, including information, if possible, when a decision is not taken due to the potential of a living modified organism to cause adverse effects when introduced into specific environments;

11. *Requests* the Executive Secretary to compile the information for consideration by the Parties at their sixth meeting;

IV. Identifying living modified organisms that are not likely to have adverse effects 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 7 (a) (i), to consider a modality that might enable the identification of living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, with a view to arriving at a decision in accordance with paragraph 4 of Article 7,

12. *Requests* Parties and *invites* other Governments and relevant organizations to submit to the Executive Secretary (i) information on risk assessments, carried out on a case-by-case basis with regards to the receiving environment of the living modified organism, that might assist Parties in the identification of living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and (ii) the criteria that were considered for the identification of such living modified organisms;

13. *Requests* the Executive Secretary to compile the information received and prepare a synthesis report for consideration by the Parties at their sixth meeting.

Annex

TERMS OF REFERENCE FOR THE OPEN-ENDED ONLINE FORUM AND AD HOC TECHNICAL EXPERT GROUP ON RISK ASSESSMENT AND RISK MANAGEMENT

Methodology

1. The open-ended online forum and the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management shall work primarily online to (i) revise and test the first version of the Guidance on the basis of the results of the scientific review process, the testing associated with capacity-building activities and any testing initiated by the Ad Hoc Technical Expert Group and organized by the Executive Secretary, and (ii) assess the overall applicability and utility of the Guidance to living modified organisms across different taxa and receiving environments, with the view to achieving the expected outcomes outlined below;

2. The Ad Hoc Technical Expert Group on Risk Assessment and Risk Management shall meet twice face-to-face prior to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

Expected outcomes

3. The open-ended online forum and the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management shall work together with the view to developing and achieving the following:

- (a) A revised version of the “Guidance on Risk Assessment of Living Modified Organisms”;
- (b) A mechanism, including criteria, for future updates of the lists of background materials;
- (c) Further guidance on new specific topics of risk assessment, selected on the basis of the priorities and needs by the Parties and taking into account the topics identified in the previous intersessional period;

Reporting

4. The open-ended online forum and the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management shall submit final reports detailing their activities, outcomes and recommendations for consideration by the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

BS-V/13. 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 and participation,

Welcoming the progress made by Parties and relevant organizations towards the implementation of Article 23 of the Protocol,

Recalling decision BS-IV/17 that decided 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,

Recalling the request for the Executive Secretary to prepare, taking into account submissions made by Parties, other Governments and relevant organizations, a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms,

Recognizing the need for a cohesive and focused approach to public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms,

Recognizing also the central role of the Biosafety Clearing-House in promoting public awareness, education and participation,

1. *Adopts* the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms, as contained in the annex to the present decision, to facilitate implementation of Article 23 of the Protocol;

2. *Invites* Parties, other Governments and relevant organizations, as appropriate, to make use of the programme of work to implement Article 23 of the Protocol and share their experiences and lessons learned through the Biosafety Clearing-House;

3. *Underlines* the importance of ensuring coherence among the programme of work and relevant activities of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and other relevant conventions and organisations to maximize opportunities for cooperation in the promotion of public awareness, education and participation concerning living modified organisms;

4. *Decides*, in the light of experiences gained by the Parties, to review the programme of work at its eighth meeting, within the available resources;

5. *Urges* developed country Parties and other Governments and relevant organizations to provide additional support to developing country Parties and Parties with economies in transition to implement relevant activities contained in the programme of work;

6. *Encourages* Parties to establish or make use of existing advisory committees on public awareness, education and participation concerning living modified organisms to provide advice and guidance on the implementation of the programme of work;

7. *Invites* the Executive Secretary to establish an online forum and other appropriate means to facilitate exchange of information and experiences on the implementation of the programme of work.

Annex

PROGRAMME OF WORK ON PUBLIC AWARENESS, EDUCATION AND PARTICIPATION CONCERNING THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS (2011-2015)

Programme element 1: Capacity-building for the promotion of public awareness, education and participation					
Goal: To strengthen the institutional and technical capacity of Parties to promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms					
<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
1.1 To put in place enabling legal and/or policy frameworks and mechanisms to facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms	<ul style="list-style-type: none"> • Improved understanding of the country needs and measures to address those needs • Improved national competence on issues related to public awareness, education and participation • Awareness built among decision makers on the importance of public participation in decision-making • Mechanisms/methodologies related to the inclusion of the public in the decision making processes related to LMOs established • Studies and/or surveys carried out to identify the needs of Parties with respect to public awareness, education and participation • Parties and other relevant 	<ul style="list-style-type: none"> • Number of Parties that have policy and legal frameworks on public awareness, education and participation in place • Number of Parties with outreach strategies and/or communication plans that are implemented 	(a) Take stock of and make use of existing regulatory frameworks, mechanisms and structures relevant to public awareness, education and participation concerning living modified organisms	Within year 1	<ul style="list-style-type: none"> • Parties (NFPs) • Relevant organizations
			(b) Assess the national needs with respect to public awareness, education and participation and identify measures to meet those needs	Within year 1	<ul style="list-style-type: none"> • Parties
			(c) Establish or strengthen legal and policy frameworks to facilitate public awareness and access to information	Within years 1-2	<ul style="list-style-type: none"> • Parties
			(d) Prepare and implement biosafety outreach strategies and/or communication plans	Within years 1-3	<ul style="list-style-type: none"> • Parties • Other Governments • Relevant organizations

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
	stakeholders are implementing biosafety outreach strategies/ communication plans <ul style="list-style-type: none"> National laws related to Article 23 in place 				
1.2 To establish institutional mechanisms to promote and facilitate public awareness, education and participation concerning living modified organisms	<ul style="list-style-type: none"> Functional administrative structures and arrangements are in place to facilitate public awareness, education and participation Institutional roles and responsibilities for public awareness, education and participation identified Institutional procedures and mechanisms for public access to biosafety information in place Capacity-building initiatives for developing administrative structures have been identified and established Increased understanding and collaboration with relevant international agreements and processes 	<ul style="list-style-type: none"> Number of Parties with units or departments and other institutional structures designated to promote public awareness, education and participation Number of Parties engaged in collaborative activities Number of Parties with well-functioning institutional mechanisms and/or with funding to improve institutional mechanisms 	(a) Designate contact points within national authorities responsible for promoting and overseeing public awareness, education and participation	Within year 1	<ul style="list-style-type: none"> Parties
			(b) Establish or make use of existing biosafety outreach units, information centres and other outreach services at the national level	Within years 2-3	<ul style="list-style-type: none"> Parties Relevant organizations
			(c) Establish or make use of existing advisory committees that include representatives from different sectors of the public, on public awareness, education and participation concerning living modified organisms	Within years 1-3	<ul style="list-style-type: none"> Parties
			(d) Promote collaboration with relevant international agreements and processes involved in public awareness, education and participation (e.g., the Aarhus Convention, the programme of work on communication, education and public awareness under the Convention on Biodiversity)	Ongoing	<ul style="list-style-type: none"> Parties Other Governments SCBD Relevant organizations
			(e) Mobilize financial resources to develop institutional capacity	Ongoing	<ul style="list-style-type: none"> Parties Other Governments SCBD Relevant organizations

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
1.3 To develop the professional capacity of personnel involved in promoting public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms	<ul style="list-style-type: none"> • Experts in biosafety education and communication identified and added to roster of experts • Increased number of biosafety educators and/or communicators at various levels • Support tools (including guidance toolkits, best practice handbooks, etc) widely available • Biosafety educators and communicators receiving ongoing professional support and guidance 	<ul style="list-style-type: none"> • Number of experts in biosafety education and communication nominated to roster of experts • Number of educational programmes, including academic courses, with components on biosafety • Number of training, guidance materials and other supportive activities to build professional capacity 	(a) Identify experts on biosafety education and communication and add them to the roster of experts	Ongoing	<ul style="list-style-type: none"> • Parties
			(b) Develop and deliver training programmes for biosafety educators and communicators at global, regional and national levels	Ongoing	<ul style="list-style-type: none"> • Parties • Educational institutions • Relevant organizations
			(c) Establish and/or use existing systems to facilitate the development and exchange of biosafety training and guidance materials on public awareness, education and participation, including toolkits, training aids and templates (e.g. using the BCH to facilitate the exchange)	Within years 2-4	<ul style="list-style-type: none"> • Parties • SCBD
			(d) Promote professional exchanges, collaboration and fellowship programmes for staff involved in promoting public awareness, education and participation	Within years 2-3; Ongoing	<ul style="list-style-type: none"> • Parties • Other Governments • Relevant organizations
			(e) Promote the effective use of media in promoting public awareness, education and participation, including developing national media strategies/plans, improving media coverage of biosafety issues, hold press-related activities and training	Within years 2-3; Ongoing	<ul style="list-style-type: none"> • Parties • Other Governments • Relevant organizations

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
1.4 To promote collaboration and sharing of experiences and resource materials on public awareness, education and participation concerning living modified organisms	<ul style="list-style-type: none"> Mechanisms for collaboration and sharing of experiences between countries and regions with regard to public awareness, education and participation in place Networks established to facilitate ongoing exchange of experiences and lessons learned Best practices and lessons learned of public participation documented and shared (e.g., through the Biosafety Information Resource Centre (BIRC) and national sources) Improved skills/knowledge on using tools to raise awareness 	<ul style="list-style-type: none"> Number of Parties making use of mechanisms and plans for exchange of experiences in public awareness, education and participation Number of case-studies and other materials on public awareness, education and participation produced and shared through the Biosafety Clearing-House Number of networks established and/or utilised to exchange information and materials Number of Parties and other 	(a) Identify, document and exchange through the BCH case-studies on best practices and lessons learned in promoting public awareness, education and participation concerning LMOs.	Within year 1; Ongoing	<ul style="list-style-type: none"> Parties Other Governments Relevant organizations SCBD
			(b) Use the BCH to exchange information on best practices and lessons learned in promoting public awareness, education and participation.	Ongoing	<ul style="list-style-type: none"> Parties Other Governments Relevant organizations
			(c) Share experiences on the use of different communication tools (e.g., printed material, radio and television programmes, newspapers and cultural performances for community outreach)	Ongoing	<ul style="list-style-type: none"> Parties Other Governments Relevant organizations
			(d) Establish and operationalize networks and organize forums, (e.g., online forums and listservs) to facilitate exchange of information, experiences and lessons learned on national approaches to public awareness, education, and public participation, (e.g., BCH, national nodes, regional or local)	Within years 2-5; Ongoing	<ul style="list-style-type: none"> Parties Regional bodies
			(e) Establish and/or use existing mechanisms to facilitate the development and exchange of biosafety educational and awareness materials adapted to local contexts	Within years 2-5	<ul style="list-style-type: none"> COP-MOP

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
		stakeholders in different sectors that are sharing information • Number of NGOs per country and region doing outreach work related to the Protocol	(f) Identify and promote possible synergies in the application, as appropriate, of relevant tools and information sharing mechanisms developed under other fora, such as the Almaty Amendment to the Aarhus Convention and the Lucca Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms	Within years 1-3 Ongoing	• Parties
			(g) Establish a register of non-governmental organisations doing outreach work closely related to the Protocol, such as in the BCH and its national nodes	Within years 1-2	• Parties • SCBD

Programme element 2: Public awareness and education

Goal: To promote broad public awareness and education of issues concerning the safe transfer, handling and use of living modified organisms

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
2.1. To promote public awareness concerning the safe transfer, handling and use of living modified organisms	<ul style="list-style-type: none"> • A survey report from Parties regarding the level of public awareness • National public-awareness plans and programmes • Agreements signed between the owners of copyrights and the Secretariat and interested Parties • System for dissemination of biosafety information established by Parties • Public awareness seminars and workshops held 	<ul style="list-style-type: none"> • Statistically meaningful number of responses from surveys by the end of 2011 • Number of national public awareness plans and programmes in place by the end of 2013 • Number of cooperation and coordination programmes and 	(a) Conduct baseline surveys to ascertain the level of public awareness and evaluate public awareness of the issues regarding LMOs. Parties may expand the survey based on national priorities and needs	Within year 1	<ul style="list-style-type: none"> • Parties • SCBD to develop the survey forms in different languages
			(b) Develop and implement public awareness plans and/or programmes, taking into account the survey results	Within year 3; Ongoing	<ul style="list-style-type: none"> • Parties • Relevant organisations
			(c) Carry out events and sessions for national coordination on public awareness with the participation of different national actors	Ongoing	<ul style="list-style-type: none"> • Parties • Civil society, industry, academia, etc. • SCBD

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
	<ul style="list-style-type: none"> Media is actively involved in public awareness and education on biosafety The Protocol and other biosafety materials translated into local languages Biosafety communication programmes using art and culture 	<ul style="list-style-type: none"> other activities in place Number of publications and other materials produced and disseminated Public availability of graphics and materials in the Biosafety Clearing-House Number of Parties that will have systems for dissemination of information in place by 2015 Number of seminars and workshops held Number of media activities implemented Number of Parties that have translated the Protocol and other materials in the official national and local languages 	<p>(d) Foster cooperation and coordination of public awareness and education activities with governments, organizations, UN agencies, civil society, industry, academia and the public</p> <p>(e) Produce and disseminate biosafety awareness materials (e.g., newsletters and information on laws), and copyright-free graphics tailored to specific target audiences and used in awareness and educational activities</p> <p>(f) Establish systems to facilitate timely announcement (e.g. in newspapers, town halls/public notice boards, public libraries, national websites and other means) of field trial and commercial releases of LMOs in accordance with national legislation</p> <p>(g) Organise public awareness seminars and workshops on biosafety for targeted audiences, including dissemination of presentations, materials</p> <p>(h) Encourage the use of media to promote awareness of biosafety</p> <p>(i) Translate the Protocol and biosafety awareness materials into national and local languages and/or using visual representation of the Protocol</p> <p>(j) Promote use of social communication strategies, e.g. art and culture</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Within years 2-3; Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Within year 3-5; Ongoing</p> <p>Ongoing</p>	<ul style="list-style-type: none"> Parties Civil society, industry, academia, etc. SCBD Parties, biosafety communication experts SCBD Parties, responsible authorities Parties, responsible authorities Relevant organizations Parties Media Parties Civil society Parties, relevant authorities Parties Educational institutions
2.2	To promote education concerning the	<ul style="list-style-type: none"> Biosafety issues integrated into school curricula Many academic institutions 	<ul style="list-style-type: none"> Number of school curricula that have included biosafety <p>(a) Integrate biosafety into the curricula and educational programmes for different levels of formal education</p>	<p>Within year 5; Ongoing</p>	<ul style="list-style-type: none"> Parties Educational institutions

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
safe transfer, handling and use of living modified organisms through formal academic institutions	<ul style="list-style-type: none"> offering programmes/courses on biosafety Educational packages, including e-learning modules, on biosafety made available to schools and the public, including for entertainment and networking purposes Libraries and educational institutions offer a wide range of educational materials and outreach activities on biosafety Civil society involved in promotion of biosafety awareness and education 	<ul style="list-style-type: none"> issues Number of academic programmes/courses including biosafety issues Number of e-learning modules developed Number of educational materials and packages on biosafety available Number of educational events in collaboration with educational institutions. 	(b) Encourage universities and other educational institutions to offer academic programmes, including continuing education courses, in biosafety and biosafety communication	Ongoing	<ul style="list-style-type: none"> Parties Educational institutions
			(c) Develop educational packages on biosafety for schools, informal education and research institutes to promote awareness and education on biosafety issues	Within years 2-5; Ongoing	<ul style="list-style-type: none"> Parties Educational institutions
			(d) Develop e-learning modules on biosafety for all educational levels	Within years 2-5; Ongoing	<ul style="list-style-type: none"> Educational institutions
			(e) Ensure that libraries of educational institutions offer a wide range of relevant educational materials and outreach activities on biosafety	Within years 3-5; Ongoing	<ul style="list-style-type: none"> Parties Educational institutions
			(f) Foster formal and informal collaboration partnership with educational institutions to raise awareness and establish joint educational activities.	Within years 3-5; Ongoing	<ul style="list-style-type: none"> Parties Civil society

Programme element 3. Public access to information

Goal: To improve public access to information concerning the safe transfer, handling and use of living modified organisms

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
3.1 To promote public access to accurate biosafety information in a broad, easy and timely manner, including through the Biosafety	<ul style="list-style-type: none"> Members of the public easily finding and accessing accurate biosafety information and educational materials through the Biosafety Clearing-House, national websites and other mechanisms 	<ul style="list-style-type: none"> Number of Parties with established procedures for public access to biosafety information Number of Parties with national Biosafety Clearing- 	(a) Inform the public of their right to access information under the Protocol in written, electronic and other formats	Ongoing	<ul style="list-style-type: none"> Parties Civil society SCBD
			(b) Inform the public about the available means of access to information in the Biosafety Clearing-House, the national nodes and other mechanisms	Ongoing	<ul style="list-style-type: none"> Parties SCBD
			(c) Establish and/or improve infrastructure	Within years 2-4;	<ul style="list-style-type: none"> Parties

Clearing-House, national websites and other mechanisms	<ul style="list-style-type: none"> The public receiving responses to requests for access to information of accurate biosafety information within reasonable time Information materials are accessible in various languages and in user-friendly formats Members of the public have access to multiple relevant online and offline biosafety information 	<p>House nodes or biosafety websites</p> <ul style="list-style-type: none"> Number of information materials available in different languages 	to facilitate open public access to biosafety information (e.g. national websites, national Biosafety Clearing-House nodes)	Ongoing	
			(d) Put in place information alert systems to advise the public about new available information	Within years 2-4	• Parties
			(e) Establish procedures to make biosafety information available to the public in accordance with the national laws and the obligations under the Protocol, including paragraph 6 of Article 21	Within year 1; Ongoing	• Parties • SBCD

Programme element 4. Public participation

Goal: To promote public participation in decision-making regarding living modified organisms

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
4.1 To establish mechanisms and procedures to consult and involve the public in the decision-making process regarding modified organisms and to	<ul style="list-style-type: none"> Mechanisms and entry points for public participation are identified and put in place The role of the public in the decision-making process is defined/ clarified The right of public participation in decision- 	<ul style="list-style-type: none"> Number of regulatory regimes containing clear reference to public participation Number of Parties with mechanisms for public participation 	(a) Establish or strengthen legal frameworks to facilitate public participation in decision-making regarding living modified organisms, taking into consideration confidential information	Within years 1–4	• Parties • Civil society
			(b) Establish institutional and administrative mechanisms to facilitate public participation in decision-making regarding living modified organisms	Within years 1-3	• Parties • Civil society

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
make the results of such decisions available to the public	<ul style="list-style-type: none"> making regarding LMOs guaranteed in national laws and the public is well informed about that right Timely and informed participation of the public in decision-making processes. Safeguards established to ensure regular, transparent and objective public consultation/ participation National biosafety laws guarantee the right public participation in decision-making regarding LMOs National biosafety laws require public notice and comment on applications regarding LMO imports and releases Funds allocated for public involvement in the decision making regarding LMOs The public support for the Protocol is broadened Parties and other stakeholders are proactively 	<ul style="list-style-type: none"> Number of Parties with a review mechanism for public participation, including outcomes of public consultations Number of individuals participating in discussion forums, platforms and other mechanisms set up Number of Parties that have involved the public in the development and review of their legal biosafety frameworks Number of Parties with dedicated budgets for public participation Number of Parties taking outcomes of public participation into consideration 	(c) Put in place mechanisms to notify the public, in a timely and effective manner, about planned public consultations and opportunities to participate in decision-making regarding new LMO applications (e.g., announcements on national websites, local newspapers, forums and mailing lists)	Within years 2-3	• Parties
			(d) Develop operating procedures to guide the public participation process	Within years 2-3;	• Parties • Civil society
			(e) Establish platforms (e.g. public hearings, e-forums, mailing lists) to facilitate public comments, feedback and appeals regarding applications for field trials and commercial releases	Within years 2-3; Ongoing	• Parties
			(f) Establish or strengthen mechanisms/bodies to monitor and foster regular, transparent and objective public consultation and participation	Within years 3-5; Ongoing	• Parties
			(g) Promote collaborative initiatives to train decision-makers on utilizing outcomes of public participation, including outlining the public inputs in decisions	Ongoing	• Parties
			(h) Make resources available for public involvement in the decision making process regarding LMOs	Ongoing	• Parties

<i>Operational objectives</i>	<i>Expected outcomes</i>	<i>Indicators</i>	<i>Suggested activities</i>	<i>Time frame</i>	<i>Actors</i>
	<p>engaging the public</p> <ul style="list-style-type: none"> • Comments and opinions from the public are adequately reflected/ considered in the decisions on LMOs • The public's input is made available in a timely matter • Public consultation is transparent, reliable, balanced and legally supported 	<p>in decision-making regarding LMOs</p> <ul style="list-style-type: none"> • Number of Parties conducting public consultations 	<p>(i) Inform the public of their right to participate in the decision-making processes regarding LMOs</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> • Parties

BS-V/14. Monitoring and reporting (Article 33)

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

Recalling decision BS-I/9 which requested Parties to submit their reports on a general frequency of every four years from the date of entry into force of the Protocol,

Taking note of the first national reports, which were due in September 2007,

Recalling also decision BS-IV/14 which requested 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,

Taking note of the recommendations of the Compliance Committee concerning national reporting,

1. *Welcomes* the reporting format annexed hereto and *requests* the Executive Secretary to make the final format available through the Biosafety Clearing-House and in Microsoft Word format;

2. *Requests* Parties to use the reporting format for the preparation of their second national report or, in the case of Parties submitting their national report for the first time, to use it for their first national report on the implementation of their obligations under the Cartagena Protocol on Biosafety;

3. *Requests* Parties to submit to the Secretariat their second national report on the implementation of the Cartagena Protocol on Biosafety:

(a) In an official language of the United Nations;

(b) Through the Biosafety Clearing-House, or in the Microsoft Word form that will be made available by the Secretariat for this purpose duly signed by the national focal point;

4. *Encourages* Parties to respond to all questions in the reporting format including questions that do not necessarily represent obligations under the Protocol but are considered to be useful to gather information that facilitates the establishment of baselines for subsequent assessment and review processes of the effectiveness of the Protocol as well as measuring the achievement of the Strategic Plan adopted at the present meeting;

5. *Reiterates* its recommendation to Parties to prepare their reports through a consultative process involving all relevant stakeholders, as appropriate;

6. *Encourages* Parties to give priority, as appropriate, to national reporting when seeking funding from the Global Environment Facility;

7. *Encourages* Parties that encounter difficulty in the timely completion of their reporting obligations to seek assistance from the Secretariat or the Compliance Committee, and use, as appropriate, national experts and experts from the roster of biosafety experts;

8. *Requests* the Executive Secretary to:

(a) Consider adjusting the reporting format of the third and subsequent national reports, and make the format available to the appropriate meeting of the Parties to the Protocol, with a view to relating the national reports to the strategic priorities of the Protocol by limiting subsequent reporting to:

- (i) Questions that require regular updating; and
- (ii) Questions relating to priority areas applicable to the reporting period as indicated in the Strategic Plan and the programme of work and as determined by the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(b) Send confidential reminders to the national focal points of individual Parties that do not submit their national report of their obligation to do so;

(c) Organize an online forum, or, subject to the availability of funds, regional or subregional workshops on national reporting with a view to assist Parties in the preparation of their national reports and exchange best practices and experience on the fulfillment of the monitoring and reporting obligations under the Protocol; and

(d) Take into account, in setting the date of submission of the second national reports in accordance with paragraph 5 of decision BS-I/9, the time constraint that developing country Parties might face due to limited capacity;

9. *Noting* that some Parties to the Convention that are not yet Parties to the Protocol have submitted first national reports, *invites* non-Parties to share their experiences and information on their biosafety-related regulatory and administrative measures by submitting national reports.

Annex

**Format for the Second National Reports
on the Implementation of the Cartagena Protocol on Biosafety**

GUIDELINES FOR USE OF THE REPORTING FORMAT

The following format for preparation of the second national report on implementation of the Cartagena Protocol on Biosafety called for under Article 33 of the Protocol is a series of questions based on those requirements of the Protocol as well as questions that relate to indicators of the Strategic Plan.

Responses to these questions will help Parties to review the extent to which they are successfully implementing the provisions of the Protocol and will assist the Conference of the Parties serving as the meeting of the Parties to the Protocol to assess the overall status of implementation of the Protocol.

Questions highlighted in grey may not strictly be based on provisions of the Cartagena Protocol on Biosafety or the decisions of the Parties to the Protocol. They are included in this reporting format only to help draw a baseline for the assessment and review of the Protocol in the context of Article 35 and to help measure progress in the implementation of the Strategic Plan of the Protocol.

The deadline for submission of the second national report is no less than 12 months prior to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It is intended to cover activities undertaken between the presentation of the first national report (or the entry into force of the Protocol for reporting Parties that ratified or acceded to the Protocol after 11 September 2007) and the date of reporting for the second national report.

For subsequent national reports, the format is expected to evolve, as questions that are no longer relevant may be deleted, questions that are relevant to ongoing progress in implementation will be retained, and additional questions will be formulated pursuant to future decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

The wording of questions follows the wording of the relevant articles of the Protocol as closely as possible. The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol.

The format tries to minimize the reporting burden on Parties, while eliciting the important information regarding implementation of the provisions of the Protocol. Most of the questions asked require only a tick in one or more boxes and for each article, a text field allows the provision of further details on its implementation. Although there is no set limit on the length of text, in order to assist with the review and synthesis of the information in the reports, respondents are asked to ensure that answers are as relevant and as succinct as possible.

The Executive Secretary welcomes any comments on the adequacy of the questions, and difficulties in completing the questions, and any further recommendations on how these reporting guidelines could be improved. Space is provided for such comments at the end of the report.

It is recommended that Parties involve all relevant stakeholders in the preparation of the report, in order to ensure a participatory and transparent approach to its development and the accuracy of the information requested.

The form is also available on the BCH for completion electronically at the following address: <http://bch.cbd.int/managementcentre/edit/CPBnationalreport2.shtml>

IMPORTANT: To facilitate the analysis of the information contained in this report, it is recommended that Parties submit the report through the Biosafety Clearing-House or as an attachment to an e-mail in MS Word format, together with a scanned copy of the first signed page, to the Secretariat at: secretariat@cbd.int

**Second National Report
on the Implementation of the Cartagena Protocol on Biosafety**

Origin of report

1. **Country:** [**Type your text here**]

Contact officer for report

2. Name of contact officer: [**Type your text here**]

3. Title of contact officer: [**Type your text here**]

4. Organization [**Type your text here**]

5. Mailing address: [**Type your text here**]

6. Telephone: [**Type your text here**]

7. Fax: [**Type your text here**]

8. E-mail: [**Type your text here**]

9. Organizations/stakeholders who were consulted or participated in the preparation of this report: [**Type your text here**]

Submission

10. Date of submission: [**Type your text here**]

11. Time period covered by this report: [**Type your text here**]

Signature of the reporting officer¹ _____

¹ This document is made available as a protected form in MS Word format for further processing of the information contained therein by the CBD Secretariat. Only text entries and checkboxes are changeable. Once the document is filled in, please save it and print this first page for signature. The form is also available on the BCH for completion electronically at: <http://bch.cbd.int/managementcentre/edit/CPBnationalreport2.shtml>

<p>IMPORTANT: To facilitate the analysis of the information contained in this reports, please send the report to the Secretariat via e-mail at secretariat@cbd.int as attachment in MS Word format, together with a scanned copy of the first signed page; please <i>do not</i> send this report via fax or postal mail or in electronic formats other than MS Word.</p>

12. Is your country a Party to the Cartagena Protocol on Biosafety (CPB)?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
13. If you answered <i>No</i> to question 12, is there any national process in place towards becoming a Party?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
14. Here you may provide further details:		
	[Type your text here]	

Article 2 – General provisions

15. Has your country introduced the necessary legal, administrative and other measures for the implementation of the Protocol?	<input type="checkbox"/>	A domestic regulatory framework is fully in place
	<input type="checkbox"/>	A domestic regulatory framework is partially in place
	<input type="checkbox"/>	Only temporary measures have been introduced
	<input type="checkbox"/>	Only a draft framework exists
	<input type="checkbox"/>	No measures have yet been taken
16. Which specific instruments are in place for the implementation of your national biosafety framework?	<input type="checkbox"/>	One or more national biosafety laws
	<input type="checkbox"/>	One or more national biosafety regulations
	<input type="checkbox"/>	One or more sets of biosafety guidelines
	<input type="checkbox"/>	Other laws, regulations or guidelines that indirectly apply to biosafety
	<input type="checkbox"/>	No instruments are in place

17. Has your country established a mechanism for the budgetary allocations of funds for the operation of its national biosafety framework?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
18. Does your country have permanent staff to administer functions directly related to the national biosafety framework?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
19. If you answered <i>Yes</i> to question 18, how many permanent staff members are in place whose functions are directly related to the national biosafety framework?	<input type="checkbox"/>	One
	<input type="checkbox"/>	Less than 5
	<input type="checkbox"/>	Less than 10
	<input type="checkbox"/>	More than 10
	<input type="checkbox"/>	Not applicable
20. Has your country's biosafety framework / laws / regulations / guidelines been submitted to the Biosafety Clearing-House (BCH)?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Partially
	<input type="checkbox"/>	No
21. Here you may provide further details on the implementation of Article 2 in your country: [Type your text here]		
Article 5 – Pharmaceuticals		
22. Does your country regulate the transboundary movement, handling and use of living modified organisms (LMOs) which are pharmaceuticals?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Yes, to some extent
	<input type="checkbox"/>	No
23. If you answered <i>Yes</i> to question 22, has this information been submitted to the BCH?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Partially
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
24. Here you may provide further details on the implementation of Article 5 in your country: [Type your text here]		

Article 6 – Transit and Contained use

- | | | |
|-------------------------------------------------------------------------------------------------------|--------------------------|----------------|
| 25. Does your country regulate the transit of LMOs? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
| <hr/> | | |
| 26. Does your country regulate the contained use of LMOs? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
| <hr/> | | |
| 27. If you answered <i>Yes</i> to questions 25 or 26, has this information been submitted to the BCH? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | Partially |
| | <input type="checkbox"/> | No |
| | <input type="checkbox"/> | Not applicable |
| <hr/> | | |
| 28. Here you may provide further details on the implementation of Article 6 in your country: [| Type your text here |] |
-

Articles 7 to 10: Advance Informed Agreement (AIA) and intentional introduction of LMOs into the environment

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------|
| 29. Has your country adopted law(s) / regulations / administrative measures for the operation of the AIA procedure of the Protocol? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
| <hr/> | | |
| 30. Has your country adopted a domestic regulatory framework consistent with the Protocol regarding the transboundary movement of LMOs for intentional introduction into the environment? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
| <hr/> | | |
| 31. Has your country established a mechanism for taking decisions regarding first intentional transboundary movements of LMOs for intentional introduction into the environment? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
| <hr/> | | |
| 32. If you answered <i>Yes</i> to question 31, does the mechanism also apply to cases of intentional introduction of LMOs into the environment that were not subject to transboundary movement? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
| | <input type="checkbox"/> | Not applicable |
| <hr/> | | |
| 33. Has your country established a mechanism for monitoring potential effects of LMOs that are released into the environment? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
-

34. Does your country have the capacity to detect and identify LMOs?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Yes, to some extent
	<input type="checkbox"/>	No
35. Has your country established legal requirements for exporters under its jurisdiction to notify in writing the competent national authority of the Party of import prior to the intentional transboundary movement of an LMO that falls within the scope of the AIA procedure?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
36. Has your country established legal requirements for the accuracy of information contained in the notification?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
37. Has your country ever received an application / notification regarding intentional transboundary movements of LMOs for intentional introduction into the environment?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
38. Has your country ever taken a decision on an application / notification regarding intentional transboundary movements of LMOs for intentional introduction into the environment?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
39. If you answered <i>Yes</i> to question 38, how many LMOs has your country approved to date for import for intentional introduction into the environment?	<input type="checkbox"/>	None
	<input type="checkbox"/>	Less than 5
	<input type="checkbox"/>	Less than 10
	<input type="checkbox"/>	More than 10
	<input type="checkbox"/>	Not applicable

40. If you answered <i>Yes</i> to question 38, how many LMOs, not imported, has your country approved to date for intentional introduction into the environment?	<input type="checkbox"/> None <input type="checkbox"/> Less than 5 <input type="checkbox"/> Less than 10 <input type="checkbox"/> More than 10 <input type="checkbox"/> Not applicable
41. In the current reporting period, how many applications/notifications has your country received regarding intentional transboundary movements of LMOs for intentional introduction into the environment?	<input type="checkbox"/> None <input type="checkbox"/> Less than 5 <input type="checkbox"/> Less than 10 <input type="checkbox"/> More than 10
42. In the current reporting period, how many decisions has your country taken regarding intentional transboundary movements of LMOs for intentional introduction into the environment?	<input type="checkbox"/> None <input type="checkbox"/> Less than 5 <input type="checkbox"/> Less than 10 <input type="checkbox"/> More than 10
<i>If you replied <u>None</u> to question 42 please go to question 50</i>	
43. With reference to the decisions taken on intentional transboundary movements of LMOs for intentional introduction into the environment, has your country received a notification from the Party(ies) of export or from the exporter(s) prior to the transboundary movement?	<input type="checkbox"/> Yes, always <input type="checkbox"/> In some cases only <input type="checkbox"/> No
44. Did the notifications contain complete information (at a minimum the information specified in Annex I of the Cartagena Protocol on Biosafety)?	<input type="checkbox"/> Yes, always <input type="checkbox"/> In some cases only <input type="checkbox"/> No <input type="checkbox"/> Not applicable

45. Has your country acknowledged receipt of the notifications to the notifier within ninety days of receipt?	<input type="checkbox"/> Yes, always <input type="checkbox"/> In some cases only <input type="checkbox"/> No <input type="checkbox"/> Not applicable
46. Has your country informed the notifier(s) and the BCH of its decision(s)?	<input type="checkbox"/> Yes, always <input type="checkbox"/> In some cases only <input type="checkbox"/> In some cases only the notifier <input type="checkbox"/> In some cases only the BCH <input type="checkbox"/> No <input type="checkbox"/> Not applicable
47. Has your country informed the notifier(s) and the BCH of its decision(s) in due time (within 270 days or the period specified in your communication to the notifier)?	<input type="checkbox"/> Yes, always <input type="checkbox"/> In some cases only <input type="checkbox"/> No <input type="checkbox"/> Not applicable
48. What percentage of your country's decisions fall into the following categories?	<input type="checkbox"/> [%] Approving the import without conditions <input type="checkbox"/> [%] Approving the import with conditions <input type="checkbox"/> [%] Prohibiting the import <input type="checkbox"/> [%] Requesting additional information <input type="checkbox"/> [%] Extending the period for the communication of the decision <input type="checkbox"/> Not applicable

-
- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49. In cases where your country approved an import with conditions or prohibited an import, did it provide reasons on which its decisions were based to the notifier and the BCH? | <input type="checkbox"/> Yes, always
<input type="checkbox"/> In some cases only
<input type="checkbox"/> In some cases only to the notifier
<input type="checkbox"/> In some cases only to the BCH
<input type="checkbox"/> No
<input type="checkbox"/> Not applicable |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
-

50. Here you may provide further details on the implementation of Articles 7-10 in your country, including measures in case of lack of scientific certainty on potential adverse effects of LMOs for intentional introduction to the environment:

[Type your text here]

**Article 11 – Procedure for living modified organisms
intended for direct use as food or feed, or for processing (LMOs-FFP)**

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 51. Has your country adopted specific law(s) or regulation(s) for decision-making regarding domestic use, including placing on the market, of LMOs-FFP? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
| 52. Has your country established legal requirements for the accuracy of information to be provided by the applicant? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
| 53. Has your country established a mechanism to ensure that decisions regarding LMOs-FFP that may be subject to transboundary movement will be communicated to the Parties through the BCH? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
| 54. Has your country established a mechanism for taking decisions on the import of LMOs-FFP? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
| 55. Has your country declared through the BCH that in the absence of a regulatory framework its decisions prior to the first import of an LMO-FFP will be taken according to Article 11.6 of the Cartagena Protocol on Biosafety? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
-

-
56. Has your country indicated its needs for financial and technical assistance and capacity-building in respect of LMOs-FFP? Yes
 No
-

57. Has your country ever taken a decision on LMOs-FFP (either on import or domestic use)? Yes
 No
-

If you replied No to question 57 please go to question 63

58. How many LMOs-FFP has your country approved to date? None
 Less than 5
 Less than 10
 More than 10
 Not applicable
-

59. In the current reporting period, how many decisions has your country taken regarding the import of LMOs-FFP? None
 Less than 5
 Less than 10
 More than 10
-

60. In the current reporting period, how many decisions has your country taken regarding domestic use, including placing on the market, of LMOs-FFP? None
 Less than 5
 Less than 10
 More than 10
-

If you replied None to both questions 59 and 60 please go to question 63

61. Has your country informed the Parties through the BCH of its decision(s) regarding import, of LMOs-FFP? Yes, always
 In some cases only
 No
-

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 74. If you answered <i>Yes</i> to question 73, has your country informed the Parties through the BCH of the cases where the simplified procedure applies? | <input type="checkbox"/> Yes, always
<input type="checkbox"/> In some cases only
<input type="checkbox"/> No
<input type="checkbox"/> Not applicable |
| 75. In the current reporting period, how many LMOs has your country applied the simplified procedure to? | <input type="checkbox"/> None
<input type="checkbox"/> Less than 5
<input type="checkbox"/> More than 5 |
| 76. Here you may provide further details on the implementation of Article 13 in your country: [Type your text here] | |

Article 14 – Bilateral, regional and multilateral agreements and arrangements

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 77. Has your country entered into any bilateral, regional or multilateral agreements or arrangements? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
| 78. If you answered <i>Yes</i> to question 77, has your country informed the Parties through the BCH of the agreements or arrangements? | <input type="checkbox"/> Yes, always
<input type="checkbox"/> In some cases only
<input type="checkbox"/> No
<input type="checkbox"/> Not applicable |
| 79. If you answered <i>Yes</i> to question 77, please provide a brief description of the scope and objective of the agreements or arrangements entered into: [Type your text here] | |
| 80. Here you may provide further details on the implementation of Article 14 in your country: [Type your text here] | |

Articles 15 – Risk assessment

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 81. Has your country established a mechanism for conducting risk assessments prior to taking decisions regarding LMOs? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |
| 82. If you answered <i>Yes</i> to question 81, does this mechanism include procedures for identifying experts to conduct the risk assessments? | <input type="checkbox"/> Yes
<input type="checkbox"/> No |

83. Has your country established guidelines for how to conduct risk assessments prior to taking decisions regarding LMOs?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
84. Has your country acquired the necessary domestic capacity to conduct risk assessment?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
85. Has your country established a mechanism for training national experts to conduct risk assessments?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
86. Has your country ever conducted a risk assessment of an LMO for intentional introduction into the environment?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
87. Has your country ever conducted a risk assessment of an LMO intended for direct use as food or feed, or for processing?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
88. If your country has taken decision(s) on LMOs for intentional introduction into the environment or on domestic use of LMOs-FFP, were risk assessments conducted for all decisions taken?	<input type="checkbox"/>	Yes, always
	<input type="checkbox"/>	In some cases only
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
89. Has your country submitted summary reports of the risk assessments to the BCH?	<input type="checkbox"/>	Yes, always
	<input type="checkbox"/>	In some cases only
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
90. In the current reporting period, if your country has taken decisions regarding LMOs, how many risk assessments were conducted in the context of these decisions?	<input type="checkbox"/>	None
	<input type="checkbox"/>	5 or less
	<input type="checkbox"/>	10 or less
	<input type="checkbox"/>	More than 10

	<input type="checkbox"/>	Yes, always
91. Has your country ever required the exporter to conduct the risk assessment(s)?	<input type="checkbox"/>	In some cases only
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
	<input type="checkbox"/>	Yes, always
92. Has your country ever required the notifier to bear the cost of the risk assessment(s) of LMOs?	<input type="checkbox"/>	In some cases only
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
93. Here you may provide further details on the implementation of Article 15 in your country: [Type your text here	
]	

Article 16 – Risk management

94. Has your country established and maintained appropriate and operational mechanisms, measures and strategies to regulate, manage and control risks identified in risk assessments for:	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Yes, to some extent
(i) LMOs for intentional introduction into the environment?	<input type="checkbox"/>	No
	<input type="checkbox"/>	Yes
(ii) LMOs intended for direct use as food or feed, or for processing?	<input type="checkbox"/>	Yes, to some extent
	<input type="checkbox"/>	No
95. Has your country established and maintained appropriate measures to prevent unintentional transboundary movements of LMOs?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Yes, to some extent
	<input type="checkbox"/>	No
96. Has your country taken measures to ensure that any LMO, whether imported or locally developed, undergoes an appropriate period of observation that is commensurate with its life-cycle or generation time before it is put to its intended use?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

97. Has your country cooperated with other Parties with a view to identifying LMOs or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity?
- Yes
- No

98. Has your country cooperated with other Parties with a view to taking measures regarding the treatment of LMOs or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity?
- Yes
- No

99. Here you may provide further details on the implementation of Article 16 in your country, including any details regarding risk management strategies, also in case of lack of scientific certainty on potential adverse effects of LMOs:

[Type your text here]

Article 17 – Unintentional transboundary movements and emergency measures

100. Has your country made available to the BCH the relevant details setting out its point of contact for the purposes of receiving notifications under Article 17?
- Yes
- No

101. Has your country established a mechanism for addressing emergency measures in case of unintentional transboundary movements of LMOs that are likely to have significant adverse effect on biological diversity?
- Yes
- No

102. Has your country implemented emergency measures in response to information about releases that led, or may have led, to unintentional transboundary movements of LMOs?
- Yes
- No

103. In the current reporting period, how many times has your country received information concerning occurrences that led, or may have led, to unintentional transboundary movement(s) of one or more LMOs to or from territories under its jurisdiction?
- Never
- Less than 5
- Less than 10
- More than 10

If you replied Never to question 103 please go to question 107

109. Has your country taken measures to require that documentation accompanying LMOs-FFP clearly identifies that, in cases where the identity of the LMOs is *not known* through means such as identity preservation systems, they *may contain* living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for further information?

Yes
 Yes, to some extent
 No

110. Has your country taken measures to require that documentation accompanying LMOs-FFP clearly identifies that, in cases where the identity of the LMOs *is known* through means such as identity preservation systems, they *contain* living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for further information?

Yes
 Yes, to some extent
 No

111. Has your country taken measures to require that documentation accompanying LMOs that are destined for *contained use* clearly identifies them as *living modified organisms* and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the LMO are consigned?

Yes
 Yes, to some extent
 No

112. Has your country taken measures to require that documentation accompanying LMOs that are *intended for intentional introduction into the environment* of the Party of import, clearly identifies them as *living modified organisms*; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter?

Yes
 Yes, to some extent
 No

113. Does your country have the capacity to enforce the requirements of identification and documentation of LMOs?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Yes, to some extent
	<input type="checkbox"/>	No
114. Has your country established procedures for the sampling and detection of LMOs?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Yes, to some extent
	<input type="checkbox"/>	No
115. Here you may provide further details on the implementation of Article 18 in your country: [<input type="text"/> Type your text here <input type="text"/>]		
Article 19 – Competent National Authorities and National Focal Points		
116. Has your country designated one <i>national focal point for the Cartagena Protocol</i> to be responsible for liaison with the Secretariat?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
117. Has your country designated one <i>national focal point for the Biosafety Clearing-House</i> to liaise with the Secretariat regarding issues of relevance to the development and implementation of the BCH?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
118. Has your country designated one or more <i>competent national authorities</i> , which are responsible for performing the administrative functions required by the Cartagena Protocol on Biosafety and are authorized to act on your country's behalf with respect to those functions?	<input type="checkbox"/>	Yes, one
	<input type="checkbox"/>	Yes, more than one
	<input type="checkbox"/>	No
119. In case your country designated more than one <i>competent national authority</i> , has your country conveyed to the Secretariat the respective responsibilities of those authorities?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
120. Has your country made available the required information referred in questions 116-119 to the BCH?	<input type="checkbox"/>	Yes, all information
	<input type="checkbox"/>	Yes, some information
	<input type="checkbox"/>	No

121. In case your country has designated more than one <i>competent national authority</i> , has your country established a mechanism for the coordination of their actions prior to taking decisions regarding LMOs?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
	<input type="checkbox"/>	Not applicable
122. Has your country established adequate institutional capacity to enable the <i>competent national authority(ies)</i> to perform the administrative functions required by the Cartagena Protocol on Biosafety?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	Yes, to some extent
	<input type="checkbox"/>	No
123. Here you may provide further details on the implementation of Article 19 in your country: [<input type="text" value="Type your text here"/>]		

Article 20 – Information Sharing and the Biosafety Clearing-House (BCH)

124. Please provide an overview of the status of the information provided by your country to the BCH by specifying for each category of information whether it is available and whether it has been submitted to the BCH.	
a. Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20, paragraph 3 (a))	<input type="checkbox"/> Information available and in the BCH
	<input type="checkbox"/> Information available but not in the BCH
	<input type="checkbox"/> Information available but only partially available in the BCH
	<input type="checkbox"/> Information not available
b. National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11, paragraph 5)	<input type="checkbox"/> Information available and in the BCH
	<input type="checkbox"/> Information available but not in the BCH
	<input type="checkbox"/> Information available but only partially available in the BCH
	<input type="checkbox"/> Information not available

c. Bilateral, multilateral and regional agreements and arrangements (Articles 14, paragraph 2 and 20, paragraph 3 (b))	<input type="checkbox"/> Information available and in the BCH <input type="checkbox"/> Information available but not in the BCH <input type="checkbox"/> Information available but only partially available in the BCH <input type="checkbox"/> Information not available
d. Contact details for competent national authorities (Article 19, paragraphs 2 and 3), national focal points (Article 19, paragraphs 1 and 3), and emergency contacts (Article 17, paragraph 3 (e))	<input type="checkbox"/> Information available and in the BCH <input type="checkbox"/> Information available but not in the BCH <input type="checkbox"/> Information available but only partially available in the BCH <input type="checkbox"/> Information not available
e. Reports submitted by the Parties on the operation of the Protocol (Article 20, paragraph 3 (e))	<input type="checkbox"/> Information available and in the BCH <input type="checkbox"/> Information available but not in the BCH <input type="checkbox"/> Information available but only partially available in the BCH <input type="checkbox"/> Information not available
f. Decisions by a Party on regulating the transit of specific living modified organisms (LMOs) (Article 6, paragraph 1)	<input type="checkbox"/> Information available and in the BCH <input type="checkbox"/> Information available but not in the BCH <input type="checkbox"/> Information available but only partially available in the BCH <input type="checkbox"/> Information not available

	<input type="checkbox"/>	Information available and in the BCH
g. Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17, paragraph 1)	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
	<hr/>	
h. Illegal transboundary movements of LMOs (Article 25, paragraph 3)	<input type="checkbox"/>	Information available and in the BCH
	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
<hr/>		
i. Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Articles 10, paragraph 3 and 20, paragraph 3(d))	<input type="checkbox"/>	Information available and in the BCH
	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
<hr/>		
j. Information on the application of domestic regulations to specific imports of LMOs (Article 14, paragraph 4)	<input type="checkbox"/>	Information available and in the BCH
	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available

	<input type="checkbox"/>	Information available and in the BCH
k. Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11, paragraph 1)	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
	<input type="checkbox"/>	Information available and in the BCH
l. Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11, paragraph 4) or in accordance with Annex III (Article 11, paragraph 6) (requirement of Article 20, paragraph 3(d))	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
	<input type="checkbox"/>	Information available and in the BCH
m. Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11, paragraph 6)	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
n. Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12, paragraph 1)	<input type="checkbox"/>	Information available and in the BCH
	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available

o. LMOs granted exemption status by each Party (Article 13, paragraph 1)	<input type="checkbox"/>	Information available and in the BCH
	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
p. Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13, paragraph 1)	<input type="checkbox"/>	Information available and in the BCH
	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
q. Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20, paragraph 3 (c))	<input type="checkbox"/>	Information available and in the BCH
	<input type="checkbox"/>	Information available but not in the BCH
	<input type="checkbox"/>	Information available but only partially available in the BCH
	<input type="checkbox"/>	Information not available
125. Has your country established a mechanism for strengthening the capacity of the BCH National Focal Point to perform its administrative functions?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No
126. Has your country established a mechanism for the coordination among the BCH National Focal Point, the Cartagena Protocol focal point, and the competent national authority(ies) for making information available to the BCH?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

-
136. If you answered *Yes* to question 135, how were these resources made available?
- Bilateral channels
- Regional channels
- Multilateral channels
- Not applicable
-

137. Has your country provided support to other Parties in the development and/or strengthening of human resources and institutional capacities in biosafety?
- Yes
- No
-

138. If you answered *Yes* to question 137, how were these resources made available?
- Bilateral channels
- Regional channels
- Multilateral channels
- Not applicable
-

139. Is your country eligible to receive funding from the Global Environment Facility (GEF)?
- Yes
- No
-

If you replied No to question 139 please go to question 143

140. Has your country ever initiated a process to access GEF funds for building capacity in biosafety?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

141. If you answered <i>Yes</i> to question 140, how would you characterize the process?	<input type="checkbox"/>	Very easy
	<input type="checkbox"/>	Easy
	<input type="checkbox"/>	Average
	<input type="checkbox"/>	Difficult
	<input type="checkbox"/>	Very difficult

Please add further details about your experience in accessing GEF funds under question 150.

142. Has your country ever received funding from the Global Environment Facility (GEF) for building capacity in biosafety?	<input type="checkbox"/>	Pilot Biosafety Enabling Activity
	<input type="checkbox"/>	Development of National Biosafety Frameworks
	<input type="checkbox"/>	Implementation of National Biosafety Frameworks
	<input type="checkbox"/>	Building Capacity for Effective Participation in the BCH (Phase I)
	<input type="checkbox"/>	Building Capacity for Effective Participation in the BCH (Phase II)
	<input type="checkbox"/>	None of the above

143. During the current reporting period, has your country undertaken activities for the development and/or strengthening of human resources and institutional capacities in biosafety?	<input type="checkbox"/>	Yes
	<input type="checkbox"/>	No

144. If you answered *Yes* to question 143, in which of the following areas were these activities undertaken?

- Institutional capacity
 - Human resources capacity development and training
 - Risk assessment and other scientific and technical expertise
 - Risk management
 - Public awareness, participation and education in biosafety
 - Information exchange and data management including participation in the Biosafety Clearing-House
 - Scientific, technical and institutional collaboration at subregional, regional and international levels
 - Technology transfer
 - Identification of LMOs, including their detection
 - Socio-economic considerations
 - Implementation of the documentation requirements under Article 18.2 of the Protocol
 - Handling of confidential information
 - Measures to address unintentional and/or illegal transboundary movements of LMOs
 - Scientific biosafety research relating to LMOs
 - Taking into account risks to human health
 - Other: <Text entry>
 - Not applicable
-

-
- | | | |
|--------------------------------------------------------------------------------------------------------------|--------------------------|-----|
| 145. During the current reporting period, has your country carried out a capacity-building needs assessment? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | No |
-
- | | | |
|------------------------------------------------------------|--------------------------|------------|
| 146. Does your country still have capacity-building needs? | <input type="checkbox"/> | Yes |
| | <input type="checkbox"/> | Yes, a few |
| | <input type="checkbox"/> | No |
-

147. If you answered *Yes* to question 146, indicate which of the following areas still need capacity-building.

- Institutional capacity
 - Human resources capacity development and training
 - Risk assessment and other scientific and technical expertise
 - Risk management
 - Public awareness, participation and education in biosafety
 - Information exchange and data management including participation in the Biosafety Clearing-House
 - Scientific, technical and institutional collaboration at subregional, regional and international levels
 - Technology transfer
 - Identification of LMOs, including their detection
 - Socio-economic considerations
 - Implementation of the documentation requirements under Article 18.2 of the Protocol
 - Handling of confidential information
 - Measures to address unintentional and/or illegal transboundary movements of LMOs
 - Scientific biosafety research relating to LMOs
 - Taking into account risks to human health
 - Other: <Text entry>
 - Not applicable
-

148. Has your country developed a capacity-building strategy or action plan? Yes
 No

149. Has your country submitted the details of national biosafety experts to the Roster of Experts in the BCH? Yes
 No

150. Here you may provide further details on the implementation of Article 22 in your country, including further details about your experience in accessing GEF funds:

[Type your text here]

Article 23 – Public awareness and participation

151. Has your country established a strategy or put in place legislation for promoting and facilitating public awareness, education and participation concerning the safe transfer, handling and use of LMOs? Yes
 Yes, to some extent
 No

152. Has your country established a biosafety website? Yes
 No

153. Has your country established a mechanism to ensure public access to information on living modified organisms that may be imported? Yes
 Yes, to a limited extent
 No

154. Has your country established a mechanism to consult the public in the decision-making process regarding LMOs? Yes
 Yes, to a limited extent
 No

155. Has your country established a mechanism to make available to the public the results of decisions taken on LMOs? Yes
 Yes, to a limited extent
 No

156. Has your country taken any initiative to inform its public about the means of public access to the Biosafety Clearing-House? Yes
 No

178. Here you may provide further details on the implementation of Article 26 in your country: [Type your text here]

Article 27 – Liability and Redress

179. Has your country signed the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress? Yes

No

180. Has your country initiated steps towards ratification, acceptance or approval of the Nagoya-Kuala Lumpur Supplementary Protocol? Yes

No

181. Here you may provide further details on any activities undertaken in your country towards the implementation of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress:

[Type your text here]

Article 33 – Monitoring and reporting

182. Has your country submitted the previous national reports (Interim and First National Reports)? Yes

Yes, Interim report only

Yes, First report only

No

Not applicable

183. If your country did not submit previous reports, indicate the main challenges that hindered the submission

- Lack of financial resources to gather the necessary information
- Lack of relevant information at the national level
- Difficulty in compiling the information from various sectors
- No obligation to submit (e.g. country was not a Party at the time)
- Other, please specify [Type your text here]
- Not applicable

Other information

184. Please use this field to provide any other information on issues related to national implementation of the Protocol, including any obstacles or impediments encountered.

[Type your text here]

Comments on reporting format

185. Please use this field to provide any other information on difficulties that you have encountered in filling in this report.

[Type your text here]

BS-V/15. *Assessment and review (Article 35)*

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

Recalling Article 35 of the Protocol which requires the evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes, to be undertaken at least every five years,

Recognizing that the first assessment and review, which was to be conducted in 2008, could not lead to a meaningful evaluation of the effectiveness of the Protocol due to the absence of a methodological approach and lack of sufficient experience in the implementation of the Protocol,

Recalling decision BS-IV/15 which requested the Executive Secretary to develop a methodological approach, draft criteria or indicators that could contribute to an effective second assessment and review of the Protocol,

1. *Decides:*

(a) That the scope of the second assessment and review of the effectiveness of the Protocol focus primarily on evaluating the status of implementation of core elements of the Protocol as identified in the annex below;

(b) That the evaluation should be based on information on the implementation of the Protocol gathered through the second national reports, the Biosafety Clearing-House, information that might be made available through the Compliance Committee in relation to its functions to review general issues of compliance, the capacity-building coordination mechanism and other relevant processes and organizations;

2. *Requests* the Executive Secretary to collect and compile information on the implementation of the Protocol and to commission the analysis of such compilation of information with a view to facilitating the second assessment and review of the effectiveness of the Protocol;

3. *Decides also:*

(a) To establish a regionally balanced ad hoc technical expert group, subject to the availability of funds, to: (i) review the analysis of information referred to in paragraph 2 above; and (ii) submit its recommendations to the sixth meeting of the Conference of the Parties serving as the meeting of the Parties for its consideration; and

(b) That the third assessment and review of the Protocol be conducted in conjunction with the mid-term review of the implementation of the Strategic Plan at the eighth meeting of the Parties, using, among other things, information collected through the third national reports;

4. *Urges* Parties and *invites* other Governments and relevant international organizations to contribute, as appropriate, to the data collection processes by completing and submitting, in a timely manner, national reports, or by responding to a questionnaire and providing complete information on the implementation of the Protocol.

Annex

ELEMENTS AND CORRESPONDING INDICATORS FOR SECOND ASSESSMENT AND REVIEW

A. Coverage

Element 1. Geographic coverage of the Protocol and Protocol's coverage of transboundary movements of LMOs:

- (a) Number of Parties to the Protocol;
- (b) Number of Parties that have designated national focal points;
- (c) Number of Parties submitting timely national reports on their implementation of the Protocol;
- (d) Number of Parties importing LMOs from non-Parties;
- (e) Number of Parties exporting LMOs to non-Parties.

B. Domestic implementation of core procedures and annexes

Element 2. AIA procedures (or domestic regulatory frameworks consistent with the Protocol), in accordance with the Protocol, are established for the transboundary movement of LMOs for intentional introduction into the environment:

- (a) Number of Parties that have put in place laws and regulations and/or administrative measures for operation of the AIA procedure;
- (b) Number of Parties that have adopted a domestic regulatory framework consistent with the Protocol as regards the transboundary movement of LMOs for intentional introduction into the environment;
- (c) Number of Parties that have designated competent national authorities;
- (d) Number of Parties importing or exporting LMOs that do not have relevant laws and regulations in place governing transboundary movements of LMOs for intentional introduction into the environment;
- (e) Regional trends in adopting AIA procedures or domestic regulatory frameworks consistent with the Protocol.

Element 3. AIA procedures (or domestic regulatory framework consistent with the Protocol) for the transboundary movement of LMOs for intentional introduction into the environment are operational and functioning:

- (a) Number of Parties with domestic institutional and administrative (decision-making) arrangements in place to deal with AIA applications;
- (b) Number of Parties with a budgetary allocation for the operation of their national biosafety framework;

(c) Number of Parties with permanent staff in place to administer their national biosafety frameworks (including AIA applications);

(d) Number of Parties that have processed AIA applications and reached decisions on import;

(e) Regional trends in operation and functioning of AIA procedures.

Element 4. Procedures for decision-making in relation to transboundary movements of living modified organisms intended for direct use as food or feed, or for processing (LMO-FFPs) are established and operational:

(a) Number of Parties that have taken final decisions regarding domestic use, including placing on the market, of LMO-FFPs that may be subject to transboundary movement;

(b) Number of Parties with a decision-making procedure specific to the import of LMO-FFPs.

Element 5. Risk assessment procedures for LMOs are established and operational:

(a) Number of Parties with risk assessment guidance in place for LMOs;

(b) Number of Parties that have conducted risk assessments as part of a decision-making process regarding an LMO;

(c) Number of Parties with an advisory committee or other arrangements in place for conducting or reviewing risk assessment;

(d) Number of decisions in the Biosafety Clearing-House accompanied by a summary of the risk assessment of the LMO;

(e) Number of Parties with the necessary domestic capacity to conduct risk assessment;

(f) Number of Parties reporting having used Annex III of the Protocol or any other guidance on risk assessment agreed to by the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(g) Regional trends in relation to risk assessment capacity.

Element 6. Procedures for the establishment of appropriate LMO risk management measures and monitoring are established and operational:

(a) Number of Parties that have authorized introductions of LMOs into the environment and that have requirements and/or procedures in place and enforced to regulate, manage and control risks identified in risk assessments;

(b) Number of Parties with capacity to detect and identify the presence of LMOs;

(c) Regional trends in relation to risk-management capacity.

Element 7. Procedures for identifying and addressing illegal transboundary movements of LMOs are in place and operational:

(a) Number of Parties with domestic measures to prevent and penalize illegal transboundary movements, including through the regulation of transit and contained use;

(b) Number of Parties reporting having received information concerning cases of illegal transboundary movements of an LMO to or from territories under its jurisdiction;

(c) Number of Parties with capacity to detect illegal transboundary movements of LMOs (e.g. personnel, technical capacity).

Element 8. Procedures for preventing, identifying and addressing unintentional transboundary movements of LMOs are established and operational, including notification procedures and emergency measures:

(a) Number of Parties having notified to the Biosafety Clearing-House their contact points regarding unintentional transboundary movement of LMOs in accordance with Article 17;

(b) Number of Parties with a mechanism in place for notifying potentially affected States of actual or potential unintentional transboundary movements of LMOs;

(c) Number of instances of unintentional transboundary movements identified;

(d) Number of Parties with a mechanism to identify and determine significant adverse effects on biological diversity of any unintentional transboundary movements of LMOs;

Element 9. Appropriate requirements are established and implemented in relation to the Protocol's requirements on the handling, transport, packaging and identification of LMOs:

(a) Number of Parties with requirements for handling, transport, packaging and identification of LMOs in place consistent with Article 18 of the Protocol and relevant subsequent decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol for:

(i) Contained use;

(ii) Intentional introduction into the environment;

(iii) LMO-FFPs.

Element 10. Procedures for notification of required information to the Biosafety Clearing-House are established and operational:

(a) Number of Parties that have allocated responsibilities for notification of information to the Biosafety Clearing-House;

(b) Number of Parties that have in place systems for the management of biosafety information necessary for the implementation of the Protocol.

Element 11. Procedures and measures for promoting public awareness are being implemented:

(a) Number of Parties implementing public-awareness programmes or activities;

(b) Number of Parties providing for some level of public participation in decision-making processes on LMOs.

C. International level procedures and mechanisms

Element 12. Capacity-building Action Plan being effectively implemented:

(a) Amount of funding provided or received for supporting biosafety capacity-building activities and the impacts resulting from such funding.

(b) Number of Parties seeking assistance to be able to use experts from the roster of experts and number of Parties actually receiving such assistance;

(c) Number of Parties reporting using local expertise to undertake or review risk assessments and other activities relating to the implementation of the Protocol.

Element 13. Compliance Committee is functioning:

(a) Parties raise issues with the Compliance Committee concerning their own compliance with Protocol obligations;

(b) Compliance Committee has decision-making rules of procedure in place.

Element 14. The Biosafety Clearing-House is operational and accessible:

(a) Number of Parties and other users accessing the Biosafety Clearing-House on a regular basis, i.e. at least once a month;

(b) Number of Parties reporting difficulties accessing or using the Biosafety Clearing-House;

(c) Extent to which information on the Biosafety Clearing-House is reliable and up to date.

D. Impacts of transboundary movements of LMOs on biological diversity, taking also into account risks to human health

Element 15. Consideration should be given to the work on biodiversity indicators in the context of the Convention on Biological Diversity.

BS-V/16. *Strategic plan for the Cartagena Protocol on Biosafety for the period 2011-2020*

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

Recalling decision BS-IV/15 that invited Parties to make submissions on a strategic plan for the Protocol and requested the Executive Secretary to present a strategic plan for consideration at the present meeting,

Taking note of the submissions of Parties and other Governments; and the consultative processes conducted, under the guidance of the Bureau, with a view to contribute to the development of a strategic plan;

1. *Adopts* the Strategic Plan of the Cartagena Protocol on Biosafety for the period 2011-2020 (annex I to the present decision) and its multi-year programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol (annex II to the present decision);

2. *Urges* Parties and *invites* other Governments and relevant international organizations, as appropriate, to:

(a) Review and align, as appropriate, their national action plans and programmes relevant to the implementation of the Protocol, including their National Biodiversity Strategies and Action Plans, with the Strategic Plan; and

(b) Allocate adequate human and financial resources necessary to expedite the implementation of the Strategic Plan;

3. *Urges* Parties to submit their national reports on the implementation of the Cartagena Protocol on Biosafety in a comprehensive and timely manner using the second national reporting format in order for the second assessment and review on the effectiveness of the Protocol to, among other things, establish a baseline for evaluating progress in the implementation of the Protocol and the Strategic Plan;

4. *Decides* to conduct a mid-term evaluation of the Strategic Plan:

(a) Five years after its adoption in conjunction with the third assessment and review scheduled to be conducted at the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(b) Using appropriate evaluation criteria that need to be proposed by the Executive Secretary at the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

*Annex I***STRATEGIC PLAN FOR THE CARTAGENA PROTOCOL ON BIOSAFETY FOR THE PERIOD 2011-2020****I. THE CONTEXT**

1. The Cartagena Protocol on Biosafety was adopted in January 2000 and entered into force on 11 September 2003. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) adopted, on the basis of recommendations from the Intergovernmental Committee on the Cartagena Protocol on Biosafety, a medium-term programme of work for the period covering the second to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

2. Over the past six years since the first meeting of the Parties, significant achievements have been made towards the implementation of the Protocol. The number of Parties has increased by more than 100 since the entry into force of the Protocol. Many decisions have been adopted to facilitate the implementation of the Protocol and the Biosafety Clearing-House became fully operational. More than 100 countries received, through the implementing agencies of the Global Environment Facility, capacity-building assistance in support of their efforts to develop and implement their national biosafety legal and administrative frameworks. The number of bilateral, sub-regional and regional cooperative arrangements to support biosafety capacity-building activities has also increased in the past years.

3. The medium-term programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol has been instrumental in guiding the implementation of the Protocol. The medium term programme of work is due to end at the present meeting of the Parties to the Protocol.

4. A process was established to undertake an assessment and review of the effectiveness of the Protocol in accordance with Article 35 of the Protocol. The initiation of the assessment and review process on the one hand, and the completion of the medium-term programme of work on the other, presented an opportunity for Parties to consider developing a long-term vision for the Protocol in the form of a strategic plan and a corresponding multi-year programme of work. This also coincides with the ongoing process to revise and update the Strategic Plan of the Convention in light of the resolve for action beyond the 2010 biodiversity target.

5. Significant challenges remain as regards the implementation of the Protocol. The Conference of the Parties serving as the meeting of the Parties to the Protocol still needs to provide additional guidance and clarify procedures and processes in a number of areas, such as the application of the advance informed agreement procedure, compliance (Article 34), liability and redress (Article 27), risk assessment and risk management (Articles 15 and 16), handling, transport, packaging and identification (Article 18) and capacity-building (Article 22). One of the major prerequisites of successful implementation of planned activities is the provision of sufficient financial resources including alternative mechanisms for funding and technical support especially for developing countries and countries with economies in transition.

6. This Strategic Plan and the multi-year programme of work accompanying it (annex II) have been prepared on the basis of the submissions from Parties, the analysis of the first national reports, the successive decisions taken by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its last four meetings, and through general discussions and comments received from Parties, other Governments and stakeholders. The Strategic Plan also takes into account the experience gained through the development, implementation and revision of the Strategic Plan of the Convention.

II. THE STRATEGIC PLAN: ITS INTERPRETATION AND MONITORING

7. The Strategic Plan consists of a vision, a mission and five strategic objectives. For each strategic objective there are a number of expected impacts, operational objectives, outcomes and indicators. The strategic objectives have been derived and prioritized according to their contribution to the full implementation of the Protocol, taking into consideration the limited implementation as established by the Assessment and Review process. The focal areas underlying the five strategic objectives are, in their order of priority, as follows: 1. Facilitating the establishment and further development of effective biosafety systems for the implementation of the Protocol; 2. Capacity-building; 3. Compliance and review; 4. Information sharing; 5. Outreach and cooperation.

8. The vision and mission are the overarching statements of the desired future state and the purpose that the Strategic Plan strives to achieve in the long run while the five strategic objectives spell out what will need to be met in order for the vision and the mission to be achieved within the ten-year duration of the Plan. In addition, the Strategic Plan has been presented in the form of a logical framework for ease of reference:

(a) Each strategic objective has a number of expected impacts that will occur if the strategic objective is achieved;

(b) The operational objectives comprise actions that will need to be undertaken in order to realise the impacts;

(c) The outcomes are the consequences that would be seen if the operational objectives are achieved, an aggregation of the outcomes will result in the impacts of the strategic goals; and

(d) The indicators serve as a monitoring and evaluation tool of the Strategic Plan for measuring achievements.

9. The stakeholders of the Strategic Plan will vary depending on the issues, the actions or activities described in the Plan. Some of the actions will be undertaken by either the Parties or other Governments or the Secretariat or other organizations or individuals or a combination of all.

10. The elements of the Strategic Plan should also be interpreted in light of the text of the Cartagena Protocol on Biosafety. Any interpretation and understanding of the Strategic Plan should be considered only in the context and scope of the Cartagena Protocol on Biosafety.

11. This Strategic Plan will be implemented through a ten-year programme of work for the Protocol, supported by biennial work plans. The multi-year programme of work will, if necessary, be adjusted from time to time on the basis of: (i) experience gained in the implementation of the requirements of the Protocol; and (ii) the result of the periodic assessment and review of the effectiveness of the Protocol as provided for in Article 35 of the Protocol. A mid-term evaluation will be undertaken five years after the adoption of the Strategic Plan. This evaluation process will use the indicators in the Strategic Plan to assess the extent to which the strategic objectives are being achieved. Information will be drawn mainly from the national reports and from other sources that are relevant and available to generate the data necessary for the analysis. The evaluation will capture the effectiveness of the Strategic Plan and allow Parties to adapt to emerging trends in the implementation of the Protocol. Sufficient resources will need to be allocated to this process.

III. ASSUMPTIONS

12. A number of assumptions have been made in the development of the Strategic Plan. First, it is assumed that the Conference of the Parties serving as the meeting of the Parties to the Protocol will adopt a number of decisions including on: common approaches to risk assessment and risk management;

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identification and documentation; a supplementary protocol on liability and redress; and socio-economic considerations and decision-making. It is also assumed that:

(a) Parties and subregional organizations are incorporating rules and procedures from the decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol into their national or regional frameworks;

(b) The “Action Plan for Building Capacities for the Effective Implementation of the Protocol” will be regularly updated, agreed upon and implemented;

(c) Parties will submit, in a timely manner, national reports and the required information, such as existing laws and regulations, and decisions on living modified organisms, to the Biosafety Clearing-House;

(d) Adequate and predictable resources will be made available at the national and international level. It is also noted that biennial detailed budgets presented at each meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol during the duration of the Strategic Plan are essential for the effective implementation of the Strategic Plan.

13. A further assumption is that a baseline of the status of implementation of the Protocol and global indicators will be established after the second assessment and review process of the Protocol at the sixth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol to establish a global picture. The indicators have been drafted in such a way that they would facilitate measurement of progress against this baseline.

IV. HUMAN RESOURCE NEEDS TO SUPPORT THE IMPLEMENTATION OF THE STRATEGIC PLAN

14. The implementation of the Strategic Plan calls for adequate financial resources to support relevant activities at the national level as well as activities that are expected to be conducted by the Secretariat.

15. It is recognized that Parties are facing challenges accessing funds available under the existing financial mechanism. It is, therefore, necessary to take measures that improve accessibility of available funds. In this regard, the Global Environment Facility is invited to make funds available to eligible Parties in a facilitated manner and to monitor expeditious accessibility of those funds. Parties are also invited to provide, in their national reports in the section of the reporting format that refers to capacity building, information on their experience in accessing existing funds from the Global Environment Facility.

ELEMENTS OF STRATEGIC PLAN FOR THE CARTAGENA PROTOCOL ON BIOSAFETY

VISION

Biological diversity is adequately protected from any adverse effects of living modified organisms

MISSION

To strengthen global, regional & national action and capacity in ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health and specifically focusing on transboundary movements

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
<p>Focal area 1:</p> <p>Facilitating the establishment and further development of effective biosafety systems for the implementation of the Protocol</p> <p>To put in place further tools and guidance necessary to make the Protocol fully operational</p>	<p>Full implementation of the Cartagena Protocol on Biosafety by Parties</p> <p>Enhanced performance by Parties towards the attainment of the overarching objectives of conservation and sustainable use of biological diversity</p>	<p>1.1 National Biosafety Frameworks</p> <p>To enable all Parties to have operational national biosafety frameworks in place for the implementation of the Protocol</p>	<ul style="list-style-type: none"> • Decisions regarding the safety of a living modified organism are based on established regulatory and administrative rules consistent with the Protocol • Biosafety issues and the implementation of the Biosafety Protocol are integrated into the relevant sectors 	<ul style="list-style-type: none"> • Number of Parties, in particular centers of origin, that have in place national biosafety legislation and implementing guidelines not more than 6 years after accession to/ratification of the Protocol • Percentage of the Parties that have in place administrative rules and procedures for handling notifications and requests for approval of imports of LMOs intended for direct use as food or feed, or for processing; contained use and for introduction into the environment • Percentage of Parties that have designated national focal points and competent national authorities • Percentage of Parties that have received notifications in accordance with Article 8 of the Protocol or appropriate domestic legislation. • Percentage of Parties that have taken import decisions in accordance with Article 10 of the Protocol or appropriate domestic legislation.

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>1.2 Coordination and support</p> <p>To put in place effective mechanisms for developing biosafety systems with the necessary coordination, financing and monitoring support</p>	<ul style="list-style-type: none"> • Improved understanding of the capacity-building needs of developing country Parties and Parties with economies in transition • A cohesive approach and effective mechanisms established for biosafety capacity-building • Parties have adequate and predictable financial and technical resources to enable them to implement their obligations under the Protocol in an integrated and sustainable manner • National biosafety capacity-building strategies and action plans by each Party in place and implemented • Existing resources and opportunities leveraged and more effectively used • Improved coordination and collaboration between Parties and entities implementing or funding biosafety capacity-building efforts • Improved coordination and collaboration between LMO importing and exporting Parties 	<ul style="list-style-type: none"> • Number of Parties that have assessed their capacity-building needs, including training and institutional needs, and submitted the information to the BCH not more than 3 years after accession to/ratification of the Protocol • Percentage of the Parties that have developed national biosafety capacity-building action plans for implementing the Protocol • Percentage of the Parties that have in place training programmes for personnel dealing with biosafety issues and for long-term training of biosafety professionals • Percentage of Parties that have in place national coordination mechanisms for biosafety capacity-building initiatives • Amount of new and additional financial resources mobilized for the implementation of the Protocol • Number of Parties that have predictable and reliable funding for strengthening their capacity in implementing the Protocol • Number of Parties reporting that their capacity-building needs have been met • Number of cooperative arrangements reported involving LMO exporting and importing Parties

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>1.3 Risk assessment and risk management</p> <p>To further develop and support implementation of scientific tools on common approaches to risk assessment and risk management for Parties</p>	<ul style="list-style-type: none"> • Guidance on risk assessment and risk management including guidance on new developments in modern biotechnology • Common approaches to risk assessment and risk management established and adopted by Parties and other Governments, as appropriate 	<ul style="list-style-type: none"> • Percentage of Parties adopting and using guidance documents on risk assessment and risk management for the purpose of: <ul style="list-style-type: none"> ○ Performing their own risk assessment and risk management; ○ Evaluating risk assessment reports submitted by notifiers. • Percentage of Parties adopting common approaches to risk assessment and risk management • Percentage of Parties that undertake actual risk assessment pursuant to the Protocol.
		<p>1.4 LMOs or traits that may have adverse effects</p> <p>To develop modalities for cooperation and guidance in identifying LMOs or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health</p>	<ul style="list-style-type: none"> • Modalities developed and put in place • Parties enabled to identify, assess, and monitor LMOs or specific traits that may have adverse effects 	<ul style="list-style-type: none"> • Guidance on 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, developed by Parties and available • Number of Parties that have the capacity to identify, assess and monitor living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health.

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>1.5 Liability and Redress</p> <p>To adopt and implement the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety.</p>	<ul style="list-style-type: none"> Each Party takes administrative and legal measures necessary to implement the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety at the domestic level 	<ul style="list-style-type: none"> Entry into force of the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety prior to the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol Percentage of Parties to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety having in place national administrative and legal frameworks incorporating rules and procedures on liability and redress for damage caused by living modified organisms
		<p>1.6 Handling, transport, packaging and identification</p> <p>To enable Parties to implement the requirements of the Protocol and COP-MOP decisions on identification and documentation requirements for living modified organisms</p>	<ul style="list-style-type: none"> All shipments of living modified organisms intended for direct use as food or feed, or for processing, contained use or intentional introduction into the environment are identified through accompanying documentation in accordance with the requirements of the Protocol and COP-MOP 	<ul style="list-style-type: none"> Percentage of Parties that put in place documentation requirements for living modified organisms intended for direct use as food or feed, or for processing Percentage of Parties that put in place documentation requirements for living modified organisms for contained use and for intentional introduction into the environment Number of Parties with access to tools that

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
			<p>decisions</p> <ul style="list-style-type: none"> • Easy to use and reliable technical tools for the detection of unauthorized LMOs are developed and made available • Existing guidance for handling, transport and packaging of LMOs is used 	<p>are capable of detecting unauthorized LMOs.</p> <ul style="list-style-type: none"> • Number of Parties using guidance developed for the handling, transport and packaging of LMOs
		<p>1.7 Socio-economic considerations</p> <p>To, on the basis of research and information exchange, provide relevant guidance on socio-economic considerations that may be taken into account in reaching decisions on the import of living modified organisms</p>	<ul style="list-style-type: none"> • Peer reviewed research relevant to socio-economic considerations, taking into account the modality of peer review as specified in section E, Annex III of decision VIII/10 • Guidelines regarding socio-economic considerations of living modified organisms developed and used, as appropriate, by Parties • Socio-economic considerations applied, where appropriate, by Parties 	<ul style="list-style-type: none"> • Number of peer reviewed research papers published, made available and used by Parties in considering socio-economic impacts of LMOs • Number of Parties reporting on their approaches to taking socioeconomic considerations into account • Number of Parties reporting on their experiences in taking socio-economic considerations into account in reaching decisions on import of living modified organisms • Number of Parties using guidelines on socio-economic considerations

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>1.8 Transit, contained use, unintentional transboundary movements and emergency measures</p> <p>To develop tools and guidance that facilitate the implementation of the Protocol's provisions on transit, contained use, unintentional transboundary movements and emergency measures</p>	<ul style="list-style-type: none"> • Parties enabled to manage LMOs in transit • Guidance developed to assist Parties to detect and take measures to respond to unintentional releases of living modified organisms 	<ul style="list-style-type: none"> • Percentage of Parties having in place measures to manage LMOs in transit • Percentage of Parties having in place measures for contained use • Percentage of Parties using the guidance to detect occurrence of unintentional releases of living modified organisms and being able to take appropriate response measures
<p>Focal area 2:</p> <p>Capacity building</p> <p>2. To further develop and strengthen the capacity of Parties to implement the Protocol</p>	<p>Increased safety in the transfer, handling and use of living modified organisms</p> <p>Effective and efficient regulatory, administrative and monitoring frameworks established by Parties for the implementation of the Protocol</p> <p>Necessary mechanisms put in place to enable</p>	<p>2.1 National Biosafety Frameworks</p> <p>To further support the development and implementation of national regulatory and administrative systems.</p>	<ul style="list-style-type: none"> • National Biosafety Frameworks developed and implemented 	<ul style="list-style-type: none"> • Number of Parties with operational regulatory frameworks • Number of Parties with functional administrative arrangements

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
	<p>Parties to make science-based risk assessments</p> <p>More transparent and expeditious decision-making</p> <p>Full use of information exchange systems</p>	<p>2.2 Risk assessment and risk management</p> <p>To enable Parties to evaluate, apply, share and carry out risk assessments and establish local science-based capacities to regulate, manage, monitor and control risks of LMOs</p>	<ul style="list-style-type: none"> • Resources, including human resources required to assess risks of living modified organisms are available and administrative mechanisms are in place • Training materials and technical guidance on risk assessment and risk management developed and used by Parties • Infrastructure and administrative mechanisms established for the management of risks of living modified organisms at national, subregional or regional level 	<ul style="list-style-type: none"> • Ratio of risk assessment summary reports as against number of decisions on LMOs on the BCH • Number of risk assessment summary reports in the BCH that are in compliance with the Protocol • Number of people trained on risk assessment, as well as in monitoring, management and control of LMOs • Number of Parties that have infrastructure, including laboratories for monitoring, management and control • Number of Parties that are using the developed training materials and technical guidance • Number of Parties that are of the opinion that the training materials and technical guidance are sufficient and effective
		<p>2.3 Handling, transport, packaging and identification</p> <p>To develop capacity for handling, transport, packaging and identification of living modified organisms</p>	<ul style="list-style-type: none"> • Customs/border officials are able to enforce the implementation of the Protocol's requirements related to handling, transport, packaging and identification of living modified organisms • Personnel are trained and equipped for sampling, detection and identification of LMOs 	<ul style="list-style-type: none"> • Number of customs officers and laboratory personnel trained • Percentage of Parties that have established or have reliable access to detection laboratories • National and regional laboratories certified with the capacity to detect LMOs • Number of certified laboratories in operation

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>2.4 Liability and Redress</p> <p>To assist Parties to the Protocol in their efforts to establish and apply the rules and procedures on liability and redress for damage resulting from the transboundary movements of living modified organisms</p>	<ul style="list-style-type: none"> • An institutional mechanism or process identified or established to facilitate the implementation of the international rules and procedures on liability and redress at the national level 	<ul style="list-style-type: none"> • Number of eligible Parties that received capacity building support in the area of liability and redress involving living modified organisms • Number of domestic administrative or legal instruments identified, amended or newly enacted that fulfill the objective of the international rules and procedures in the field of liability and redress
		<p>2.5 Public awareness, education and participation</p> <p>To enhance capacity at the national, regional and international levels that would facilitate efforts to raise public awareness, and promote education and participation concerning the safe transfer, handling and use of LMOs</p>	<ul style="list-style-type: none"> • Parties have access to guidance and training materials on public awareness, education and participation concerning the safe transfer, handling and use of LMOs • Parties are enabled to promote and facilitate public awareness, education and participation in biosafety 	<ul style="list-style-type: none"> • Percentage of Parties having in place mechanisms for ensuring public participation in decision-making concerning LMOs not later than 6 years after accession to/ratification of the Protocol • Percentage of Parties that inform their public about existing modalities for participation • Number of Parties having in place national websites and searchable archives, national resource centres or sections in existing national libraries dedicated to biosafety educational materials

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>2.6 Information sharing</p> <p>To ensure that the BCH is easily accessed by all established stakeholders, in particular in developing countries and countries with economies in transition</p>	<ul style="list-style-type: none"> • Increased access to information in the BCH and sharing of information through the BCH by users in developing countries and countries with economies in transition • Tools to facilitate implementation of the Protocol are easily accessible through the BCH • Information on the BCH is easily accessible to stakeholders including the general public 	<ul style="list-style-type: none"> • Number of submissions to the BCH from developing countries and countries with economies in transition • Amount of traffic from users to the BCH from developing countries and countries with economies in transition
		<p>2.7 Biosafety education and training</p> <p>To promote education and training of biosafety professionals through greater coordination and collaboration among academic institutions and relevant organizations</p>	<ul style="list-style-type: none"> • A sustainable pool of biosafety professionals with various competencies available at national/international levels • Improved biosafety education and training programmes • Increased exchange of information, training materials and staff and students exchange programmes among academic institutions and relevant organizations 	<ul style="list-style-type: none"> • Number of academic institutions by region offering biosafety education and training courses and programmes • Number of biosafety training materials and online modules available

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
<p>Focal area 3: Compliance and review To achieve compliance with and effectiveness of the Protocol</p>	<p>Parties are in compliance with the requirements of the Protocol</p>	<p>3.1 Compliance with the Protocol To strengthen the mechanisms for achieving compliance</p>	<ul style="list-style-type: none"> • Each Party fully implements its obligations and regularly monitors the implementation of its obligations under the Protocol • Improved reporting by Parties including by submitting complete and timely national reports • All Parties able to enforce their regulatory frameworks and decisions • Sufficient financial resources are allocated to compliance • The Compliance Committee is able to thoroughly review the implementation of obligations by Parties and to propose appropriate measures • Supportive role of the Compliance Committee is improved 	<ul style="list-style-type: none"> • Number of Parties that have identified and addressed their non-compliance issues • Number of Parties having approved and functional national legal, administrative and other measures to implement the Protocol • Percentage of Parties that designated all National Focal Points • Number of Parties having in place a system for handling requests including for Advance Informed Agreement • Percentage of Parties that published all mandatory information via the BCH • Number of Parties having in place a monitoring and enforcement system • Number of national reports received under each reporting cycle • Number of Parties able to access financial resources to fulfill their obligations under the Protocol

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>3.2 Assessment and review</p> <p>To improve the effectiveness of the Protocol, including through regular assessment and review processes</p>	<ul style="list-style-type: none"> • Assessment and review of the Protocol, including its procedures and annexes, are undertaken on a regular basis • The Protocol, including its procedures and annexes, is adapted if new challenges are brought about by new developments in the field of modern biotechnology or to adapt to challenges of implementation 	<ul style="list-style-type: none"> • Number of assessment reports submitted and reviews published • Number of Parties modifying their national biosafety frameworks to correspond with amendments to the Protocol adopted to address new challenges
<p>Focal area 4:</p> <p>Information sharing</p> <p>To enhance the availability and exchange of relevant information</p>	<p>Transparency in the development and use of LMOs</p> <p>Increased compliance with national and international requirements</p> <p>Informed decision-making</p> <p>Enhanced public awareness of biosafety</p>	<p>4.1 BCH effectiveness</p> <p>To increase the amount and quality of information submitted to and retrieved from the BCH</p>	<ul style="list-style-type: none"> • The BCH is recognized as the most authoritative repository of information on biosafety • Information submitted to the BCH is accurate, complete and timely • A larger number of countries submit and retrieve information • Risk assessment reports are shared in a timely manner through the BCH • Facilitated access to resources and experiences related to biosafety 	<ul style="list-style-type: none"> • Ratio of risk assessment summary reports as against number of decisions on LMOs • Number of publications contained in the Biosafety Information Resource Centre • Amount of traffic from users to the BCH • Number of references to the BCH • Number of countries with focal points registered on the BCH • Number of countries/regions having published biosafety laws and or regulations on the BCH • Number of AIA/domestic decisions available through BCH • Number of users of the BCH requesting improvement on accuracy, completeness or timeliness of information

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
		<p>4.2 BCH as a tool for online discussions and conferences</p> <p>To establish the BCH as a fully functional and effective platform for assisting countries in the implementation of the Protocol</p>	<ul style="list-style-type: none"> • Countries are better equipped with tools made available through the BCH • The BCH principles of inclusiveness, transparency and equity are applied consistently • Protocol discussions and negotiating processes facilitated through the BCH • Increased awareness of the BCH in different stakeholder groups and regions 	<ul style="list-style-type: none"> • Number of online discussions and real-time conferences carried out through the BCH platform • Percentage of Parties participating in online discussions and real-time conferences on the BCH • Number of participants in online discussions and conferences, their diversity and background • Number of capacity building activities aimed to increase the transparency, inclusiveness and equity of participation in the BCH
		<p>4.3 Information sharing other than through the BCH</p> <p>To enhance understanding through other information exchange mechanisms</p>	<ul style="list-style-type: none"> • Information sharing enhanced at regional, national and international biodiversity and biosafety meetings • Different modalities and opportunities used to share biosafety related information 	<ul style="list-style-type: none"> • Number of events organized in relation to biosafety • Number of biosafety related publications shared

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
Focal area : 5 Outreach and cooperation To expand the reach of the Protocol and promote cooperation	Increased political support for the implementation of the Protocol Increased support from and collaboration with relevant organizations, conventions and initiatives for the implementation of the Protocol	5.1 Ratification of the Protocol To achieve global recognition of the Protocol	<ul style="list-style-type: none"> All Parties to the Convention on Biological Diversity become Parties to the Protocol 	<ul style="list-style-type: none"> Percentage of Parties to the Convention on Biological Diversity that become Parties to the Protocol
		5.2 Cooperation To enhance international cooperation and collaboration in biosafety	<ul style="list-style-type: none"> Official relationships established with secretariats of other conventions and organizations Secretariat of the CBD invited as an observer to WTO SPS and TBT Committees 	<ul style="list-style-type: none"> Number of established relationships with other conventions as reflected in joint activities
		5.3 Communication and outreach To raise the profile of the Protocol	<ul style="list-style-type: none"> Outreach services of the Protocol enhanced among relevant national and international stakeholders All Parties have designed and implemented education and communication strategies 	<ul style="list-style-type: none"> Number of national awareness and outreach programmes on biosafety Percentage of Parties that have in place national communication strategies on biosafety not later than 3 year after having adopted national biosafety laws

<i>Strategic Objective</i>	<i>Expected Impacts</i>	<i>Operational Objectives</i>	<i>Outcomes</i>	<i>Indicators</i>
			<ul style="list-style-type: none"> • Biosafety issues and Protocol activities are regularly covered by local as well as international media • Increased understanding of the relationship between the Protocol and the CBD and other biosafety-related agreements 	<ul style="list-style-type: none"> • Percentage of Parties that have in place national biosafety websites, including national BCH nodes that are accessible to and searchable by the public • Number of Parties with awareness and educational materials on biosafety and the Protocol available and accessible to the public, including the diversity of these materials

Annex II

**PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY
FOR THE PERIOD 2012-2016**

1. *Standing items:*
 - (a) Matters relating to the financial mechanism and resources;
 - (b) Report of the Executive Secretary on the administration of the Protocol;
 - (c) Programme of work and budget for the Secretariat as regards its costs of distinct secretariat services for the Protocol;
 - (d) Report from, and consideration of recommendations from the Compliance Committee;
 - (e) Cooperation with other organizations.
2. The Conference of the Parties serving as the meeting of the Parties to the Protocol may consider, *inter alia*, the following items:
 - 2.1 *At its sixth meeting:*
 - (a) Monitoring and reporting (Article 33; decision BS-I/9, paragraph 5)

To consider the second national reports with a view to evaluate the implementation of obligations under the Protocol by Parties.
 - (b) Assessment and review (Article 35; operational objective (OP) 3.2)

To consider the report of the second evaluation and review of the effectiveness of the Protocol, including an assessment of its procedures and annexes.
 - (c) Capacity-building/Roster of Experts (decision BS-III/3, paragraph 6, 13, 15 and 17;; decision BS-IV/4, paragraph 10; BS-V/3, paragraph 19; and focal area 2)

To conduct the comprehensive review of the updated Action Plan taking into account, *inter alia*, the independent expert evaluation of the effectiveness and outcomes of the capacity-building initiatives;

To evaluate the performance of the roster of biosafety experts and the coordination mechanism.
 - (d) Handling, transport, packaging and identification (Article 18.2(b) and (c); decision BS-III/10, paragraph 7; decision BS-IV/8, paragraph 2; and OP 1.6 and 2.3)

To review and assess the implementation of the requirements of the Protocol on identification and documentation of living modified organisms.
 - (e) Handling, transport, packaging and identification (Article 18.3; decision BS-V/9, paragraph 1(d))

To consider analysis of information on existing standards, methods and guidance relevant to the handling, transport, packaging and identification of living modified organisms.

(f) Socio-economic considerations (decision BS-IV/16, paragraph 5; decision BS-V/3, paragraphs 21-31; and OP 1.7)

To consider socio-economic considerations that may be taken into account in reaching decisions on import of living modified organisms, and related capacity building needs.

(g) Notification requirements (Article 8; decision BS-IV/18, paragraph 2)

To review the national implementation of the notification requirements of living modified organisms.

(h) Risk assessment and risk management (decision BS-V/12, section IV and Annex; OP 1.3)

To review the training and development and support the implementation of science-based tools on common approaches to risk assessment and risk management for Parties with particular reference to risk management strategies;

To consider the synthesis of submissions of information on risk assessments, carried out on a case-by-case basis with regards to the receiving environment of the living modified organism, that might assist Parties in the identification of living modified organisms that are not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and criteria for the identification of such living modified organisms;

To consider reports and recommendations from the open-ended online forum and the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management.

(i) Liability and redress (OP 1.5)

To consider the status of signature, ratification or accession to the Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress to the Biosafety Protocol.

(j) Unintentional transboundary movements and emergency measures (Article 17; OP 1.8)

To consider the development of tools and guidance that facilitate appropriate responses to unintentional transboundary movements and initiate necessary actions, including emergency measures.

2.2 *At its seventh meeting:*

(a) Risk assessment and risk management (OP 1.3 and OP 2.2) and identification of LMOs or traits that may have adverse effects (Article 16 (5) and OP 1.4)

To consider the modalities for cooperation and guidance in identifying LMOs or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.

(b) Handling, transport, packaging and identification (Article 18.2(a); decision V/8; OP 1.6 and 2.3,)

To consider submissions of further information on experience gained with the implementation of paragraph 4 of decision BS-III/10 as well as decision BS-V/8, including any information on obstacles that are encountered in the implementation of these decisions as well as specific capacity-building needs to implement these decisions;

To review capacity-building efforts to facilitate the implementation of requirements for handling, transport, packaging and identification of living modified organisms.

- (c) Contained use of living modified organisms (Article 6(2); OP 1.8)

To consider the development of tools and guidance that facilitates the implementation of the Protocol's provisions on contained use of LMOs.

- (d) Capacity-building (OP 2.1, 2.2 & 2.5)

To review the general capacity-building aspects of national biosafety frameworks including the decision-making procedures and mechanism and their public awareness and participation aspects.

- (e) Information sharing and the BCH (OP 4.1 & 4.2)

To review the overall operation of the BCH including access to and retrieval of information by users.

- (f) Liability and redress (OP 1.5 & 2.4)

To consider the status of implementation of the Supplementary Protocol.

- (g) Monitoring and reporting (Article 33, decision BS-V/14, paragraph 8)

To consider the format for the third national reports.

2.3 *At its eighth meeting*

- (a) Rights and obligations of transit States (Article 6(1); decision BS-V/10; OP 1.8)

To review the status of implementation of the provisions of the Protocol or any decision by Parties related to the transit of living modified organisms.

- (b) Assessment and review (Article 35; decision BS-V/15; OP 3.2)

To assess the effectiveness of the Protocol, including through regular assessment and review processes in conjunction with the mid-term review of the Strategic Plan.

- (c) Monitoring and reporting (Article 33; decision BS-I/9, paragraph 5; decision BS-V/14; OP 3.1 and 3.2)

To review the monitoring and reporting process as a major element of the assessment and review process;

To consider the third national reports with a view to evaluate the implementation of the obligations under the Protocol by Parties.

(d) Liability and redress (OP 2.4)

To review the need for any guidance or assistance to Parties in their efforts to establish and apply the Supplementary Protocol and/or national rules and procedures on liability and redress related to living modified organisms.

(f) Public awareness, education and participation (OP. 2.5; decision BS-V/13, paragraph 4)

To review the programme of work in light of experiences gained.

BS-V/17. Tribute to the Government and people of Japan

We, the participants in the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Having met in Nagoya from 11 to 15 October 2010 at the gracious invitation of the Government of Japan,

Deeply appreciative of the excellent arrangements made for the meeting and the especial courtesy and warm hospitality extended to participants by the Government of Japan, Aichi Prefecture, the City of Nagoya, and their people,

Express our sincere gratitude to the Government and people of Japan for their generosity of spirit and their contribution to the success of this meeting.
