



BIOSAFETY: TAKING FURTHER STEPS TOWARDS EFFECTIVE IMPLEMENTATION OF THE PROTOCOL

# Biosafety

TAKING FURTHER STEPS TOWARDS  
EFFECTIVE IMPLEMENTATION OF THE PROTOCOL

*Decisions of the Fourth Meeting of the  
Conference of the Parties to the Convention  
on Biological Diversity serving as the  
meeting of the Parties to the Cartagena  
Protocol on Biosafety*

*Bonn, Germany  
12 to 16 May 2008*



UNEP

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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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## FOREWORD

The year 2008 marked the fifth anniversary of the entry into force of the Cartagena Protocol on Biosafety. Over the five years, the Protocol has steadily grown and is emerging as a vibrant and influential international agreement for ensuring the safe transfer, handling and use of living modified organisms (LMOs) that may have adverse effects on the conservation and sustainable use of biological diversity. Support for the Protocol has continued to grow with more countries becoming Parties, important decisions have been taken by its governing body, and Parties have initiated legal, administrative and other measures to facilitate its effective implementation at the national level.

The fourth meeting of the Parties to the Protocol, held in Bonn from 12 to 16 May 2008, represented another major step forward towards advancing the implementation of the Protocol. The meeting built on the achievements of the three earlier meetings of the Parties and made a number of important decisions. The Parties adopted 18 decisions, which are contained in this booklet.

One major achievement of the meeting is the decision to advance the process for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms (decision BS-IV/12). The Parties made a breakthrough in agreeing to work towards international rules and procedures that will comprise both binding and non-binding elements.

The Parties also adopted a comprehensive decision on risk assessment and risk management (decision BS-IV/11). They agreed to the development of training activities on risk assessment and risk management to enable countries to gain hands-on experience in preparing and evaluating risk-assessment reports in accordance with the relevant provisions of the Protocol. They also decided to establish an Ad Hoc Technical Expert Group on Risk Assessment and Risk Management to address the need for further guidance on specific aspects of risk assessment and risk management.

Further progress was made with regard to capacity-building and the roster of biosafety experts. In decision BS-IV/3, the Parties adopted measures to promote long-term biosafety education and training and to strengthen the Coordination Mechanism for such activities. They also adopted a revised set of indicators (decision BS-IV/3, annex) for monitoring the updated Action Plan for Building Capacities for the Effective Implementation of the Protocol. In addition, in decision BS-IV/4, the Parties approved new measures for improving the quality, effectiveness and level of use of the roster of experts.

In order to further facilitate the implementation of Article 18 of the Protocol, the Executive Secretary was requested to organize an online conference to identify relevant standards with regard to the handling, packaging, transport and identification of living modified organisms and to identify and suggest possible modalities to fill any existing gaps (decision BS-IV/10, paragraph 4). The Parties also adopted a decision on the

sampling and detection of living modified organisms that are intended for direct use as food or feed, or for processing, (decision BS-IV/9), as well as a decision BS-IV/8 on the requirements for documentation accompanying living modified organisms destined for contained use or for intentional introduction into the environment.

Two items arising from the requirements under Articles 33 and 35 of the Protocol, namely monitoring and reporting under the Protocol, and assessment and review were also addressed. With regard to monitoring and reporting (decision BS-IV/14) the Secretariat was requested to propose improvements to the reporting format taking into account the views of Parties and the experiences gained from the first national reports. Concerning assessment and review (decision BS-IV/15) the Secretariat was requested, among other things to, develop a sound methodological approach for the second assessment and review and to develop draft strategic plan for the Protocol based on submissions from Parties for consideration by the fifth meeting of the Parties.

In decision BS-IV/2, the Parties, requested the Secretariat to implement a number of activities to facilitate access to and use of the Biosafety Clearing-House established under Article 20 of the Protocol. These included requests to improve the common formats, simplification of the procedure for registration and validation of information in the Central Portal and assistance to national Biosafety Clearing-House nodes that are interlinked and interoperable with the Central Portal.

Decisions were also made on the substantive issues of the report of the Compliance Committee (decision BS-IV/1); the financial mechanism and resources (decision BS-IV/5); cooperation with other organizations, conventions and initiatives (decision BS-IV/6); the programme budget for the costs of secretariat services and the biosafety work programme of the Cartagena Protocol for the biennium 2009-2010 (decision BS-IV/7); subsidiary bodies (decision BS-IV/13); socio-economic considerations (decision BS-IV/16); public awareness, education and participation (decision BS-IV/17); and notification requirements under Article 8 of the Protocol (decision BS-IV/18).

The forward-looking decisions taken on different issues, in particular the consensus reached on the framework and road-map for concluding the negotiation of the rules and procedures on liability and redress for damage resulting from transboundary movements of living modified organisms and the process for developing further guidance on risk assessment and risk management, are a clear testimony to the shared desire and commitment by all Parties and other stakeholders to ensure the successful implementation of the Protocol.

In conclusion, I would like to express our appreciation to the Government of Germany for its generosity in hosting the meeting and the leadership provided during the negotiation of the decisions contained in this booklet.

Ahmed Djoghlaif  
Executive Secretary

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

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## **BS-IV/1. REPORT OF THE COMPLIANCE COMMITTEE**

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

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

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

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

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

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

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

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

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

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

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

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



6. *Invites* Parties to submit to the Executive Secretary no later than six months prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol their views on how the supportive role of the Compliance Committee could be improved, and *requests* the Executive Secretary to compile the views and make them available to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

## **BS-IV/2. OPERATION AND ACTIVITIES OF THE BIOSAFETY CLEARING-HOUSE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **BS-IV/3. CAPACITY-BUILDING**

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

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

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

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

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

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

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

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

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

6. *Welcomes* the offer of UNEP to undertake an expert review of capacity-building activities under GEF funding, in collaboration with GEF, its agencies and the Executive Secretary, with a view to assessing the effectiveness of various approaches to capacity-building and developing lessons learned and

invites Parties, other Governments, donors and relevant organization to provide additional support to extend the review to non-GEF activities and submit the review to the BCH.

*Biosafety education and training*

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

*Noting* the limited number of existing biosafety academic programmes,

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

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

7. *Invites* Parties and other Governments to complete and return to the Secretariat the biosafety training needs assessment matrix developed by the second international meeting of academic institutions and organizations involved in biosafety education and training and disseminated by the Executive Secretary;

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

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

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

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

12. *Requests* the Executive Secretary to prepare a synthesis of the information provided by Parties and other Governments in the training needs assessment matrix

referred to in paragraph 7 above and make the synthesis report available through the Biosafety ClearingHouse;

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

*Coordination mechanism*

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

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

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

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

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

*Indicators*

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

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

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

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

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

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

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

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

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

#### *Annex*

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

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

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



of staff), and in other cases it may be qualitative (e.g. change in level of satisfaction). They may also show overall trends or pattern of change.

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

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

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>					
		NA	0	1	2	3	4
<b><i>A. Improved institutional capacity</i></b>							
<b><i>(i) Effective legislative and policy frameworks in place</i></b>	1. (a) Existence of biosafety frameworks (e.g. policies, laws and regulations) (b) Level of harmonization of national biosafety frameworks with other national policy frameworks and programmes (c) Level of consistency of national biosafety frameworks with the Protocol (d) Level of stakeholder satisfaction with the national biosafety frameworks						

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>					
		NA	0	1	2	3	4
<i>(ii) Appropriate administrative frameworks in place</i>	2. (a) Existence of clearly defined institutional mechanisms for administering biosafety, including designation of competent national authorities and responsibilities among agencies (b) Change in the quantity and quality of staffing in national institutions dealing with biosafety (c) Percentage of notifications handled and decisions taken within the timeframes specified in the Protocol (d) Existence of systems for managing biosafety records and for maintaining institutional memory (e) Existence of mechanisms for inter-institutional coordination (e.g. steering committees or intranets), and change in the level of activity of such mechanisms						
<i>(iii) Improved technical, scientific, and telecommunications infrastructures</i>	3. (a) Change in the quantity and reliability of office equipment and facilities in institutions dealing with biosafety (b) Number and variety of facilities (e.g. laboratories) available for biosafety research work (c) Change in the level of reliability of telecommunication infrastructure						
<i>(iv) Enhanced funding and resource management</i>	4. a) Amount of funding for biosafety activities received or provided (b) Percentage of funding for biosafety coming from national budgetary allocation (c) Rate at which resources earmarked for biosafety are used for the intended activities and in a cost-effective manner						
<i>(v) Enhanced mechanisms for follow-up, monitoring and assessment</i>	5. (f) Existence of national mechanisms for monitoring and reporting of implementation of the Protocol						

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>					
		NA	0	1	2	3	4
<b><i>B. Improved human resources capacity development and training</i></b>	6. (a) Number of national experts trained in diverse specialized biosafety-related fields (b) Frequency at which local experts are used in undertaking or reviewing risk assessments and other activities relating to the implementation of the Protocol (c) Frequency at which expertise from the roster of experts is accessible whenever required by countries						
<b><i>C. Improved capacity for risk assessment and other scientific and technical expertise</i></b>	7. (a) Amount of biosafety research and proportion of risk assessments carried out locally (b) Frequency at which local expertise is used in undertaking or reviewing risk assessments						
<b><i>D. Improved capacity in risk management</i></b>	8. (a) Existence of risk-management strategies for LMOs with identified risks (b) Rate at which risk-management strategies and measures developed to prevent or mitigate identified risks are actually implemented						
<b><i>E. Improved public awareness, participation and education in biosafety at all levels</i></b>	9. (a) Change in level of public awareness of the Protocol (b) Change in the number, scope and variety of measures taken to promote awareness of the biosafety and the Protocol (c) Rate of involvement of relevant stakeholders in decision-making and in the development and implementation of national biodiversity frameworks (d) Change in frequency of public access to relevant biosafety information, including through the Biosafety Clearing-House						

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

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

<i>Global level indicators (based on Action Plan elements)</i>	<i>National or project level indicators</i>	<i>Capacity Level or Status</i>					
		NA	0	1	2	3	4
<i>J. Socio-economic considerations effectively addressed in decision making regarding LMOs</i>	14. (a) Extent to which consideration of socio-economic impacts are enforced by domestic law or regulations (b) Extent to which socio-economic issues are taken into consideration in decision-making regarding LMOs (c) Existence of methodology and frameworks for defining and evaluating socio-economic considerations (d) Level of local expertise on socio-economic issues						
<i>K. Documentation requirements under Article 18.2 of the Protocol fulfilled</i>	15. (a) Change in level of development of national LMO documentation systems (b) Level of adherence to the identification requirements in the documentation accompanying LMO shipments (c) Level of ability of Customs officials to enforce LMO documentation requirements						
<i>L. Confidential information effectively and appropriately handled</i>	16. (a) Existence of mechanisms to handle confidential information (b) Level of training of competent national authorities to handle confidential information						
<i>M. Unintentional and/or illegal transboundary movements of LMOs effectively addressed</i>	17. (c) Existence of national data management system for easy and timely access lists of approved LMOs (d) Level of vigilance of the national border control systems						

<b>Global level indicators (based on Action Plan elements)</b>	<b>National or project level indicators</b>	<b>Capacity Level or Status</b>					
		NA	0	1	2	3	4
<b><i>N. Increased scientific biosafety research relating to LMOs</i></b>	18. (a) Change in number of national biosafety research initiatives (b) Number of national scientists involved in biosafety research (c) Number of biosafety research articles published in peer-reviewed journals (d) Change in the level of funding for scientific biosafety research (e) Percentage of biosafety research funded from national budgetary allocation						
<b><i>O. Risks to human health effectively taken into account in decision making regarding LMOs</i></b>	19. (a) Extent to which assessment of impacts of LMOs on human health is enforced by domestic law or regulations (b) Extent to which impacts on human health are taken into consideration in decision-making regarding LMOs						

## **BS-IV/4. ROSTER OF BIOSAFETY EXPERTS**

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

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

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

*Recognizing* the need to further strengthen the roster of experts,

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

1. *Adopts* the criteria and minimum requirements for experts to be nominated to the roster of experts, contained in annex I to the present decision;
2. *Adopts also* the guidelines for the roster of experts, as well as the nomination form for the roster contained in annexes II and III to the present decision, respectively;
3. *Requests* Parties and other Governments to make fresh nominations in accordance with the new criteria and minimum requirements, using the revised nomination form;
4. *Requests* the Executive Secretary to remove all existing records in the roster within three months and refill the roster with those experts who are nominated or re-nominated by Parties and Governments;
5. *Urges* Parties and other Governments to ensure that their nominees meet the criteria and minimum requirements and possess the highest professional qualities and expertise in the fields for which they are nominated and to verify that the information submitted on the nomination forms is complete and accurate before submitting it to the Secretariat;
6. *Authorizes* the Secretariat to check all nomination forms for completeness and return to the nominating Governments any nomination forms that are incomplete and/or do not meet the criteria and minimum requirements;
7. *Decides* that experts shall be maintained on the roster for a period of four years from the last update of their information, after which they will be deleted from the roster unless re-nominated;



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

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

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

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

#### *Voluntary Fund for the Roster of Experts*

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

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

### *Annex I*

## **CRITERIA AND MINIMUM REQUIREMENTS FOR DIFFERENT CATEGORIES OF EXPERTS TO BE NOMINATED TO THE ROSTER**

### **I. SCIENTIFIC AND TECHNICAL EXPERTS**

Minimum academic and professional qualifications:

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

## II. LEGAL EXPERTS

Minimum academic and professional qualifications:

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

## III. POLICY AND REGULATORY EXPERTS

Minimum academic and professional qualifications:

- Undergraduate degree or equivalent and five years of professional experience;
- Professional experience in relevant areas of expertise, including:
  - In-depth knowledge of the Cartagena Protocol on Biosafety;
  - Knowledge of biosafety issues;
  - Familiarity with sector(s) related to the Protocol (e.g. international trade, environment, agriculture, etc.);
  - National and/or international experience in the relevant area of expertise (e.g. participation in policy, legislative or regulatory development);
  - Experience in policy formulation; and
  - Experience working in a regulatory agency or agencies on issues related to the Protocol.

## IV. BIOSAFETY SYSTEMS DEVELOPMENT AND IMPLEMENTATION EXPERTS

Minimum academic and/or professional qualifications:

- A university degree or equivalent and five years of experience in biosafety systems;

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

*Annex II*

**GUIDELINES FOR THE ROSTER OF BIOSAFETY EXPERTS**

***A. Mandate of the roster***

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

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

***B. Administration of the roster***

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

- (a) Establishing and reviewing, as necessary, the nomination form;
- (b) Maintaining an appropriate electronic database to allow easy access to the roster;
- (c) Maintaining a soft copy of the roster on CD-ROM, updated at least once a year, and distribute it upon request;
- (d) Advising the Conference of the Parties serving as the meeting of the Parties to the Protocol on coverage of all areas of expertise available through the roster, and on regional and gender balances on the roster;

- (e) Assisting Parties, on request, in identifying appropriate experts; and
- (f) Performing such other administrative functions as are set out in these guidelines or as directed by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol in other decisions;
- (g) Assisting Parties, upon request, in verifying the availability of experts.

### ***C. Access to the roster***

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

### ***D. Membership on the roster of experts***

#### ***1. Nomination of members***

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

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

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

#### ***2. Mechanism for nomination***

8. The nomination form contained in annex III to decision BS-IV/4 shall be used for all nominations. Electronic submissions of the form are encouraged. Nominating governments should ensure that the information submitted on all nomination

forms is complete, accurate and meets the criteria and minimum requirements. The Executive Secretary will undertake periodic review of the nomination form with input from governments, in particular review the specific areas of expertise under the broad categories, and make necessary revisions to the nomination form.

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

### *3. Balanced representation*

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

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

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

### *4. Required information on experts*

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

### *5. Institutions*

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

***E. Scope of expertise required***

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

***F. Choice of experts for assignments***

***1. Choice by requesting Party***

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

***2. Assistance by Secretariat***

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

***3. Secretariat facilitating initial contact***

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

***G. Obligations of individuals on the roster***

***1. Ensuring complete and accurate information on nomination forms***

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

***2. Agreement to release nomination form information to the public***

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

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

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

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

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

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

5. *Acting in a personal capacity*

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

6. *Exhibiting highest professional standards*

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

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

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

8. *Confidentiality and transparency*

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

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

*9. Setting clear expectations*

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

*10. Submitting a report*

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

**H. Payment of roster members**

*1. Pro bono assignments*

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

*2. Secondment*

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

*3. Payments fixed by contract with requesting Party*

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

**I. Liability**

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

*1. Liability of nominating Party*

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



## 2. *Liability of the Secretariat*

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

## 3. *Liability of experts*

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

## ***J. Reports***

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

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

## ***K. Periodic review***

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

*Annex III*

**NOMINATION FORM FOR THE BIOSAFETY ROSTER OF EXPERTS**

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

**I. BRIEF PROFILE (150 words)\***

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**II. BASIC PERSONAL INFORMATION\***

*Please provide full names rather than only acronyms or initials*

Title:	<input type="checkbox"/> Ms. <input type="checkbox"/> Professor	<input type="checkbox"/> Mr. <input type="checkbox"/> Dr.	<input type="checkbox"/> Other: _____
Name:			
Employer/Organization:			
Job Title:			
Address:			
Telephone:			
Fascimile:			
Email:			
Web Site:			
Year and Place of Birth:			
Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female		
Nationality:			
Second Nationality:			

### III. DETAILS OF CURRENT EMPLOYMENT\*

Start Date of Employment (year):		
Organization Type:	<input type="checkbox"/> Academic <input type="checkbox"/> Government <input type="checkbox"/> Inter-Governmental Organization (IGO)	<input type="checkbox"/> Industry <input type="checkbox"/> Non-Governmental Organization <input type="checkbox"/> Other: _____
Name of Organization and the Department/Division/Unit:		
Name of Supervisor		
Main Areas of Responsibility: <i>(Briefly describe how your work relates to the area(s) of expertise for which you're being nominated)</i>		
Specific Biosafety-Related Duties <i>(Briefly describe the duties/tasks performed and indicate the average % time spent on each)</i>		
Main relevant accomplishments		

### IV. EMPLOYMENT HISTORY\*

Main Countries or Regions Worked:	
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*Please give details of previous employment beginning with the most recent previous employer.*

<i>Previous Employer 1</i>	
Name, Address, Contact Details of the Employer/Organization:	
Name and title of Supervisor:	
Job Title:	
Duration of Time Employed:	
Main Areas of Responsibility <i>(Briefly describe how your work related to your area(s) of expertise)</i>	
Main relevant accomplishments	

<i>Previous Employer 2</i>	
Name, Address, Contact Details of the Employer/Organization:	
Name and title of Supervisor:	
Job Title:	
Duration of Time Employed:	
Main Areas of Responsibility <i>(Briefly describe how your work related to your area(s) of expertise)</i>	
Main relevant accomplishments	
<i>Previous Employer 3</i>	
Name, Address, Contact Details of the Employer/Organization:	
Name and title of Supervisor:	
Job Title:	
Duration of Time Employed:	
Main Areas of Responsibility <i>(Briefly describe how your work related to your area(s) of expertise)</i>	
Main relevant accomplishments	
<i>Other Relevant Work Experience (Consulting Experience)</i>	
Description of the Consultancy: <i>(Briefly describe how the work undertaken relates to your main area of expertise)</i>	
Responsibilities <i>(Briefly describe your specific responsibilities and how they relate to your area(s) of expertise)</i>	
Main relevant accomplishments	

<i>Other Relevant Work Experience (Volunteer Work Experience)</i>	
Description of the Work Done: <i>(Briefly describe how your work related to your main area of expertise)</i>	
Responsibilities <i>(Briefly describe how your work relates to your main area of expertise)</i>	
Main relevant accomplishments	

## V. EDUCATION

### Formal Education\*

Primary Degree or Other Academic Distinction and the Subject* <i>(e.g. BSc. in Microbiology):</i>	
Name of Academic Institution:	
Dates (From To):	
Academic Supervisor:	

Second Degree or Other Academic Distinction and the Subject* <i>(e.g. MSc. in Microbiology):</i>	
Name of Academic Institution:	
Dates (From To):	
Academic Supervisor:	

Third Degree or Other Academic Distinction and the Subject* <i>(e.g. PhD in Microbiology):</i>	
Name of Academic Institution:	
Dates (From To):	
Academic Supervisor:	

**Other Professional Qualifications**

*(List 3 other relevant specialized training and certifications obtained)*


**VI. AREAS OF EXPERTISE\***

**BROAD AREA OF EXPERTISE**

**Specify your main area of expertise:**

<ol style="list-style-type: none"><li>1. Scientific and technical expertise<ul style="list-style-type: none"><li>▪ Botany, forestry and plant agricultural sciences</li><li>▪ Zoology, aquaculture and animal agricultural sciences</li><li>▪ Microbial sciences</li><li>▪ Human health sciences</li><li>▪ Ecological and environmental sciences</li><li>▪ Socio-economic sciences</li><li>▪ Information and communication technology</li><li>▪ Biosafety Clearing-House</li></ul></li><li>2. Legal expertise</li><li>3. Policy and regulatory expertise</li><li>4. Biosafety systems development and implementation expertise</li></ol>
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*(Please select only one of the above areas of expertise)*

**SPECIFIC FIELD OF EXPERTISE**

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

**A. Scientific and technical expertise**

- Agricultural economics
- Agrobiodiversity
- Agro-ecosystems
- Agronomy
- Animal breeding
- Animal health
- Animal nutrition
- Biochemistry
- Biodiversity
- Bioethics
- Bioinformatics
- Biotechnology

- Communication
- Containment
- Cost-benefit analysis
- Crop protection
- Database design and management
- Ecology
- Ecological genetics
- Ecotoxicology
- Entomology
- Environmental economics
- Environmental education
- Environmental impact assessment
- Environmental monitoring
- Epidemiology
- Evaluation
- Evolution
- Evolutionary ecology
- Extension
- Forest ecosystems
- Fresh water ecosystems
- Gender studies
- Gene ecology
- Gene flow
- Genetic engineering
- Genetics
- Genomics
- Health safety
- Hematology
- Human health
- Human nutrition
- Husbandry
- Information systems analysis
- Impact analysis
- Immunology
- Invasion biology
- Knowledge management
- Life cycle analysis
- LMO detection
- LMO documentation
- LMO identification
- Marine ecosystems
- Microbiology
- Molecular biology
- Mycology
- Pathology
- Pest management
- Physiology
- Plant breeding
- Plant health
- Population genetics
- Proteomics
- Risk assessment
- Risk management
- Risk communication
- Risk research
- Soil ecosystems
- Soil science
- Social impact assessment
- Statistics
- Sustainable development
- Surveillance
- Taxonomy
- Teaching
- Technology assessment
- Trade impact assessment
- Traceability
- Toxicology
- Virology
- Web-based learning
- Website design
- Others (please specify)

#### **Organism traits**

- Abiotic stress tolerance (drought, heat, cold, etc)
- Antibiotic resistance
- Biotic stress resistance (bacterial, fungus, nematode resistance)
- Herbicide tolerance
- Industrial traits (e.g. product quality)
- Insect resistance
- Marker genes
- Nutritional traits
- Performance traits (e.g. altered growth, yield)
- Pharmaceutical traits
- Virus resistance
- Others (please specify)

#### ***B. Legal expertise***

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

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

### *C. Policy and regulatory expertise*

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

### *D. Biosafety systems development and implementation expertise*

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



### VII. PUBLICATIONS\*

<p>List your three most important and relevant publications (in particular those related to your main field of expertise):</p>	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>
<p>List other publications (please list complete citations of all peer-reviewed articles, books, book chapters, conference papers and other publications; you may send a file if the list is long):</p>	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>

### VIII. AWARDS AND PROFESSIONAL MEMBERSHIPS

<p>List up to 3 most relevant scientific/ professional awards received:</p>	
<p>List relevant professional societies or organizations in which you have membership, <i>(e.g. Member or Chairperson of the International Society for Biosafety Research (ISBR) since 2001)</i>:</p>	
<p>List relevant technical committees, expert panels or advisory bodies on which you have served and briefly describe your specific responsibilities:</p>	

**IX. KNOWLEDGE OF LANGUAGES\***

Mother Tongue:	Arabic <input type="checkbox"/> English <input type="checkbox"/> Russian <input type="checkbox"/> Chinese <input type="checkbox"/> French <input type="checkbox"/> Spanish <input type="checkbox"/> Other: _____
Other languages (Speaking):	Arabic <input type="checkbox"/> NA/Excellent/Good/Fair Chinese <input type="checkbox"/> NA/Excellent/Good/Fair English <input type="checkbox"/> NA/Excellent/Good/Fair French <input type="checkbox"/> NA/Excellent/Good/Fair Russian <input type="checkbox"/> NA/Excellent/Good/Fair Spanish <input type="checkbox"/> NA/Excellent/Good/Fair Other: _____ NA/Excellent/Good/Fair
Reading:	Arabic <input type="checkbox"/> NA/Excellent/Good/Fair Chinese <input type="checkbox"/> NA/Excellent/Good/Fair English <input type="checkbox"/> NA/Excellent/Good/Fair French <input type="checkbox"/> NA/Excellent/Good/Fair Russian <input type="checkbox"/> NA/Excellent/Good/Fair Spanish <input type="checkbox"/> NA/Excellent/Good/Fair Other: _____ NA/Excellent/Good/Fair
Writing:	Arabic <input type="checkbox"/> NA/Excellent/Good/Fair Chinese <input type="checkbox"/> NA/Excellent/Good/Fair English <input type="checkbox"/> NA/Excellent/Good/Fair French <input type="checkbox"/> NA/Excellent/Good/Fair Russian <input type="checkbox"/> NA/Excellent/Good/Fair Spanish <input type="checkbox"/> NA/Excellent/Good/Fair Other: _____ NA/Excellent/Good/Fair

**X. REFERENCES\***

Please give name and detailed contact information for key professional references

Reference 1:	
Reference 2:	
Reference 3:	

**XI. ANY OTHER RELEVANT INFORMATION**

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

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**XII. CONFIRMATION AND AGREEMENT\***

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**XIII. CONFIRMATION BY NOMINATING GOVERNMENT\***

This section must be completed by a national focal point

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

## **BS-IV/5. FINANCIAL MECHANISM AND RESOURCES**

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

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

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

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

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

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

1. *Welcomes* the successful fourth replenishment of the Global Environment Facility Trust Fund and expresses its appreciation to the countries that contributed to the Trust Fund;
2. *Welcomes also* the new Global Environment Facility Strategy for Financing Biosafety Activities (GEF/C.30/8/Rev.1) adopted as part of the Biodiversity Focal Area Strategy and Strategic Programming for GEF-4 (2007–2010) and the Program Document for Global Environment Facility Support to Biosafety;
3. *Takes note* of the measures undertaken by the Global Environment Facility to streamline the project cycle and to provide guidance on the implementation procedures for the Resource Allocation Framework (RAF);
4. *Recommends* to the Conference of the Parties, when adopting its multi-year guidance to the Global Environment Facility coinciding with its fifth replenishment, to incorporate the following guidance with respect to the support for the implementation of the Cartagena Protocol on Biosafety:
  - (a) *Requests* the Global Environment Facility Evaluation Office to assess the impact of the Resource Allocation Framework on the implementation of the Protocol, and propose measures that can minimize potential resource limitations that may affect

the implementation of the Protocol including measures that facilitate consideration of regional and subregional projects developed by the countries of the region;

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

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

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

(e) *Requests* the Global Environment Facility, to cooperate with and support developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, in their efforts to build their capacities in the area of sampling and detection of living modified organisms, including the setting up of laboratory facilities and training of local regulatory and scientific personnel;

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

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

## **BS-IV/6. COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES**

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

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

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

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

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

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

5. *Requests* the Executive Secretary to:

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

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

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

**BS-IV/7.**  
**PROGRAMME BUDGET FOR THE COSTS OF THE  
SECRETARIAT SERVICES FOR AND THE BIOSAFETY  
WORK PROGRAMME OF THE CARTAGENA PROTOCOL ON  
BIOSAFETY FOR THE BIENNIUM 2009-2010**

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

1. *Welcomes* the annual contribution of US\$ 1,040,400, to be increased by 2 per cent per year, from the host country Canada and the Province of Quebec to the operation of the Secretariat, of which 16.5 per cent has been allocated per annum to offset contributions from the Parties to the Protocol for the biennium 2009-2010;

2. *Approves* a core programme budget (BG) of US\$ 2,611,800 for the year 2009 and of US\$ 2,880,900 for the year 2010, for the purposes set out in table 1 below;

3. *Approves* a drawing of US\$ 740,000 from unspent balances or contributions (carry over) from previous financial periods which was US\$ 1,497,777 as of the end of 2005-2006 biennium to cover part of the 2009–2010 core programme budget;

4. *Authorises* the Executive Secretary to enter into commitments up to the level of the approved budget, drawing on available cash resources, including unspent balances, contributions from previous financial periods and miscellaneous income;

5. *Approves* Secretariat staffing as set out in table 2 below, and *requests* that all vacant staff positions be filled expeditiously;

6. *Agrees* to share the costs for secretariat services between those that are common to the Convention on Biological Diversity and the Protocol on an 85:15 ratio for the biennium 2009-2010;

7. *Adopts* the scale of assessments for the apportionment of the costs under the Protocol for 2009 and 2010 set out in table 5 below;

8. *Decides* to set the working capital reserve at a level of 5 per cent of the core programme budget (BG) expenditure, including programme support costs;

9. *Invites* all Parties to the Protocol to note that contributions to the core programme budget (BG) are due on 1 January of the year in which these contributions have been budgeted for, and to pay them promptly, and *urges* Parties in a position to do so, to pay by 1 October of the year 2008 for the calendar year 2009 and by 1 October 2009 for the calendar year 2010, the contributions set out in table 5 and in this regard *requests* Parties be notified of the amount of their contributions by 1 August of the year preceding the year in which the contributions are due;

10. *Notes with concern* that a number of Parties have not paid their contributions to the core budget (BG Trust Fund) for 2007 and prior years;

11. *Urges* Parties that have still not paid their contributions to the core budget (BG Trust Fund) for 2007 and prior years; to do so without delay and requests the Executive Secretary to publish and regularly update information on the status of contributions to the Protocol's Trust Funds (BG, BH and BI);

12. *Decides* that with regard to contributions due from 1 January 2005 onwards, Parties whose contributions are in arrears for two (2) or more years will not be eligible to become a member of the bureau of the Protocol; this will only apply in the case of Parties that are not least developed countries or small island developing states;

13. *Authorizes* the Executive Secretary to enter into arrangements with any Party whose contributions are in arrears for two or more years to mutually agree on a 'schedule of payments' for such a Party, to clear all outstanding arrears, within six years depending on the financial circumstances of the Party in arrears and pay future contributions by the due date, and report on the implementation of any such arrangement to the next meeting of the Bureau and to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

financial information regarding the budget for the Convention on Biological Diversity at the same time as it is provided to Parties to the Convention;

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

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

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

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

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

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

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

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

<i>Table 2. Biosafety Protocol staffing requirements from the core budget (BG Trust Fund) for the biennium 2009-2010</i>		2009	2010
<b>A.</b>	<b>Professional category</b>		
	P-5	1	1
	P-4	3	3
	P-3	2	2
	P-2	1	1
	<b>Total professional category</b>	7	7
<b>B.</b>	<b>Total General Service category</b>	4	4
	<b>TOTAL (A+B)</b>	11	11

**Table 3. Special Voluntary Trust Fund (BH) for Additional Voluntary Contributions in Support of Approved Activities of the Cartagena Protocol for the biennium 2009-2010**

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

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

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

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

Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Albania	0.006	0.009	167	0.006	0.009	207	374
Algeria	0.085	0.120	2,369	0.085	0.120	2,930	5,299
Antigua and Barbuda	0.002	0.003	56	0.002	0.003	69	125
Armenia	0.002	0.003	56	0.002	0.003	69	125
Austria	0.887	1.257	24,722	0.887	1.257	30,575	55,296
Azerbaijan	0.005	0.007	139	0.005	0.007	172	312
Bahamas	0.016	0.023	446	0.016	0.023	552	997
Bangladesh	0.010	0.010	197	0.010	0.010	243	440
Barbados	0.009	0.013	251	0.009	0.013	310	561
Belarus	0.020	0.028	557	0.020	0.028	689	1,247
Belgium	1.102	1.562	30,714	1.102	1.562	37,986	68,700
Belize	0.001	0.001	28	0.001	0.001	34	62
Benin	0.001	0.001	28	0.001	0.001	34	62
Bhutan	0.001	0.001	28	0.001	0.001	34	62
Bolivia	0.006	0.009	167	0.006	0.009	207	374
Botswana	0.014	0.020	390	0.014	0.020	483	873
Brazil	0.876	1.241	24,415	0.876	1.241	30,196	54,611
Bulgaria	0.020	0.028	557	0.020	0.028	689	1,247
Burkina Faso	0.002	0.003	56	0.002	0.003	69	125
Cambodia	0.001	0.001	28	0.001	0.001	34	62
Cameroon	0.009	0.013	251	0.009	0.013	310	561
Cape Verde	0.001	0.001	28	0.001	0.001	34	62
Chad	0.001	0.001	28	0.001	0.001	34	62
China	2.667	3.780	74,332	2.667	3.780	91,931	166,263

Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01% (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01% (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Colombia	0.105	0.149	2,926	0.105	0.149	3,619	6,546
Congo	0.001	0.001	28	0.001	0.001	34	62
Costa Rica	0.032	0.045	892	0.032	0.045	1,103	1,995
Croatia	0.050	0.071	1,394	0.050	0.071	1,723	3,117
Cuba	0.054	0.077	1,505	0.054	0.077	1,861	3,366
Cyprus	0.044	0.062	1,226	0.044	0.062	1,517	2,743
Czech Republic	0.281	0.398	7,832	0.281	0.398	9,686	17,518
Dem. Republic of Congo	0.003	0.004	84	0.003	0.004	103	187
Denmark	0.739	1.047	20,597	0.739	1.047	25,473	46,070
Djibouti	0.001	0.001	28	0.001	0.001	34	62
Dominica	0.001	0.001	28	0.001	0.001	34	62
Dominican Republic	0.024	0.034	669	0.024	0.034	827	1,496
Ecuador	0.021	0.030	585	0.021	0.030	724	1,309
Egypt	0.088	0.125	2,453	0.088	0.125	3,033	5,486
El Salvador	0.020	0.028	557	0.020	0.028	689	1,247
Eritrea	0.001	0.001	28	0.001	0.001	34	62
Estonia	0.016	0.023	446	0.016	0.023	552	997
Ethiopia	0.003	0.004	84	0.003	0.004	103	187
European Community	2.500	2.500	49,167	2.500	2.500	60,808	109,974
Fiji	0.003	0.004	84	0.003	0.004	103	187
Finland	0.564	0.799	15,719	0.564	0.799	19,441	35,160
France	6.301	8.930	175,615	6.301	8.930	217,195	392,810
Gabon	0.008	0.011	223	0.008	0.011	276	499
Gambia	0.001	0.001	28	0.001	0.001	34	62



Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Germany	8.577	12.155	239,049	8.577	12.155	295,648	534,698
Ghana	0.004	0.006	111	0.004	0.006	138	249
Greece	0.596	0.845	16,611	0.596	0.845	20,544	37,155
Grenada	0.001	0.001	28	0.001	0.001	34	62
Guatemala	0.032	0.045	892	0.032	0.045	1,103	1,995
Guinea	0.001	0.001	28	0.001	0.001	34	62
Guyana	0.001	0.001	28	0.001	0.001	34	62
Hungary	0.244	0.346	6,801	0.244	0.346	8,411	15,211
India	0.450	0.638	12,542	0.450	0.638	15,511	28,053
Indonesia	0.161	0.228	4,487	0.161	0.228	5,550	10,037
Iran	0.180	0.255	5,017	0.180	0.255	6,205	11,221
Ireland	0.445	0.631	12,403	0.445	0.631	15,339	27,742
Italy	5.079	7.198	141,557	5.079	7.198	175,073	316,629
Japan	16.624	22.000	432,666	16.624	22.000	535,106	967,772
Jordan	0.012	0.017	334	0.012	0.017	414	748
Kenya	0.010	0.014	279	0.010	0.014	345	623
Kiribati	0.001	0.001	28	0.001	0.001	34	62
Korea, Democratic Republic	0.007	0.010	195	0.007	0.010	241	436
Kyrgyzstan	0.001	0.001	28	0.001	0.001	34	62
Lao People's Dem. Rep.	0.001	0.001	28	0.001	0.001	34	62
Latvia	0.018	0.026	502	0.018	0.026	620	1,122
Lesotho	0.001	0.001	28	0.001	0.001	34	62
Liberia	0.001	0.001	28	0.001	0.001	34	62
Libya	0.062	0.088	1,728	0.062	0.088	2,137	3,865
Lithuania	0.031	0.044	864	0.031	0.044	1,069	1,933

Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01% (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01% (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Luxembourg	0.085	0.120	2,369	0.085	0.120	2,930	5,299
Madagascar	0.002	0.003	56	0.002	0.003	69	125
Malaysia	0.190	0.269	5,295	0.190	0.269	6,549	11,845
Maldives	0.001	0.001	28	0.001	0.001	34	62
Mali	0.001	0.001	28	0.001	0.001	34	62
Malta	0.017	0.024	474	0.017	0.024	586	1,060
Marshall Islands	0.001	0.001	28	0.001	0.001	34	62
Mauritania	0.001	0.001	28	0.001	0.001	34	62
Mauritius	0.011	0.016	307	0.011	0.016	379	686
Mexico	2.257	3.199	62,905	2.257	3.199	77,799	140,703
Mongolia	0.001	0.001	28	0.001	0.001	34	62
Montenegro	0.001	0.001	28	0.001	0.001	34	62
Mozambique	0.001	0.001	28	0.001	0.001	34	62
Myanmar	0.005	0.007	139	0.005	0.007	172	312
Namibia	0.006	0.009	167	0.006	0.009	207	374
Nauru	0.001	0.001	28	0.001	0.001	34	62
Netherlands	1.873	2.654	52,202	1.873	2.654	64,562	116,764
New Zealand	0.256	0.363	7,135	0.256	0.363	8,824	15,959
Nicaragua	0.002	0.003	56	0.002	0.003	69	125
Niger	0.001	0.001	28	0.001	0.001	34	62
Nigeria	0.048	0.068	1,338	0.048	0.068	1,655	2,992
Niue	0.001	0.001	28	0.001	0.001	34	62
Norway	0.782	1.108	21,795	0.782	1.108	26,955	48,751
Oman	0.073	0.103	2,035	0.073	0.103	2,516	4,551
Palau	0.001	0.001	28	0.001	0.001	34	62
Panama	0.023	0.033	641	0.023	0.033	793	1,434

Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Papua New Guinea	0.002	0.003	56	0.002	0.003	69	125
Paraguay	0.005	0.007	139	0.005	0.007	172	312
Peru	0.078	0.111	2,174	0.078	0.111	2,689	4,863
Philippines	0.078	0.111	2,174	0.078	0.111	2,689	4,863
Poland	0.501	0.710	13,963	0.501	0.710	17,269	31,233
Portugal	0.527	0.747	14,688	0.527	0.747	18,166	32,854
Qatar	0.085	0.120	2,369	0.085	0.120	2,930	5,299
Republic of Korea	2.173	3.080	60,564	2.173	3.080	74,903	135,467
Republic of Moldova	0.001	0.001	28	0.001	0.001	34	62
Romania	0.070	0.099	1,951	0.070	0.099	2,413	4,364
Rwanda	0.001	0.001	28	0.001	0.001	34	62
Saint Kitts and Nevis	0.001	0.001	28	0.001	0.001	34	62
Saint Vincent & Gren.	0.001	0.001	28	0.001	0.001	34	62
Samoa	0.001	0.001	28	0.001	0.001	34	62
Saudi Arabia	0.748	1.060	20,847	0.748	1.060	25,783	46,631
Senegal	0.004	0.006	111	0.004	0.006	138	249
Serbia	0.021	0.030	585	0.021	0.030	724	1,309
Seychelles	0.002	0.003	56	0.002	0.003	69	125
Slovakia	0.063	0.089	1,756	0.063	0.089	2,172	3,927
Slovenia	0.096	0.136	2,676	0.096	0.136	3,309	5,985
Solomon Islands	0.001	0.001	28	0.001	0.001	34	62
South Africa	0.290	0.411	8,083	0.290	0.411	9,996	18,079
Spain	2.968	4.206	82,721	2.968	4.206	102,307	185,028

Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Sri Lanka	0.016	0.023	446	0.016	0.023	552	997
St. Lucia	0.001	0.001	28	0.001	0.001	34	62
Sudan	0.010	0.010	197	0.010	0.010	243	440
Suriname	0.001	0.001	28	0.001	0.001	34	62
Swaziland	0.002	0.003	56	0.002	0.003	69	125
Sweden	1.071	1.518	29,850	1.071	1.518	36,917	66,767
Switzerland	1.216	1.723	33,891	1.216	1.723	41,915	75,807
Syria	0.016	0.023	446	0.016	0.023	552	997
Tajikistan	0.001	0.001	28	0.001	0.001	34	62
The former Yugoslav Republic of Macedonia	0.005	0.007	139	0.005	0.007	172	312
Thailand	0.186	0.264	5,184	0.186	0.264	6,411	11,595
Togo	0.001	0.001	28	0.001	0.001	34	62
Tonga	0.001	0.001	28	0.001	0.001	34	62
Trinidad and Tobago	0.027	0.038	753	0.027	0.038	931	1,683
Tunisia	0.031	0.044	864	0.031	0.044	1,069	1,933
Turkey	0.381	0.540	10,619	0.381	0.540	13,133	23,752
Uganda	0.003	0.004	84	0.003	0.004	103	187
Ukraine	0.045	0.064	1,254	0.045	0.064	1,551	2,805
United Kingdom of Great Britain and Northern Ireland	6.642	9.413	185,119	6.642	9.413	228,949	414,068
United Republic of Tanzania	0.006	0.009	167	0.006	0.009	207	374
Venezuela	0.200	0.283	5,574	0.200	0.283	6,894	12,468

Party	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2009 (US\$)	UN scale of assessments 2009 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2010 (US\$)	Total contributions 2009-2010 (US\$)
Viet Nam	0.024	0.034	669	0.024	0.034	827	1,496
Yemen	0.007	0.010	195	0.007	0.010	241	436
Zambia	0.001	0.001	28	0.001	0.001	34	62
Zimbabwe	0.008	0.011	223	0.008	0.011	276	499
<b>TOTAL</b>	<b>72.405</b>	<b>100.000</b>	<b>1,966,662</b>	<b>72.405</b>	<b>100.000</b>	<b>2,432,301</b>	<b>4,398,963</b>

**BS-IV/8.**  
**HANDLING, TRANSPORT, PACKAGING AND**  
**IDENTIFICATION OF LIVING MODIFIED ORGANISMS:**  
**PARAGRAPHS 2(B) AND (C) OF ARTICLE 18**

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

*Recalling* its decision BS-III/8,

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

**BS-IV/9.**  
**HANDLING, TRANSPORT, PACKAGING AND**  
**IDENTIFICATION OF LIVING MODIFIED ORGANISMS:**  
**PARAGRAPH 2(A) OF ARTICLE 18**

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

*Recalling* its decision BS-III/10 and in particular paragraph 11 of the decision,

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

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

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

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

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

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

2. *Requests* Parties and *encourages* other Governments and relevant international organizations to ensure that information related to rules and standards on the sampling

of living modified organisms and detection techniques, including experience with such techniques are made available via the Biosafety Clearing-House;

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

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

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



**BS-IV/10.**  
**HANDLING, TRANSPORT, PACKAGING AND**  
**IDENTIFICATION OF LIVING MODIFIED ORGANISMS:**  
**PARAGRAPH 3 OF ARTICLE 18**

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

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

*Recalling* also its decision BS-III/9,

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

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

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

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

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

## **BS-IV/11. RISK ASSESSMENT AND RISK MANAGEMENT**

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

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

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

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

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

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

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

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

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

6. *Requests* the Executive Secretary to:

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

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

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

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

*Recalling* the provisions of the medium-term programme of work, decision BS-I/12 paragraph 4 (b) (iii), on cooperation in identifying living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and taking appropriate measures regarding the treatment of such living modified organisms or specific traits,

8. *Requests* Parties and invites other Governments and relevant organizations to submit to the Executive Secretary, not later than three months prior to the first meeting of the Ad Hoc Technical Expert Group, scientifically sound information available at that time, on the identification of living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health;

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

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

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

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

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

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

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

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

(a) How to establish interdisciplinary teamwork in the context of risk assessment;

(b) Developing skills in using and interpreting existing information, as well as identifying and addressing information gaps; and

(c) How to establish baseline information to be used in risk assessment;

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

#### *Annex*

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

1. The Ad Hoc Technical Expert Group (AHTEG) on Risk Assessment and Risk Management shall:

(a) Include experts selected on the basis of their expertise on the issues relevant for the mandate of the Group, based on a standardized common format for submission of CVs from experts nominated by Parties, respecting geographical representation, in accordance with the consolidated *modus operandi* of the SBSTTA of the Convention on Biological Diversity (decision VIII/10 of the Conference of the Parties, annex III);

(b) Include observers in accordance with the rules of procedure for meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

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

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

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

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

- (i) Revise and finalize the “roadmap” for the effective use of guidance documents on risk assessment;

- (ii) Make recommendations to the Secretariat on how to integrate the “roadmap” and tools for retrieval of guidance materials available in the Biosafety Information Resources Centre of the Biosafety Clearing-House that are relevant at the different stages of risk assessment;
- (iii) Review the action plan referred to in subparagraph 1 (d) (iii) of this annex on specific aspects of risk assessment and risk management developed in accordance with the terms and procedures established in the first meeting of the Group;
- (iv) Consider possible modalities for cooperation in identifying living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health;
- (v) Prepare a report for consideration by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

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

- (a) Submissions received in accordance with paragraph 5 of this decision;
- (b) The reports of the regional and sub-regional workshops on capacity-building and exchange of experiences on risk assessment and risk management of living modified organisms (UNEP/CBD/BS/COP-MOP/4/INF/14-17) and the report of the Canada-Norway Workshop on Risk Assessment for Emerging Applications of Living Modified Organisms (UNEP/CBD/BS/COP-MOP/4/INF/13);
- (c) Contribution received through the open-ended online forum, ad hoc discussion groups and real-time online regional conferences;
- (d) Guidance materials available in the Biosafety Information Resource Centre of the Biosafety ClearingHouse;
- (e) Any other relevant materials made available by the Secretariat.

## **BS-IV/12.**

### **LIABILITY AND REDRESS UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



*Annex*

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

<p><b>1. <i>Working Towards Legally Binding Provisions</i></b></p>
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<p><b>1.A. ADMINISTRATIVE APPROACH</b></p>
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<p><b>I. STATE RESPONSIBILITY (FOR INTERNATIONALLY WRONGFUL ACTS, INCLUDING BREACH OF OBLIGATIONS OF THE PROTOCOL)</b></p>
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*Operational text*

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

*Preambular text*

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

<p><b>II. SCOPE</b></p>
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<p><b>A. <i>Functional Scope</i></b></p>
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*Operational text 1*

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

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

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

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

**B. Geographical Scope**

*Operational text 2*

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

**C. Limitation in time**

*Operational text 3*

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

*Operational text 3 alt*

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

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

*Operational text 4*

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

**E. Non-Parties**

*Operational text 5*

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

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

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

*Operational text 6*

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

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

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

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

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

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

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

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

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

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

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

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

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

**B. Valuation of damage**

*Operational text 7*

[1. Damage to conservation and sustainable use of biological diversity shall be valued on the basis of the costs of response measures [in accordance with domestic laws and provisions].

2. For the purposes of these rules and procedures, response measures are reasonable actions to:

(i) [prevent,] minimize or contain damage, as appropriate;

[(ii) restore to the condition that existed before the damage or the nearest equivalent, by the replacement of the loss by other components of the biological diversity at the same location or for the same use or at another location or for another type of use.]]

**C. Causation**

*Operational text 8*

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

**IV. PRIMARY COMPENSATION SCHEME**

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

*Operational text 9*

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

*Operational text 10*

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

*Operational text 10 alt*

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

*Operational text 11*

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

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

*Operational text 11 alt*

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

*Operational text 12*

[1. The competent authority:

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

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

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

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

*Operational text 13*

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

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

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

(c) as provided by domestic law.

*Operational text 13 alt*

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

*Operational text 13 alt bis*

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

*Operational text 14*

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

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

*Operational text 15*

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

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

(b) Act of war or civil unrest;

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

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

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

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

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

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

<p style="text-align: center;"><b>2. Recourse against third party by the person who is liable on the basis of strict liability</b></p>
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*Operational text 16*

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

<p style="text-align: center;"><b>3. Limitation of liability</b></p>
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**a. Limitation in time (relative time-limit and absolute time-limit)**

*Operational text 17*

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

**b. Limitation in amount**

*Operational text 18*

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

**4. Coverage**

*Operational text 19*

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

**1.B. CIVIL LIABILITY**

*Operational text 1*

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

*Operational text 2*

(a) [Subject to subsections (b), (c) and (d) below, nothing in these rules and procedures shall prejudice the right of Parties to have in place or to develop their domestic law or policy in the field of civil liability and redress resulting from the transboundary movement of LMOs consistent with the objective of the Cartagena Protocol on Biosafety and these rules and procedures/this instrument/this supplementary Protocol.] [Parties may or may not develop a civil liability system or may apply their existing one in accordance with their needs to deal with living modified organisms.] [Parties should ensure that their national civil liability rules and procedures provide for redress to damage resulting from the transboundary movement of living modified organisms. In creating their national rules and procedures on civil liability, Parties may give special consideration to sub-sections (b), (c) and (d).]

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

- a. Damage;
- b. Standard of liability: that may include strict, fault or mitigated liability;
- c. Channelling of [strict] liability;
- d. [Financial security, where feasible][compensation schemes];



- e. [Access to justice][Right to bring claims];
- f. [Procedural rules that provide for] due process.]

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

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

(c) & (d) alt

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

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

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

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

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

**II. SCOPE**

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

**III. DAMAGE**

**A. Definition of damage**

*Operational text 1*

[1. These rules and procedures apply to damage [resulting from the

transboundary movement of living modified organisms] as provided for by domestic law.]

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

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

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

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

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

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

<b>B. Valuation of Damage</b>
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*Operational text 2*

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

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

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

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

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

2. In the case of centres of origin and/or genetic diversity, their unique value should be considered in the valuation of damage, including incurred costs of investment.

3. For the purposes of these rules and procedures, response measures are reasonable actions to:

(i) [Prevent,] minimize or contain damage, as appropriate;

[(ii) Restore to the condition that existed before the damage or the nearest equivalent, by the replacement of the loss by other components of the biological diversity at the same location or for the same use or at another location or for another type of use.]]

<b>C. Causation</b>
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*Operational text 3*

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

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

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

<b>1. Standard of liability and channelling of liability</b>
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*Operational text 5*

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

**Option 1: Strict liability**

*Operational text 6*

[The operator [shall][should] be liable for damage [under these rules and procedures]

[resulting from transport, transit, handling and/or use of living modified organisms that finds its origin in such movements], regardless of any fault on his part.]

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

**Option 2: Mitigated strict liability**

*Operational text 7*

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

[(a) a risk-assessment has identified a living modified organism as ultra-hazardous; and/or]

[(b) acts or omissions in violation of national law have occurred; and/or]

[(c) violation of the written conditions of any approval has occurred.]

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

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

**Option 3: Fault-based liability**

*Operational text 8*

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

(a) Has operational control of the relevant activity;

(b) Has breached a legal duty of care through intentional, reckless or negligent conduct, including acts or omissions;

[(c) Such breach has resulted in actual damage to biological diversity; and]

(d) Causation is established in accordance with section [ ] of these rules.]

<b>2. The provision of interim relief</b>
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*Operational text 9*

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

<b><i>A bis. Additional elements of civil liability</i></b>
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<b>1. Exemptions or mitigation</b>
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*Operational text 10*

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

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

(b) Act of war or civil unrest;

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

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

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

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

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

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

[(h) Where the operator could not have reasonably foreseen the damage.]

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

*Operational text 11*

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

**3. Joint and several liability or apportionment of liability**

*Operational text 12*

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

*Operational text 12 alt*

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

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

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

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

#### 4. Limitation of liability

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

###### *Operational text 13*

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

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

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

##### b. Limitation in amount

###### *Operational text 14*

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

#### 5. Coverage

###### *Operational text 15*

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

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

**3. Other Provisions**

**I. SUPPLEMENTARY COMPENSATION SCHEME**

**A. Residual State liability**

*Operational text 1*

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

*Operational text 1 alt*

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

**B. Supplementary collective compensation arrangements**

*Operational text 1*

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

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

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

*Operational text 1 alt*

No provision

OR



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

## II. SETTLEMENT OF CLAIMS

### A. *Civil procedures*

#### *Operational text 1*

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

#### *Operational text 1 alt*

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

#### *Operational text 1 second alt*

No provision

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

#### *Operational text 2*

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

#### *Operational text 2 alt*

Parties may also avail dispute settlement through civil/administrative procedures and

special tribunals such as the Permanent Court of Arbitration's Optional Rules for the Arbitration of Disputes relating to Natural Resources and/or the Environment.

*Operational text 2 second alt*

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

*Operational text 2 third alt*

No provision.

<p><b>C. Standing/Right to bring claims</b></p>
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*Operational text 3 (civil liability)*

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

*Operational text 3 alt (civil liability)*

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

*Operational text 4 (administrative approach)*

[Natural and legal persons[, including [those] non-governmental organizations promoting environmental protection and meeting relevant requirements under domestic law,] should have a right to [require][request] the competent authority to act according to [domestic law, or in the absence thereof,] these rules and procedures

[and to challenge], through a review procedure, the competent authority's decisions, acts or omissions as appropriate under domestic law.]

### III. COMPLEMENTARY CAPACITY-BUILDING MEASURES

#### *Operational text 1 (to decision)*

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

#### *Operational text 2*

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

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

#### *Operational text 3 (to decision)*

The COP-MOP decides that, under the COP-MOP's overall guidance, [the Parties shall cooperate in the development and/or strengthening of human resources and institutional capacities related to liability and redress on the Cartagena Protocol on Biosafety, including through existing global, regional, subregional and national institutions and organizations and, as appropriate, through facilitating private sector involvement.][activities performed by experts selected from the roster of experts may include, upon request of the interested Party, the provision of advice:] [the Committee has the following functions:]

- (a) Parties on their domestic legislation in draft or existing form;
- (b) Capacity building workshops on legal issues relating to liability and redress;
- (c) [Identification of best practices related to national legislation on liability

- and redress;]
- (d) [Support to national capacity's self-assessment activities;]
  - (e) [Advice on providers of adequate technology and procedures to access it].

### **BS-IV/13. SUBSIDIARY BODIES**

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

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

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

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

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

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

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

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

## **BS-IV/14.**

### **MONITORING AND REPORTING UNDER THE PROTOCOL**

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

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

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

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

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

*Taking into account* the recommendation of the Compliance Committee,

1. *Reminds* each Party of its obligation to submit national reports in accordance with Article 33 of the Protocol;
2. *Urges* Parties to observe relevant decisions on reporting, especially with regards to timeframes for the submission of national reports
3. *Reminds* Parties that not submitting a national report within the deadline does not absolve them from fulfilling their obligation for that reporting period and *requests* Parties that have not yet done so to submit, without further delay, to the Executive Secretary, their first regular national reports, covering the period between the entry into force of the Protocol for each Party and the reporting date;
4. *Requests* the Executive Secretary to repeat the analysis of the first national reports submitted after the deadline within three months after the meeting of the Parties and make the analysis available through the Biosafety Clearing-House;
5. *Also requests* the Executive Secretary to propose improvements to the reporting format based on experiences gained through the analysis of the first national reports, the recommendations of the Compliance Committee and suggestions made by Parties, for consideration at the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;
6. *Urges* the Global Environment Facility to make financial resources available with a view to enable eligible Parties to prepare their national report.

## **BS-IV/15. ASSESSMENT AND REVIEW**

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

*Recalling* Article 35 of the Protocol,

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

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

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

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

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

**BS-IV/16.**  
**SOCIO-ECONOMIC CONSIDERATIONS**  
**(ARTICLE 26, PARAGRAPH 2)**

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

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

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

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

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

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

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

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



## **BS-IV/17.**

### **PUBLIC AWARENESS, EDUCATION AND PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

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

5. *Requests* the Executive Secretary to prepare, taking into account submissions made in accordance with paragraph 2 above a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms for consideration at the fifth meeting of the Parties;
6. *Welcomes* the new outreach strategy for the Cartagena Protocol on Biosafety (2008-2012) developed by the Executive Secretary (UNEP/CBD/BS/COP-MOP/4/INF/18) and *requests* the Executive Secretary to advance its implementation;
7. *Invites* Parties, other Governments and relevant organizations to cooperate with, and support, the Executive Secretary in the implementation of the Outreach Strategy;
8. *Requests* the Executive Secretary to report on the implementation of the outreach strategy at the sixth meeting of the Parties to the Protocol.

## **BS-IV/18. NOTIFICATION REQUIREMENTS (ARTICLE 8)**

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

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

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

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

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

