



COP/MOP-1 HIGHLIGHTS: THURSDAY, 26 FEBRUARY 2004

On Thursday, 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 group sessions. Working Group I (WG-I) continued discussing a conference room paper (CRP) on handling, transport, packaging and identification (HTPI) of living modified organisms (LMOs) (Article 18). Working Group II (WG-II) considered a CRP on liability and redress, and a Chair's text on compliance. A brief Plenary was held in the afternoon to review progress and consider draft decisions on procedures and mechanisms to facilitate decision making by Parties of import, and on the medium-term programme of work. The contact group on compliance met briefly to hear a progress report on the Friends of the co-Chair group. The contact group on the budget also met.

WORKING GROUP I

HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION: WG-I Chair François Pythoud (Switzerland) introduced a CRP on HTPI. Delegates agreed to add a section on capacity building, requesting the Executive Secretary to convene, prior to the meeting of the technical expert group, subject to availability of resources, a workshop on capacity building and exchange of experience on safe HTPI. WG-I Chair Pythoud clarified that the open-ended technical expert group would be funded from the core budget.

Unique identification systems: Uganda, for the AFRICAN GROUP, proposed, and delegates agreed, to include a reference to the development of a harmonized system of unique identifiers, and to invite Parties and other governments to take measures "as appropriate" to apply the OECD Unique Identifiers system.

CANADA proposed referring to unique identification for transgenic plants approved for commercialization. AUSTRALIA suggested, and delegates opposed, noting that a unique identification system for genetically modified microorganisms and animals is yet to be developed.

Documentation for LMO-FFPs (Article 18.2(a)): Contact group co-Chair Eric Schoonejans (France) reported on progress of the contact group on documentation for LMOs for use as food, feed or processing (LMO-FFPs), noting that agreement could not be reached on the type of documentation accompanying LMO-FFPs. WG-I Chair Pythoud decided to convene a Friends of the Chair group to address this issue.

IRAN welcomed the participation of non-Parties and civil society in the technical expert group on identification requirements for LMO-FFPs, but requested that the group only consider Parties' views. The EUROPEAN COMMUNITY (EC), supported by BRAZIL, suggested that the expert group prioritize work on type, content, and the extent and modality of using unique identifiers. BRAZIL said the group's review of available sampling and detection techniques should be done with a view to their harmonization.

Regarding contact points for information on documentation accompanying LMO-FFPs, ETHIOPIA, NORWAY and NAMIBIA said the contact group had decided that information be provided on the exporter, the importer "and" any appropriate authority, while BRAZIL, the AFRICAN GROUP and the contact group co-Chairs stressed that agreement had been reached to provide information on the exporter, the importer "or" any appropriate authority. The AFRICAN GROUP stressed that the Biosafety Protocol calls for providing information on one contact point only. Parties agreed to retain reference to the exporter, the importer "or" any appropriate authority.

In an evening session, WG-I Chair Pythoud introduced a revised CRP, drafted by the Friends of the Chair group. MEXICO, opposed by the AFRICAN GROUP and NORWAY, suggested to "encourage," rather than "request," Parties and other governments to require that documentation for LMO-FFPs include the common, scientific and, where available, commercial names, and the transformation event code of the LMO or, where available, its unique identifier code. The AFRICAN GROUP suggested, and Parties agreed, to "urge" Parties and other governments to do so.

MEXICO, ARGENTINA, AUSTRALIA, CANADA, JAPAN, and URUGUAY said the text goes beyond the Protocol's scope. GHANA highlighted the interim nature of the documentation measures.

The INTERNATIONAL GRAIN TRADE COALITION called for discussion on adventitious presence of LMOs, and recommended postponing the introduction of documentation requirements until agreement has been reached within the appropriate standards-making body. The FAO noted that relevant *Codex Alimentarius* guidelines should be taken into account.

Documentation for LMOs destined for contained use or for intentional introduction into the environment (Article 18.2(b) and (c)): Regarding documentation accompanying LMOs for contained use or for intentional introduction into the environment of the Party of import, WG-I Chair Pythoud proposed that Parties be requested, and other governments urged, to take measures to



require the use of a commercial invoice or other documents, required or utilized under existing documentation systems, by means such as the relevant templates annexed to the decision.

WG-I Chair Pythoud also proposed to request Parties, and invite other governments, to keep under review the use of a stand alone document to fulfill the identification requirements. Delegates agreed to a proposal by SOUTH AFRICA to specify that Parties submit their views for consideration by the COP/MOP, and to a suggestion by IRAN that this be done at COP/MOP-2.

Contained use: Delegates agreed not to include reference to the name and address of the exporter in information accompanying LMOs.

On text noting that further information "could" include, if appropriate, common, scientific and commercial names, unique identification and risk class, the EC, NORWAY, INDIA, MALAYSIA and the AFRICAN GROUP proposed deleting "if appropriate" and specifying that such information "should" be made available. SWITZERLAND, JAPAN, BRAZIL and CANADA opposed. JAPAN and BRAZIL, opposed by MALAYSIA, suggested deleting reference to "risk class." The SUNSHINE PROJECT stressed the need to include information about the risk class when transferring LMOs, in order to identify potential diseases. Delegates agreed to language noting that, where appropriate, further information should include commercial names, new or modified traits, risk class, specification of use, as well as unique identification where available.

Intentional introduction: Regarding documentation, delegates agreed that, where applicable, further information should include, if available, the commercial name of LMOs, risk class and import approval for the first transboundary movement of LMOs.

Delegates approved the CRP with these amendments.

WG-I Chair Pythoud introduced, and delegates adopted with minor amendments, the draft report of WG-I (UNEP/CBD/BS/COP-MOP/1/WG.1/L.1).

WORKING GROUP II

LIABILITY AND REDRESS: Delegates considered a revised CRP on terms of reference for the open-ended *ad hoc* group of legal and technical experts. René Lefebvre (the Netherlands) reported on the outcome of the Friends of the Chair group, highlighting the deletion of language requesting clarification of Article 27 (Liability and redress), and addition of a reference on policy guidance from COP/MOP regarding the mid-term review of the expert group's work.

The US suggested reintroducing references to conducting an analysis of national and international rules and procedures on liability and redress, and a gap analysis as a basis for the experts group's work. Delegates decided not to re-open discussions, and approved the revised CRP with a minor amendment.

COMPLIANCE: In an evening session, WG-II Chair Amb. Philémon Yang (Cameroon) introduced a Chair's text on draft procedures and mechanisms on compliance prepared by a Friends of the Chair group. Delegates agreed to establish a fifteen-member compliance committee to work under COP/MOP guidance. Parties approved the text without amendment. The Secretariat explained that committee members would be nominated by regional groups, and elected by COP/MOP-1 closing Plenary.

WG-II Chair Yang then introduced the report of the working group (UNEP/CBD/BS/COP-MOP/1/WG.2/L.1). AUSTRALIA and NEW ZEALAND, supported by the PHILIPPINES and the REPUBLIC OF KOREA, requested a reference noting that they had not been able to make a statement regarding compliance, due to lack of time. Delegates approved the report with this addition.

CONTACT GROUP ON COMPLIANCE

The contact group on compliance met briefly in the afternoon to hear an update on progress made by the Friends of the co-Chairs group. Co-Chair Jürg Bally (Switzerland) reported on agreement to remove reference to the compliance committee's consideration of information from NGOs and the Secretariat. He also presented new text specifying that the procedures and mechanisms be reviewed by COP/MOP-3 and thereafter. He said disagreement still remained regarding: reference to common but differentiated responsibilities; committee members serving in their personal capacity; Party-to-Party trigger; and measures to address non-compliance.

PLENARY

WG-I Chair Pythoud and WG-II Chair Yang reported on progress made by their WGs. John Ashe (Antigua and Barbuda) reported that the budget contact group had completed its work and had approved a draft decision on the budget.

DECISION PROCEDURE: COP/MOP-1 President Dato' Seri Law introduced a draft decision on procedures and mechanism for facilitating decision making by Parties of import (UNEP/CBD/BS/COP-MOP/1/L.1), noting addition of language on financial assistance or other means to facilitate importing Parties' decision making. Delegates adopted the decision with this amendment.

MEDIUM-TERM PROGRAMME OF WORK: Delegates adopted, without amendment, a revised draft decision on the medium-term work programme until COP/MOP-5 (UNEP/CBD/BS/COP-MOP/1/L.5), incorporating proposed amendments to: consider socioeconomic issues and public awareness and participation at COP/MOP-2; and postpone discussion on monitoring and reporting to COP/MOP-3.

An NGO representative underlined that COP/MOP decisions should reflect the consensus of Parties and those willing to ratify.

IN THE CORRIDORS

Looking back at the week's negotiations, one delegate attributed the relatively quiet atmosphere to a "let's wait and see" attitude taken by Parties and non-Parties alike, while some noted that "stubborn" brackets on HTPI and compliance are indicative of a difficult road ahead.

The subdued atmosphere was eventually overcome by successes achieved in both working groups late on Thursday night, leaving delegates quietly confident about the Protocol's future. Many were pleasantly surprised by agreements reached on information to be included in documentation accompanying LMO-FFPs, as well as on establishing a compliance committee, noting that these represent a giant leap forward towards the Protocol's implementation. One delegate cited this development as a testimony to Parties' commitment to putting in place solid foundations for the Protocol's effectiveness. Only a few determined non-Parties were somewhat sobered by these developments.

THINGS TO LOOK FOR TODAY

COP/MOP-1 PLENARY: COP/MOP-1 closing Plenary will convene at 10:00 am in Room TR4 to adopt the meeting's report and decisions, and decide on a date and venue for COP/MOP-2.

COP-7 PLENARY: CBD COP-7 closing Plenary will resume, immediately after the closure of COP/MOP-1, to consider recommendations on the budget and guidance to the financial mechanism, and adopt COP-7's report.

ENB REPORT: The *Earth Negotiations Bulletin* report containing a summary and analysis of this meeting will be available online on Monday, 1 March, at <http://www.iisd.ca/biodiv/bs-copmop1/>