



HIGHLIGHTS OF ICCP-2 WEDNESDAY, 3 OCTOBER 2001

Delegates to the second Meeting of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP-2) continued their deliberations in two Working Groups and contact groups. Working Group I (WG-I) adjourned in the morning to allow for contact group discussions on Article 18.2(a) addressing documentation for LMOs for food, feed or processing (LMO-FFPs), which continued in afternoon and evening sessions. WG-I met in the afternoon to review Chair's texts on information sharing and monitoring and reporting. Working Group II (WG-II) discussed compliance and reviewed Chair's draft recommendations on decision-making procedures and liability and redress. WG-II's contact group continued discussions on capacity building and the roster of experts. A late afternoon Plenary was held to review the meeting's progress.

WORKING GROUP I

INFORMATION SHARING: In the afternoon, WG-I offered comments on a Chair's text on information sharing. Following questions on its content, WG-I Chair François Pythoud (Switzerland) noted that the Annex on technical issues associated with the Biosafety Clearing-House (BCH) contained recommendations from the Liaison Groups and did not duplicate those offered by ICCP-1. BELGIUM, on behalf of the European Community and its Member States (EU), CANADA, EGYPT and JAPAN requested clarification on the meaning of national focal points' responsibility for "validation" of information registered on the BCH, and CANADA proposed replacing it with "approving." ARGENTINA, on behalf of GRULAC, stressed including reference to the need for special financing for all developing countries.

The EU proposed, *inter alia*, new language: recognizing that the guiding principles for the pilot phase's development should be user-friendliness, searchability, and maximum accessibility; recognizing the need to continue development of common formats for restoring information; and requesting the Secretariat to pursue existing cooperation with international, regional and subregional organizations, regarding decision procedures and use of a unique identification system. NORWAY supported these additions, while the US and AUSTRALIA noted similar text elsewhere in the document. Chair Pythoud stated that a draft recommendation would be produced for the group's consideration.

MONITORING AND REPORTING: JAMAICA and LATVIA, on behalf of Central and Eastern European Countries, requested references to countries with economies in transition and

small island developing States respectively. The EU suggested roles for the compliance committee and roster of experts, but AUSTRALIA and CANADA disagreed. On reporting intervals, the EU proposed that reports be submitted as soon as possible, and that determination of intervals and format be kept under review. CANADA suggested that reports be submitted every four years, with an interim report in the second year after the Protocol's entry into force. Other minor edits were made, and the Chair's text was approved.

CONTACT GROUP ON ARTICLE 18.2(a): In the morning, Chair Pythoud announced the formation of a contact group on Article 18.2(a), on documentation for LMO-FFPs, under the item on handling, transport, packaging and identification. The contact group met in the morning, afternoon and evening, and reported to WG-I in the afternoon. Taking into account relevant recommendations in UNEP/CBD/ICCP/2/12 and the annex of ICCP-1's report (UNEP/CBD/ICCP/1/9), the contact group worked to identify elements that need to be addressed in a timely manner and modalities for a process for discussion by MOP-1.

Delegates identified two elements to be addressed: "may contain" and "unique identification." Some supported unique identifiers of LMOs as essential. Others stressed that this would not be feasible for some Parties due to differing national capacities, and preferred that shipments indicate that they "may contain" LMOs. A number of countries supported establishing a basic system by the Protocol's entry into force to label shipments that may contain LMOs, and the development and use of unique identifiers within the two-year time limit. Several countries expressed concern over the exact meaning of "may contain." A regional group noted that these two elements could not be disassociated.

On modalities for a process for discussion, many supported a recommendation on the provision of information and views to the Secretariat. A developed country proposed preparing a document to synthesize these submissions. Many also supported an experts' meeting, and debated, *inter alia*: whether it should be open-ended; if it would address LMO-FFPs in relation to their contained use and intentional release; and availability of financial resources. Most agreed that information compiled by the Secretariat should be transparent, regionally balanced and include a wide range of relevant expertise and broad participation. There was also discussion on the outcome of the modalities, to ensure that requirements of essential elements have been met at the time of entry into force.

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The group reported back to WG-I, requesting additional time, and then reconvened in the evening to discuss elements for a draft recommendation. Delegates generally agreed on a paragraph requesting submission of views and information on implementation of Article 18.2(a) by Parties, governments and relevant international organizations. Delegates also generally agreed on a paragraph regarding preparation of a synthesis report of views submitted by the Secretariat, with some delegates expressing concern over the timing.

Regarding a meeting of technical experts, delegates debated whether it should discuss only the element "may contain" or both "may contain" and "unique identification." Many delegates underlined that formation of the group should be regionally balanced and include government-appointed experts from all disciplines. Delegates generally agreed on a paragraph on convening the technical experts' meeting back to back with an experts' meeting on Article 18.2(b) and (c). Regarding a request to OECD to finalize a unique identification system on LMOs, some supported it, others expressed concern with singling out one organization, and the contact group chair noted that the OECD was the only organization currently carrying out this work. The group will reconvene on Thursday morning to try to reach agreement on the draft recommendations, prior to reporting back to WG-I.

WORKING GROUP II

COMPLIANCE: WG-II Chair Mohammad Reza Salamat (Islamic Republic of Iran) noted the report of the Experts' Meeting on Compliance (UNEP/CBD/ICCP/2/13/Add.1) and proposed working on the Draft Procedures and Mechanisms on Compliance presented in its annex. Some delegates expressed readiness to work on the text, and others expressed concerns with the draft's legal status and noted difficulties in proceeding with substantive negotiations at ICCP-2. Countries also differed over whether and what types of information could be provided to the Secretariat prior to the next meeting. Chair Salamat then proposed that ICCP-2 forward the work of the Experts' Meeting to MOP-1, allowing for its full consideration, and invite governments to submit views on bracketed text to the Secretariat. Most delegates expressed support, and the US and AUSTRALIA reservations, to the proposal. Noting overwhelming support, Chair Salamat indicated he would develop a draft recommendation.

DECISION-MAKING PROCEDURES: Chair Salamat introduced a draft recommendation, including an annex with sections on guidelines and procedures to facilitate decision making by Parties of import. Regarding guidelines, delegates debated and agreed to reference: Parties of import that are developing countries or countries with economies in transition; and other mechanisms, such as the BCH, apart from the roster of experts. Many editorial changes were also made. Following debate, Chair Salamat called for consultations regarding language addressing the roster of experts and the BCH as the main mechanisms to provide support. Regarding procedures, delegates debated deletion of language on advice or facilitation by the Party of export in case of lack of communication by the Party of import. Following a suggestion by BRAZIL, they agreed to use facilitation. Reference to whether the Party of import "may" or "should" inform the Party of export or the notifier of its request for assistance, remains bracketed.

On the draft recommendation, the EUROPEAN COMMISSION suggested adding language on MOP-2 adopting procedures and mechanisms to facilitate decision making from Parties of import of LMO-FFPs. BRAZIL suggested language on continuing to identify other mechanisms, which would further facilitate capacity building. Both suggestions remain for further discussion.

LIABILITY AND REDRESS: Chair Salamat introduced a draft recommendation, and delegates agreed to a paragraph recommending continued information gathering on liability and redress with minor additions. On two paragraphs regarding provision of information and preparation of a synthesis report on liability and redress for damage resulting from transboundary movement of LMOs, the US and BRAZIL proposed, and many opposed, further specification of "damage." A suggestion by the EU to add specific time limits to the proposed tasks was accepted. Delegates then started discussing the scope and organization of workshops. COLOMBIA suggested the workshops' results be made available through the Internet, and KIRIBATI added the need for hard copies. Other proposals included the organizing of workshops by the Secretariat rather than by Parties and omitting reference to workshops on liability and redress due to lack of time and resources. Discussions on the recommendation will continue.

CONTACT GROUP ON CAPACITY BUILDING, THE ROSTER OF EXPERTS AND GUIDANCE TO THE FINANCIAL MECHANISM: The contact group continued meeting during the day. It concluded discussions on capacity building and the Draft Action Plan and began addressing the interim guidelines for the roster of experts contained in UNEP/CBD/ICCP/2/10/Add.1.

PLENARY

Plenary convened late in the afternoon to hear reports on the Working Groups' progress. WG-I Chair Pythoud noted that: Chair's texts had been developed and discussed on information sharing and monitoring and reporting; a Chair's text on other issues necessary for the Protocol's implementation remained for discussion; and a contact group was currently addressing Article 18.2(a).

WG-II Chair Salamat noted that draft recommendations had been partially discussed on liability and redress, and fully discussed with some areas of disagreement on decision-making procedures. He said that a draft recommendation on compliance was being developed, and that a contact group was discussing capacity building, the roster of experts and guidance to the financial mechanism. Chair Yang added that a group had been formed to address the Secretariat and budget, and that ongoing consultations were still being conducted on the rules of procedure.

IN THE BREEZEWAYS

As ICCP-2 reached its mid-point, some delegates noted that the two Working Groups were moving in opposite directions, with WG-I moving backward to reiterate old debates on documentation of LMO-FFPs, and WG-II punting substantive discussion on compliance forward to the MOP. Reflecting on these issues as well as prolonged discussions on the recommendation for decision-making procedures, others highlighted the need to find a balance between taking the time to craft the perfect mechanism and agreeing upon a system that may have its imperfections yet be in place at the time of the Protocol's entry into force (or soon thereafter).

THINGS TO LOOK FOR

WORKING GROUP I: WG-I's contact group on Article 18.2(a) will meet at 9:30 am to complete its work and will report to WG-I at 10:00 am in Conference Room 2. WG-I will also consider others issues necessary for the Protocol's implementation.

WORKING GROUP II: WG-II will meet at 10:00 am in Conference Room 1 to consider outstanding issues in recommendations for liability and redress and decision-making, as well as the outcome of the contact group's discussions.