



COP/MOP-1 HIGHLIGHTS: TUESDAY, 24 FEBRUARY 2004

Delegates to the first meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD) serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP-1) convened in working groups throughout the day. Working Group I (WG-I) discussed handling, transport, packaging and identification of living modified organisms (LMOs) (Article 18), and other issues for implementation. Working Group II (WG-II) considered compliance, and liability and redress. A brief Plenary was held in the afternoon to review progress, and hear statements. Contact groups on documentation of LMOs for food, feed and processing (LMO-FFPs), compliance and the budget also met.

WORKING GROUP I

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION: The Secretariat introduced relevant documents (UNEP/CBD/BS/COP-MOP-1/7 and INF/3).

Documentation for LMO-FFPs (Article 18.2(a)): Uganda, for the AFRICAN GROUP, INDIA, BANGLADESH, TURKEY, VANUATU, VENEZUELA, CHINA and PERU expressed support for stand alone documentation to accompany trans-boundary movements of LMO-FFPs, while BRAZIL, MEXICO, JAPAN, CUBA, URUGUAY, ARGENTINA, AUSTRALIA, CANADA, CHILE, and the INTERNATIONAL GRAIN TRADE COALITION (IGTC) favored a commercial invoice. NORWAY presented its template for stand alone documentation. The EUROPEAN COMMUNITY (EC) stressed the need to use unique identifiers in accordance with internationally agreed standards, and prioritized specific identification of LMO-FFPs.

INDIA, BRAZIL, MEXICO, CUBA and BURKINA FASO supported using the last exporter and first importer, or any other appropriate authority, as contact points for information. IRAN, ARGENTINA, URUGUAY and the IGTC opposed using any other appropriate authority as contact points.

Many delegates supported establishing an open-ended working group. ARGENTINA said the working group should have balanced participation between importers and exporters from developed and developing countries, and TURKEY stated it should develop a template for stand alone documentation.

ETHIOPIA and BURKINA FASO said exporters of LMO-FFPs should be required, instead of encouraged, to declare that a shipment contains LMO-FFPs. LIBERIA noted that countries can apply stricter measures than provided for by the Protocol. The US cautioned against documentation requirements disrupting trade.

Delegates established a contact group, co-chaired by Veena Chhotray (India) and Eric Schoonejans (France).

Documentation for LMOs destined for contained use or for intentional introduction into the environment (Article 18.2(b) and (c)): The AFRICAN GROUP, INDIA, NORWAY, IRAN, OMAN and Ireland, for the EU and Acceding Countries (EU),

supported stand alone documentation. CANADA, JAPAN, AUSTRALIA and NEW ZEALAND supported using existing documentation. ARGENTINA favored commercial invoices, and BRAZIL and MEXICO proposed using commercial invoices or other documentation.

SWITZERLAND suggested sharing views on a template for integrating information requirements into existing documentation. UGANDA supported using the Norwegian draft template as a basis for stand alone documentation. The EC called for specific identification of LMOs for contained use, using scientific and commercial names, and identifying them as new or modified traits.

CONSUMERS INTERNATIONAL urged Parties to use stand alone documentation. The OECD outlined its seed certification scheme.

Unique identification systems: MEXICO supported using the OECD identification system. BRAZIL and the AFRICAN GROUP called for allowing use of other systems, with the AFRICAN GROUP, MALAYSIA and URUGUAY, suggesting that the working group analyze existing systems and advise the COP/MOP on their suitability. The EU and NORWAY proposed developing a register under the Biosafety Clearing-house (BCH) on the basis of the OECD system. CANADA suggested addressing unique identifiers in the context of the BCH. AUSTRALIA recommended assessing experience in implementing the Protocol to determine requirements of a unique identification system.

The INTERNATIONAL SEED FEDERATION and the GLOBAL INDUSTRY COALITION suggested developing a register of unique identification codes for biotechnology products approved for commercial application.

OTHER ISSUES: The Secretariat introduced a document on other issues for effective implementation of the Protocol (UNEP/CBD/BS/COP-MOP-1/13).

The EU, BULGARIA, ROMANIA and NORWAY proposed addressing risk assessment and risk management.

Opposed by the EU, MEXICO, the UKRAINE and CANADA, TANZANIA supported establishing a permanent subsidiary body to deal with scientific and technical issues relating to the Protocol's implementation.

Regarding transboundary movements of LMOs between Parties and non-Parties, the EU and the AFRICAN GROUP said the draft decision should encourage non-Parties to ratify the Protocol, and include language ensuring that risk assessment is carried out.

WORKING GROUP II

COMPLIANCE: The Secretariat introduced relevant documents (UNEP/CBD/BS/COP-MOP-1/8 and INF/4). The EU and others emphasized that the procedures must be non-judicial and of a facilitative nature.

Opposed by the EU and the US, Cameroon, for the AFRICAN GROUP, and others, supported a reference to the Rio Principle on common but differentiated responsibilities.



IRAN, ECUADOR, COLOMBIA, INDIA and TONGA suggested deleting text stating that compliance committee members shall serve in their individual capacity. The EU, JAPAN, MALAYSIA, PERU and CHINA opposed. The US and CANADA proposed that members serve objectively and in the Protocol's best interests.

JAPAN, the AFRICAN GROUP, the EU and others requested, and COLOMBIA, ECUADOR, SWITZERLAND and TONGA opposed, deleting a reference to balanced representation of importing and exporting countries in the committee. BRAZIL, COLOMBIA, MEXICO, VENEZUELA and CANADA proposed that the committee consist of four members from each regional group.

While BRAZIL opposed, the AFRICAN GROUP, SWITZERLAND and others supported submissions from any Party with respect to non-compliance by another Party. CUBA and TONGA called for submissions from Parties directly involved in non-compliance cases, while IRAN, the EU and others requested reference to corroborating information. INDIA and CUBA called for allowing the committee to reject ill-founded submissions.

The AFRICAN GROUP and others welcomed submissions from the COP/MOP and information from NGOs and the Secretariat. CUBA, MALAYSIA and CHINA opposed receiving information from NGOs, and IRAN from the Secretariat. SWITZERLAND opposed restrictions on information sources.

Many opposed punitive measures. SOUTH AFRICA, SWITZERLAND and NORWAY suggested finalizing compliance measures at a later stage. IRAN, INDIA, JAPAN and the AFRICAN GROUP supported issuing a caution, and publishing cases of non-compliance. The AFRICAN GROUP, the EU and SAMOA, opposed by JAPAN, MALAYSIA and VENEZUELA, supported suspending non-compliant Parties' rights and privileges. The US supported, and the EU, SAMOA and BANGLADESH opposed, reference to consistency with international law. CHINA requested considering restoration of a non-compliant Party's rights.

Delegates established a contact group co-chaired by Jürg Bally (Switzerland) and Rawson Yonadi (Tanzania).

LIABILITY AND REDRESS: The Secretariat introduced relevant documents (UNEP/CBD/BS/COP-MOP/1/9, 9/Add.1 and INF/5-7). René Lefeber (the Netherlands) outlined the outcomes of a workshop on liability and redress (UNEP/CBD/BS/COP-MOP/1/INF/8).

Many delegates supported creating an *ad hoc* open-ended group of legal and technical experts. The AFRICAN GROUP opposed a request by ARGENTINA, NEW ZEALAND, the RUSSIAN FEDERATION and others for non-Party participation in the expert group.

NORWAY, BRAZIL, MEXICO and others supported, while SWITZERLAND, the EU, the AFRICAN GROUP and others opposed that the expert group analyze existing liability and redress regimes for non-LMOs. The AFRICAN GROUP, opposed by JAMAICA and CANADA, said the expert group should not examine options for the mode of adoption and format of action on liability and redress.

JAPAN, NORWAY and MEXICO supported, and the EU and CHINA opposed including a list of relevant specific elements. CANADA and CHINA said the list should not be exhaustive, and FAO noted it should include the phytosanitary context of the definition, valuation and threshold of damage to biodiversity.

The AFRICAN GROUP, the EU, JAPAN and others suggested that the expert group report to the COP/MOP. CHINA, CANADA and others proposed that the group make recommendations on appropriate international rules and procedures, if so requested by the COP/MOP.

The REPUBLIC OF KOREA called for a set of interim measures until the regime is established. ETHIOPIA opposed language requesting the expert group to clarify the meaning of Article 27 of the Protocol (Liability and redress).

ARGENTINA and the US suggested that the expert group develop model laws and contracts to facilitate channeling of responsibilities.

PLENARY

WG-I Chair François Pythoud (Switzerland) and WG-II Chair Amb. Philémon Yang (Cameroon) reported on progress made by their WGs. John Ashe (Antigua and Barbuda), Chair of the budget contact group, reported on the contact group's progress.

Delegates established a Friends of the President group on guidance to the financial mechanism, and a Friends of the President group on priority setting.

The UNITED NATIONS UNIVERSITY reported on its high-level dialogue on trade, biotechnology and sustainable development.

CONTACT GROUPS

DOCUMENTATION FOR LMO-FFPs: Delegates agreed to establish an open-ended expert working group on identification requirements for LMO-FFPs, with one region noting the need to consider budgetary constraints. Delegates also discussed text on identifying a contact point for providing information on LMO-FFPs, and text on the type of documentation accompanying transboundary movement of LMO-FFPs.

COMPLIANCE: Delegates retained reference regarding issuing a caution to the non-compliant Party, and deleted a reference to balance between importing and exporting countries in the compliance committee. An informal group will elaborate text on suspension of rights and privileges, and the co-Chairs will table language on submissions from the COP/MOP relating to compliance. Regarding submissions from Parties with respect to other Parties, a co-Chairs' text will be drafted, calling for corroborating information and rejection of ill-founded submissions.

IN THE CORRIDORS

The corridors were buzzing with concern over the arrangement between NAFTA countries on documentation for LMO-FFPs movements. One participant regretted that the NAFTA arrangement is being presented as a potential approach to implementation, even though it barely meets Protocol requirements on the issue. Another delegate remarked that the arrangement distracts from the meeting's agenda, and speculated that the agreement may well be the first case before the compliance committee once established.

Uncertainty remained as to the role of non-Party observers. A Party delegate noted with surprise that establishing a Friends of the President Group on guidance to the GEF prevents participation of non-Parties, which are also financial contributors to the GEF.

THINGS TO LOOK FOR TODAY

WORKING GROUP I: WG-I will convene at 3:00 pm in the Dewan Merdeka Hall to consider a conference room paper (CRP) on information sharing and the BCH. Look for Chair's texts on: documentation for LMOs for contained use and intentional release; unique identification systems; and other issues for implementation.

WORKING GROUP II: WG-II will meet at 11:00 am in Room TR4 to consider CRPs on capacity building and on the roster of experts. Look for a CRP on liability and redress.

CONTACT GROUPS: The contact group on Article 18.2 (a) will meet from 10:00 am-1:00 pm in Tun Hussein Onn Hall A. The contact group on the budget will meet at 3:00 pm in the VIP room. The contact group on compliance is also expected to meet.

PLENARY: Plenary will convene at 5:30 pm in the Dewan Merdeka Hall to review progress. Look for a CRP on the medium-term work programme.

BCH TRAINING: Training sessions for the BCH will be held in Tun Hussein Onn Hall B at 10:00 am, 1:00 pm and 3:30 pm.