



## SUMMARY OF THE SEVENTH MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY: 29 SEPTEMBER - 3 OCTOBER 2014

The seventh 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 7) was held from 29 September to 3 October 2014 in Pyeongchang, Republic of Korea. Participants representing Parties to the Protocol and other governments, UN agencies, intergovernmental and non-governmental organizations, academia and industry attended the meeting.

The meeting adopted 14 decisions on: compliance; the Biosafety Clearing-house (BCH); financial mechanism and resources; cooperation with other organizations, conventions and initiatives; improving the efficiency of structures and processes; the budget; handling, transport, packaging and identification (HTPI) of living modified organisms (LMOs) (Article 18); the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress (the Supplementary Protocol); risk assessment and risk management; socio-economic considerations; monitoring and reporting; assessment and review of the effectiveness of the Protocol; unintentional transboundary movements and emergency measures; and contained use of LMOs.

Delegates generally welcomed the meeting's outcomes, noting that the decisions on risk assessment and socio-economic considerations, in particular, provided a mandate to advance work on important elements of the Protocol during the upcoming intersessional period. Some, however, expressed concern that COP/MOP 7 did not engage in the development of further guidance on specific aspects of risk assessment and unintentional transboundary movements, and wondered whether future COP/MOPs, which will in all likelihood be held concurrently with the CBD COP and Nagoya Protocol COP/MOP will offer sufficient opportunity to tackle issues specific to the Biosafety Protocol. Nevertheless, delegates were optimistic that the streamlining of meetings and work under the Convention will prove to be beneficial for the future implementation of the Protocol.

## A BRIEF HISTORY OF THE CBD AND ITS PROTOCOLS

The CBD was adopted on 22 May 1992 and entered into force on 29 December 1993. There are currently 193 parties to the Convention, which aims to promote the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources.

Three protocols have been adopted under the Convention: the Cartagena Protocol on Biosafety (Extraordinary Meeting of the COP, January 2000, Montreal, Canada); the Nagoya-Kuala

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Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (Cartagena Protocol COP/MOP 5, October 2010, Nagoya, Japan); and the Nagoya Protocol on Access and Benefit-Sharing (ABS) (COP 10, October 2010, Nagoya). The COP, as the governing body of the Convention, has also adopted:

- the Jakarta Mandate on marine and coastal biodiversity (COP 2, November 1995, Jakarta, Indonesia);
- work programmes on agricultural and forest biodiversity (COP 3, November 1996, Buenos Aires, Argentina);
- the Global Taxonomy Initiative (COP 4, May 1998, Bratislava, Slovakia);
- work programmes on Article 8(j) (traditional knowledge), dry and sub-humid lands, and incentive measures (COP 5, May 2000, Nairobi, Kenya);
- the Bonn Guidelines on ABS and the Global Strategy for Plant Conservation (COP 6, April 2002, The Hague, the Netherlands);
- work programmes on mountain biodiversity, protected areas (PAs) and technology transfer, the Akwé: Kon Guidelines for cultural, environmental and social impact assessments; and the Addis Ababa Principles and Guidelines for sustainable use (COP 7, February 2004, Kuala Lumpur, Malaysia);
- a work programme on island biodiversity (COP 8, March 2006, Curitiba, Brazil);
- a resource mobilization strategy, and scientific criteria and guidance for marine areas in need of protection (COP 9, May 2008, Bonn, Germany); and
- the CBD Strategic Plan for Biodiversity 2011-2020, including the Aichi Targets, and a decision on activities and indicators for the implementation of the resource mobilization strategy (COP 10, October 2010, Nagoya, Japan).

COP 11 (October 2012, Hyderabad, India) adopted a set of decisions including on ecosystem restoration, marine and coastal biodiversity, and customary sustainable use with a focus on implementation at the national and local level. It also adopted an interim target of doubling biodiversity-related international financial resource flows to developing countries by 2015, and at least maintaining this level until 2020, coupled with targets on baseline information, and a preliminary reporting framework for monitoring resource mobilization.

**CARTAGENA PROTOCOL ON BIOSAFETY:** Adopted in January 2000, the Cartagena Protocol on Biosafety addresses the safe transfer, handling and use of LMOs that may have adverse effects on biodiversity, taking into account human health, with a specific focus on transboundary movements of LMOs. It introduces an advance informed agreement (AIA) procedure for imports of LMOs for intentional introduction into the environment and incorporates the precautionary approach and mechanisms for risk assessment and risk management. The Protocol establishes a Biosafety Clearing-house (BCH) to facilitate information exchange, and contains provisions on capacity building and financial resources, with special attention to developing countries and those without domestic regulatory systems. It entered into force on 11 September 2003 and currently has 168 parties. The Protocol's governing body is its COP/MOP, which has held six meetings so far. The major

highlight in the Protocol's operations is the adoption of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress, as well as:

- establishment of the Compliance Committee and agreement on documentation requirements for LMOs destined for direct introduction into the environment (COP/MOP 1, February 2004, Kuala Lumpur);
- establishment of an *Ad Hoc* Technical Expert Group (AHTEG) on risk assessment and risk management (COP/MOP 2, May-June 2005, Montreal);
- adoption of requirements for documentation and identification of LMOs for food, feed or for processing (COP/MOP 3, March 2006, Curitiba); and
- establishment of an AHTEG on Socio-economic Considerations (COP/MOP 6, October 2012, Hyderabad).

**NAGOYA-KUALA LUMPUR SUPPLEMENTARY PROTOCOL:** Adopted in October 2010, the Supplementary Protocol provides international rules and procedures on liability and redress for damage to biodiversity resulting from LMOs. The Supplementary Protocol takes an "administrative approach," whereby the operator (person or entity in control of the LMO), or the competent authority if the operator is unable to, is required to take response measures in the event of damage, or sufficient likelihood of damage, to biodiversity associated with transboundary movements of LMOs. Countries can provide for civil liability in their domestic law.

The Supplementary Protocol was opened for signature on 7 March 2011. With 26 ratifications to date, it will enter into force 90 days after receipt of the 40th instrument of ratification.

**NAGOYA PROTOCOL ON ACCESS AND BENEFIT-SHARING:** The objective of the Nagoya Protocol is the fair and equitable sharing of the benefits arising from the utilization of genetic resources, including by appropriate access to genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding, thereby contributing to the conservation of biodiversity and the sustainable use of its components. It applies to genetic resources covered by the CBD and to traditional knowledge associated with such genetic resources, including those held by indigenous and local communities; sets out obligations for Parties on access, benefit-sharing and compliance; and provides for the establishment of national focal points and competent national authorities, an ABS Clearing-house, and implementation support through capacity building, technology transfer and financial provisions.

Negotiations spanned six years. Major controversial issues included: the scope of the instrument; derivatives and the concept of utilization; the relationship with other instruments; measures to support compliance, including with domestic ABS requirements; measures to monitor the utilization of genetic resources; traditional knowledge-related issues; and considerations regarding health emergencies and food security. COP 10 adopted the Nagoya Protocol as part of a "package" including the Strategic Plan and a decision on implementation of the resource mobilization strategy. It also established the Intergovernmental Committee for the Nagoya Protocol (ICNP) to undertake the preparations for COP/MOP 1, which held three meetings during 2011-2013.

The Protocol opened for signature on 2 February 2011. With 53 ratifications to date, it enters into force on 12 October 2014.

### COP/MOP 7 REPORT

On Monday, 29 September 2014, COP/MOP 6 President Ashok Lavasa, Ministry of Environment, Forests and Climate Change, India, welcomed participants and urged countries to ratify the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress, stressing its strategic importance. He then invited Yoon Sang-jick, Minister of Trade, Industry and Energy, Republic of Korea, to assume the COP/MOP 7 presidency.

COP/MOP 7 President Yoon noted the opportunity to address risk assessment and management, socio-economic considerations, and transboundary movements of LMOs. Underlining his country's commitment to an effective presidency, he announced the Republic of Korea's intention to launch an initiative to enhance regional capacity-building initiatives and risk assessment training. He then invited Inho Lee, Director-General for Industrial Innovation Policy, to chair the meeting on his behalf.

CBD Executive Secretary Braulio Ferreira de Souza Dias welcomed the United Arab Emirates' recent ratification of the Protocol and the Supplementary Protocol, and urged CBD Parties who have not yet done so to follow suit. He outlined agenda items before COP/MOP 7, including: a two-phase process of transformation of the CBD Secretariat; establishment of a subsidiary body on implementation (SBI); and integration of future meetings under the Convention and its Protocols in a two-week period.

On behalf of United Nations Environment Programme (UNEP) Executive Secretary Achim Steiner, Margaret Oduk underlined that biosafety must be considered in the post-2015 development agenda. She also highlighted UNEP's role in capacity building to enable developing countries to establish regulatory frameworks for biosafety, risk assessment and risk management, and public awareness and participation.

Expressing hope for peace in Northeast Asia, Choi Moon-soon, Governor of Gangwon province, noted that the demilitarized zone has become a unique repository of biodiversity. Shim Jae-gook, Mayor of Pyeongchang, encouraged delegates to make progress on biosafety. National Assembly Member Lee Won-wook introduced the COP 12 theme 'Biodiversity for Sustainable Development.'

Peru, for the Latin American and Caribbean Group, supported the proposal to establish an SBI under the Convention. Georgia, for Central and Eastern Europe, urged mobilizing additional financial resources for implementation. Palau, for the Asia-Pacific Group, supported an integrated approach to implementing the Protocol. Mauritania, for the African Group, stressed: the need to strengthen national frameworks on biosafety; efforts needed to advance discussions on socio-economic considerations and risk assessment; and an operational model for funding future meetings. The European Union (EU) noted the importance of improving the efficiency of structures within the Protocol. Saudi Arabia emphasized the need to include biosafety in national development plans and relevant policy decisions, and to provide support for risk assessment and risk management programmes, and capacity building. The US, speaking as an observer,

underlined the role of agriculture in addressing population growth, changes in diet, and environmental stresses, and called for science-based risk assessment.

Delegates then elected Eleni Marama Tokaduadua (Fiji) as the meeting's rapporteur and adopted the meeting's agenda (UNEP/CBD/BS/COP-MOP/7/1 and Add.1/Rev.1). They elected Francis Ogwal (Uganda) to chair Working Group I (WG I) and Chaweewan Hutachareern (Thailand) to chair Working Group II (WG II).

Delegates heard reports on: compliance (UNEP/CBD/BS/COP-MOP/7/2); financial mechanism and resources (UNEP/CBD/BS/COP-MOP/7/4/Rev.1); cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/7/5); and administration of the Protocol and budgetary matters (UNEP/CBD/BS/COP-MOP/7/6) and the proposed budget for the Programme of Work for the biennium 2015-16 (UNEP/CBD/BS/COP-MOP/7/6/Add.1 and UNEP/CBD/BS/COP-MOP/7/6/Add.5).

The Global Environment Facility (GEF) reported that total programming support reached US\$16 million, with a further US\$28 million in leveraged co-financing. On cooperation, the EU expressed caution regarding the budgetary implications of enhanced collaboration with the World Trade Organization (WTO) Committee on Sanitary and Phytosanitary Measures. Mexico urged facilitating information exchange with technical institutions and other bodies on identification of LMOs.

Chair Lee highlighted that the agenda item on the budget includes sub-items on the concurrent organization of future COP and COP/MOP meetings, and the establishment of an SBI. Noting that the item also includes recommendations from the functional review of the Secretariat (UNEP/CBD/BS/COP-MOP/7/6/Add.4 and Inf.13), the EU proposed, and delegates agreed, to address these items in WG I.

The following summary is organized according to the meeting's agenda. Unless otherwise stated, draft decisions were approved by the working groups and final decisions were adopted in plenary on Friday.

### SPECIAL SESSION ON IMPLEMENTATION

On Monday afternoon, Ho-min Jang, Korea Biosafety Clearing House, chaired an informal plenary session that intended to provide a platform to share views on, experiences with, and challenges to implementation of the Protocol, and discuss mobilization of additional resources to advance implementation at the national level. CBD Executive Secretary Dias highlighted challenges, such as linking commitments under the Protocol with other issues addressed under the Convention, integrating biosafety in National Biodiversity Strategies and Action Plans (NBSAPs); and mainstreaming biosafety.

Panelists from regional groups presented on their countries' experiences and lessons learned, including: the need for intergovernmental coordination and communication and independent public research capacity in South Africa; challenges in enhancing institutional capacity in tandem with biotechnological developments and enhancing public participation in India; harmonization of national standards in line with EU directives in Moldova; awareness raising and capacity building through the Inter-ministerial Commission on

Biosafety of Genetically Modified Organisms (CIBIOGEM) in Mexico; and the inclusion of aspects of social utility and ethical considerations in LMO assessment in Norway.

The ensuing question-and-answer session focused on challenges such as: ensuring public participation and stakeholder feedback, including from traditional knowledge holders; regional collaboration and capacity building, including through workshops with practitioners; risk assessment; the use of sectoral laws to complement general biosafety frameworks; ensuring political will; building networks among multi-centric biosafety-related organizations; and using information technologies to collect data and facilitate public participation.

During the general discussion, many Parties reported on their national efforts in implementation and made suggestions based on their own experience, including the need for: enhanced technology transfer; science-based decision making; balancing support for innovation and ensuring protection; awareness raising among policy makers; and capacity building and financial resources.

**Final Outcome:** The annex to the COP/MOP 7 report (UNEP/CBD/BS/COP-MOP/7/L.1) contains a detailed summary of the panel presentations, the question-and-answer session, and the general discussion.

### COMPLIANCE

In Monday's plenary, delegates heard the report of the Compliance Committee (UNEP/CBD/BS/COP-MOP/7/2). Delegates began discussion on Tuesday morning in WG I and approved draft decision text on Wednesday afternoon. Discussion focused on: the need for capacity-building support; developing country Parties' access to technical support, and the role of the GEF and UNEP in providing this; the sharing of national experiences, in particular regarding unintentional transboundary movements of LMOs; regional cooperation; and the use of available instruments for financial support.

During the closing plenary, COP/MOP 7 Chair Lee announced the nominations for the Compliance Committee, to begin serving in January 2015: Martha Kandawa-Schulz (Namibia) for the African Group; Seung-hwan Choi (Republic of Korea) for the Asia-Pacific Group; Martin Batic (Slovenia) for Central and Eastern Europe; Sol Ortíz García (Mexico) for the Latin American and Caribbean Group; and Claire Hamilton (UK) for the Western Europe and Others Group, who was nominated for a second term.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.5), the COP/MOP, *inter alia*:

- invites Parties, other governments and relevant international and regional organizations to undertake or support capacity-building initiatives aimed at assisting developing country Parties to use the BCH and put in place facilities that will enable them to submit consistent, up-to-date and complete information through the BCH and their national reports;
- urges Parties to implement requirements under Protocol Article 23 (public awareness and participation) within a mechanism appropriate to their national circumstances, which could include the integration of public awareness, education and participation in NBSAPs, broader national frameworks for communication, education and public awareness, or efforts to implement Aichi Biodiversity Target 1 (public awareness),

taking into account relevant elements of the programme of work on public awareness, education and participation adopted in decision BS-V/13;

- encourages Parties to make effective use of the various tools, materials and mechanisms made available by the Secretariat and other sources, including the online forum and the online regional networks established through the BCH, to share information, experiences and lessons learned in the implementation of obligations under Protocol Article 23; and
- encourages Parties that are facing difficulties complying with one or more of their obligations under the Protocol to seek assistance from the Compliance Committee or the Secretariat, as appropriate, in areas, such as making information available to the BCH and the development or updating of national biosafety frameworks.

### BIOSAFETY CLEARING-HOUSE

On Tuesday, WG II considered operation and activities of the Biosafety Clearing-House (UNEP/CBD/BS/COP-MOP/7/3). Deliberations continued on Wednesday, and revised draft text was approved on Thursday afternoon.

Discussions focused on: the integration of the BCH with other databases to avoid multiple submissions; the accelerated rollout of the UNEP-GEF BCH III capacity-building project; the facilitation of communication for editing and updating records submitted by Parties to the BCH; and the possibility of providing more information on LMOs intended for field trials.

Brazil and Honduras, with Argentina speaking as an observer, opposed the provision for more information on field trials. China suggested establishing a group of experts to provide technical guidance. The EU proposed adding references to, *inter alia*, capacity building for LMO monitoring and other CBD clearing-houses. Brazil suggested referring to "final" decisions with reference to Parties registering decisions in the BCH on the first intentional transboundary movement of LMOs. The African Group proposed text inviting UNEP and other GEF implementing agencies to assess lessons learned about effective participation in the BCH, with Brazil opposing it, saying the assessment of lessons learned should be a task for Parties rather than UNEP. Colombia supported the continuation of online fora, and the Republic of Korea stated its commitment to continue providing financial support for capacity-building activities to facilitate the use of the BCH.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.3), the COP/MOP requests the Executive Secretary to, *inter alia*:

- facilitate communication for the editing and updating of records submitted by Parties to the BCH;
- continue developing the BCH, with special emphasis on activities relating to the harmonization of, and capacity building for, monitoring of LMOs;
- continue its collaboration with other biosafety databases and platforms, including those of the Food and Agriculture Organization (FAO) and the Organization for Economic Co-operation and Development (OECD); and
- continue the development of online forums.

The COP/MOP urges Parties and invites other governments to register in the BCH all their final decisions on the first intentional transboundary movement of LMOs, with special

emphasis on LMOs intended for field trials, and to inform their representatives in other international forums of the possibility of retrieving electronically all data registered in the BCH.

The COP/MOP further invites Parties, other governments and relevant international and regional organizations to undertake or support capacity-building initiatives to assist developing country Parties in putting in place facilities enabling them to submit consistent, up-to-date and complete information through the BCH and their national reports, as well as to provide funding and strengthen initiatives aimed at overcoming obstacles encountered by developing country Parties, in particular the least developed countries (LDCs), small island developing states (SIDS) and countries with economies in transition, in meeting their obligations under Protocol Article 20 (information sharing). The COP/MOP also invites UNEP, in its implementation of the BCH III project, to develop further guidance on the use of the BCH with special attention to customs and border control officials, and promotion of public awareness, education and participation.

The COP/MOP further invites UNEP and other GEF implementing agencies to start assessing further needs of developing country Parties relating to the use of the BCH, with the aim of promptly submitting to the GEF proposals for new capacity-building projects. The COP/MOP recommends that the COP invite the GEF to approve the UNEP-GEF BCH III project.

#### **FINANCIAL MECHANISM AND RESOURCES**

On Monday, the Secretariat reported on the status of implementation of the previous guidance to the financial mechanism (UNEP/CBD/BS/COP-MOP/7/4/Rev.1). Delegates began considering this item in WG I on Tuesday, with many Parties highlighting the need for capacity building and expressing concern over declining support for implementation activities over the past three rounds of GEF replenishment. The African Group, with Guinea-Bissau and Cambodia, supported a special window for implementation, which was opposed by the EU, Switzerland, Norway and Brazil. South Africa, with Egypt, suggested the Secretariat prepare an analysis on the decline of resources utilization for biosafety projects.

A Friends of the Chair group was established and met on Tuesday evening and Wednesday. On Thursday morning in WG I, Parties considered a revised draft decision and discussed a recommendation for the COP to invite the GEF to fund activities within the Biodiversity Focal Area Set-Aside for eligible Parties that have reported to the Compliance Committee difficulties in complying with the Protocol. Following consultations among interested Parties, delegates agreed to invite the GEF to consider mechanisms for updating or finalizing national biosafety frameworks.

On Friday, during plenary, the EU proposed amending the draft decision to reflect that all eligible Parties should receive funding from the GEF, not just those that have reported to the Compliance Committee difficulties in complying with the Protocol. Parties adopted the decision as amended.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.9), the COP/MOP, *inter alia*: notes with concern the low number of projects and low amount of funding requested by Parties from the GEF to support implementation of the Protocol during the GEF-5 period; encourages Parties to cooperate at the regional and sub-regional levels and to request GEF support for

joint projects; and urges Parties and invites other governments to prioritize biosafety within their NBSAPs and national development plans and programmes, as appropriate.

On further guidance to the financial mechanism, the COP/MOP recommends that the COP invite the GEF to, *inter alia*:

- fund, in view of the experience gained by the contribution of the financial support of the GEF during the second national reporting process, activities within the Biodiversity Focal Area Set-Aside for eligible Parties, in particular those that have reported to the Compliance Committee difficulties in complying with the Protocol;
- fund the activities of eligible Parties concerning implementing national biosafety frameworks, supporting capacity-building activities, and supporting the ratification and implementation of the Supplementary Protocol; and
- consider mechanisms for: supporting the updating and finalization of national biosafety frameworks; facilitating access to GEF funding for projects supporting the implementation of the Protocol; and increasing the level of utilization of GEF funding for biosafety.

On mobilization of additional resources, the COP/MOP:

- urges Parties to expedite the enactment of their national biosafety laws for securing dedicated funding allocations for biosafety in their national budgets; and
- requests the Executive Secretary, subject to the availability of funds, to take into account biosafety concerns when providing technical support and guidance and capacity building to assist Parties in identifying their funding needs and gaps in biosafety and in integrating biosafety in the development of their national resource mobilization strategies.

#### **COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES**

In Monday's plenary, delegates heard a report on cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/7/5), and the special session on implementation took up discussion of this topic. Parties expressed support for facilitating information exchanges with technical institutions and other bodies, including the WTO Committee on Sanitary and Phytosanitary Measures. They discussed the need for: improving communication among national agencies; keeping pace with the rapid developments in biotechnology; harmonizing national standards with regional frameworks; and promoting public awareness, including through the use of modern communication tools at the national level.

Parties approved a revised draft text in Wednesday's plenary, after agreeing to: reorganize listings of organizations; include mention of academic institutions and public-private cooperation, as well as cooperation at the national level; and promote the active participation of other conventions and related organizations in the BCH.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.4), the COP/MOP welcomes cooperation with, *inter alia*, the WTO, FAO, the International Plant Protection Convention, the OECD, the UN Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention), the EU

Reference Laboratory for Genetically Modified Food and Feed of the Joint Research Centre of the European Commission, and the Green Customs Initiative; and agrees to:

- pursue cooperation at the current level with other organizations, conventions and initiatives, including academic and research institutions, from all regions;
- promote active participation of other conventions and related organizations in the BCH online discussion portal; and
- continue efforts to gain observer status for the CBD in those committees of the WTO that are relevant to biosafety.

### BUDGET

During plenary Monday morning, the Secretariat introduced the report on administration of the Protocol and budgetary matters (UNEP/CBD/BS/COP-MOP/7/6) and the proposed programme budget for the biennium 2015-16 (UNEP/CBD/BS/COP-MOP/7/6/Add.1 and 6/Add.5).

Chair Lee highlighted that the agenda item would also address improving the efficiency of structures and processes under the Convention and its protocols, including the concurrent organization of future COP and COP/MOP meetings, and the establishment of an SBI. Noting that the item also includes recommendations from the functional review of the Secretariat (UNEP/CBD/BS/COP-MOP/7/6/Add.4 and Inf.13), the EU proposed, and delegates agreed, to address these items in WG I.

CBD Executive Secretary Dias explained that the proposed plan for future meetings of the COP and COP/MOP (UNEP/CBD/BS/COP-MOP/7/6/Add.2 and UNEP/CBD/COP/12/25) seeks to improve efficiency while ensuring the full and effective participation of all Parties. Many agreed that concurrent meetings could increase efficiency, with several Parties stressing the need to ensure the full and effective participation of developing countries, noting that concurrent meetings will have independent mandates requiring representation of different national authorities. Cuba and Grenada called for developing new modalities for developing countries' participation. New Zealand suggested clarifying how efficiency gains from holding concurrent meetings can be channeled to funding developing countries' participation. The EU asked to clarify how the COP/MOP 7 discussion will inform, yet not prejudice, COP 12 discussions of these matters.

**ADMINISTRATION OF THE PROTOCOL AND BUDGETARY MATTERS:** The contact group on budget first met on Wednesday morning, chaired by Spencer Thomas (Grenada) and attended by CBD Executive Secretary Dias. Delegates heard a budget presentation and provided initial comments. Developing countries called for inclusion of funding for the participation of developing countries, LDCs, SIDS and economies in transition in the core budget, which delegates did not agree on. One Party emphasized the usefulness of the ongoing functional review of the Secretariat. Parties agreed that the next budget scenario should be more conservative and have a cap within a 5% increase from the 2015-2016 level in nominal terms. The contact group finalized its work on Thursday evening.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.15), the COP/MOP, *inter alia*:

- approves a core programme budget of US\$3,243,500 for 2015 and US\$3,190,400 for 2016;
- urges Parties that have still not paid their contributions to the core budget to do so without delay;

- reaffirms the importance of full and effective participation of developing country Parties, in particular LDCs, SIDS and those with economies in transition, in the activities of the Protocol, and requests the Secretariat to remind Parties to contribute to the Special Voluntary Trust Fund at least six months prior to ordinary meetings of the COP;
- stresses the importance of the COP/MOP decisions on improving the efficiency of structures and processes under the Convention and its protocols and on the outcome of the functional review of the Secretariat, and their implications for the future budgets of the Protocol; and
- requests the Executive Secretary to submit a budget for the biennium 2017-2018 to COP/MOP 8, and to provide two budget scenarios based on: the assessment of the required rate of growth for the programme budget, which should not exceed a 5% increase from the 2015-2016 level in nominal terms; and maintaining the core programme budget at the 2015-2016 level in nominal terms.

### IMPROVING THE EFFICIENCY OF STRUCTURES AND PROCESSES UNDER THE CONVENTION AND ITS PROTOCOLS: Future meetings of the COP and COP/MOP:

WG I delegates welcomed the proposed plan for concurrent meetings of future COPs and COP/MOPs (UNEP/CBD/BS/COP-MOP/7/6/Add.2) and considered this item on Tuesday and Thursday. Parties emphasized the need to: ensure effective participation of developing countries; maintain the legal distinction between each of the Convention's instruments; and increase visibility of the Protocol. The EU, Colombia and Peru suggested learning from meetings of the chemicals conventions. The EU proposed requesting the Executive Secretary to submit a plan of the intersessional process for the preparation of the concurrent organization of the meetings, as may be established by COP 12.

**Functional review of the Secretariat:** On Tuesday, in WG I, the EU, with Switzerland, called for further discussion on the Executive Secretary's report on the functional review and elements of a draft decision (UNEP/CBD/BS/COP-MOP/7/6/Add.4). The EU envisioned a Secretariat where officers in different divisions would work on the same instrument and synergize their inputs. Norway cautioned against changing the core functions of the Secretariat and, with the EU and Brazil, supported discussing the review in the contact group on budget.

In the budget contact group on Wednesday, delegates expressed disappointment that the functional review was ongoing and not ready in time for COP/MOP 7. Delegates did not accept the suggested elements of a draft decision. Instead of having a stand-alone decision on this issue, Parties decided to stress the importance of the outcome of the functional review of the Secretariat and its implications for the future budgets of the Protocol in the decision on the administration of the Protocol.

**Subsidiary body on implementation:** Considering this item (UNEP/CBD/BS/COP-MOP/7/6/Add.3) on Tuesday in WG I, Brazil, Grenada, Colombia, Liberia, Malaysia, South Africa and Niger supported establishing an SBI. The EU stressed the need to consider, *inter alia*: budgetary arrangements; the SBI's relationship with the Convention and its protocols; rules of procedure; and how requests from the SBI to the COP and COP/MOPs could be handled. In response to South Africa's

request to insert references to the protocols in the SBI's terms of reference, the Secretariat explained that it would be legally inconsistent as not all Parties to the Convention are Parties to its protocols.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.10), the COP/MOP:

- decides to hold its future meetings concurrently with the COP in the same two-week period;
- calls upon developed country Parties to increase their contributions to the relevant voluntary trust funds to ensure the full and effective participation of developing country Parties, in particular LDCs and SIDS, and Parties with economies in transition, in the concurrent meetings;
- requests the Executive Secretary to further refine the plan for the organization of concurrent meetings;
- recognizes the benefits of integrated approaches to the review and support of the implementation of the Convention and its protocols; and
- decides that the SBI, if established by COP 12, will also serve the Protocol.

#### **HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION (HTPI) OF LMOs**

WG II addressed handling, transport, packaging and identification (HTPI) of LMOs (UNEP/CBD/COP-MOP/7/8 and 8/Add.1) on Tuesday, and approved draft text on Wednesday. Deliberations focused on the need for a stand-alone document to accompany shipments of LMOs intended for direct use as food, feed or for processing (LMO-FFPs), as well as the need for HTPI standards to complement existing documentation standards set by bodies such as the International Plant Protection Convention, the WTO Committee on Sanitary and Phytosanitary Measures and the World Organisation for Animal Health.

The African Group, opposed by Brazil, Paraguay, the EU, Japan, New Zealand, the Philippines, South Africa, Uruguay, Ecuador and Honduras, supported developing a stand-alone document. Norway, Bolivia, Qatar, Moldova and Peru suggested keeping the item under review and collecting additional experiences during the third review of the Protocol's effectiveness. The African Group and Peru stressed that, given the limited number of views submitted by Parties on the topic, the possibility to further review the need for a stand-alone document should remain. The EU suggested, and many Parties agreed to, compromise text, which states that further review of the need for a stand-alone document is not required, unless a subsequent COP/MOP decides otherwise in light of the experience gained.

ECOROPA and EcoNexus said that using the term "may contain" for imports of LMO-FFPs pressures importing Parties to approve all LMOs that are approved in the exporting countries. Mexico referenced a previous COP/MOP decision, which states that the expression "may contain" does not require a listing of LMOs other than those that constitute a shipment.

The EU, supported by Paraguay, Colombia, Japan and the Philippines, said that existing standards, methods and guidance applicable to HTPI are sufficient, noting that the COP/MOP is not a standard-setting body. Mexico called for further work on standards for consideration of the issue at COP/MOP 8.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.2), the COP/MOP:

- requests Parties and urges other governments to continue to take measures to ensure the implementation of requirements in paragraph 2(a) of Article 18 of the Protocol (HTPI), and cooperate with and support developing country Parties and Parties with economies in transition to build the capacity to implement the identification requirements;
- requests Parties and urges other governments to continue to identify transboundary movements of LMO-FFPs, by incorporating the information identified in decision BS-III/10 into existing documentation accompanying LMOs, and to make available to the BCH any domestic regulatory requirements related to the identification and documentation of LMO-FFPs;
- decides that a further review of the need for a stand-alone document is not required unless a subsequent meeting of the Parties so decides in light of the experience gained; and
- requests the Executive Secretary to continue to collaborate with relevant international standard-setting bodies, to keep Parties abreast of any new developments, and to make such information available in the BCH.

#### **LIABILITY AND REDRESS**

WG I considered an update on the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress (UNEP/CBD/BS/COP-MOP/7/9) on Tuesday morning. Much of the discussion focused on the preparation of an explanatory guide to expedite the Supplementary Protocol's entry into force, its implementation, and capacity building. The Democratic Republic of Congo, India, Niger, Liberia, Egypt, Cameroon and others supported the preparation of an explanatory guide, with many developing country Parties emphasizing the need for capacity building. Uruguay and Sudan stressed awareness raising, while Niger supported holding national and regional workshops.

WG I considered a revised draft decision on liability and redress on Wednesday afternoon. Parties introduced textual revisions based on the text of the Supplementary Protocol. Turkey, supported by the EU, introduced a reference to risks to human health. Guinea proposed inviting the Executive Secretary to organize workshops and other awareness-raising and capacity-building activities. Delegates agreed to the EU's request that this be subject to the availability of funds. They did not agree to Brazil's proposal to postpone this invitation until the Supplementary Protocol's entry into force.

Egypt, Zambia, Qatar and Senegal, opposed by the EU, Japan, Colombia, Liberia and Kenya, requested that the Executive Secretary's collaboration with relevant organizations on the preparation of an explanatory guide not be subject to the availability of funds. This was not accepted.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.6), the COP/MOP: welcomes Parties to the Cartagena Protocol that have deposited their instrument of ratification, acceptance, approval or accession to the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress; calls upon other Parties to expedite their internal processes and to deposit their instrument of ratification, acceptance, approval or accession as soon as possible with a view to ensuring the Supplementary Protocol's entry into force in time for COP/MOP 8; and calls

upon states that are Parties to the Convention but not Parties to the Cartagena Protocol to ratify, accept, approve or accede to the Protocol, as appropriate, without further delay, so that they can also become Parties to the Supplementary Protocol.

The COP/MOP also invites Parties, other governments and relevant organizations and institutions to undertake or support further awareness-raising and capacity-building activities to promote understanding and implementation of the Supplementary Protocol, including, where appropriate, the development of policy and legislative instruments that provide for response measures for damage to the conservation and sustainable use of biological diversity resulting from LMOs that find their origin in a transboundary movement, taking also into account risks to human health. It also requests the Executive Secretary to: organize, subject to the availability of funds, workshops and other awareness-raising and capacity-building activities to improve understanding of the Supplementary Protocol; and collaborate with relevant organizations to prepare, subject to the availability of funds, an explanatory guide in order to expedite the entry into force and implementation of the Supplementary Protocol.

#### **RISK ASSESSMENT AND RISK MANAGEMENT**

On Tuesday, WG II considered a note by the Executive Secretary on risk assessment and risk management (UNEP/CBD/BS/COP-MOP/7/10/Rev.1), the report of the Open-Ended Online Expert Forum on Risk Assessment and Risk Management (UNEP/CBD/BS/COP-MOP/7/10/Add.1) and the report of the *Ad Hoc* Technical Expert Group (AHTEG) on Risk Assessment and Risk Management (UNEP/CBD/BS/COP-MOP/7/10/Add.2). A contact group was formed, which met on Tuesday and Wednesday evening, as well as on Thursday morning. Draft text was approved on Thursday afternoon.

Discussions focused on whether or not to adopt or not the "Guidance on Risk Assessment of LMOs," the structure of the AHTEG, and the extension of the mandate of the AHTEG and the Online Forum.

The Philippines, supported by Honduras, Brazil, New Zealand, Paraguay and the Dominican Republic, opposed endorsing the guidance or drafting further guidance on specific topics of risk assessment, and requested major revisions in view of accumulated knowledge and experience. Japan, India, Turkey, South Africa, Kenya and Argentina also preferred not to endorse the guidance, arguing this would be premature and that suggestions for improvements should be borne in mind. Egypt, Moldova, Norway, China, Bolivia and the African Group supported endorsing the guidance, with some suggesting using the guidance in the third national reports and for capacity building. The EU said the guidance should be reviewed and improved before COP/MOP 8.

China, the African Group, the EU, Costa Rica and Colombia requested extending the AHTEG and Online Forum, noting that their mandate should include risk assessment of LMOs in centers of origin and genetic diversity, of living modified microorganisms and viruses, and of living modified fish.

During contact group deliberations, many Parties expressed their willingness to significantly review and revise the Guidance on Risk Assessment of LMOs, while others cautioned against an endless updating process. A number of Parties expressed

concerns over the proposed continuation of the AHTEG and called for, *inter alia*: its recomposition to include new members and vigorous scientific expertise; better representation of all Parties and non-Parties to the Protocol; and clarification of interactions between the AHTEG and the Open-ended Online Forum. Contact Group Chair Helmut Gaugitsch (Austria) proposed to expand the AHTEG by adding five new members.

Following lengthy negotiations in WG II, the Philippines, Honduras and Iran lifted their reservations against the continuation of the AHTEG in its current form. Iran proposed, and delegates agreed, to add a reference to organizing a face-to-face AHTEG meeting, subject to availability of funds, adding that, in the same spirit of compromise, the Guidance on Risk Assessment of LMOs may be adopted during COP/MOP 8. Mexico and Brazil offered to host face-to-face AHTEG meetings.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.13), the COP/MOP welcomes the results of the testing of the Guidance on Risk Assessment of LMOs and invites Parties, other governments and relevant organizations to test or use it, as appropriate, in actual cases of risk assessment and as a tool for capacity-building activities in risk assessment. The COP/MOP extends the Online Forum and the AHTEG with revised terms of reference, and expands the composition of the AHTEG to include one new member from each region, requesting the Executive Secretary to continue facilitating their work and to improve the mechanism for updating background documents.

The COP/MOP further: invites Parties to submit existing guidance, as well as information on their priorities for further guidance on specific topics of risk assessment of LMOs; requests the Executive Secretary to synthesize the views submitted; and agrees to consider, at COP/MOP 8, the need for the development of further guidance on prioritized topics. Regarding the package that aligns the Guidance and the Training Manual, the COP/MOP invites Parties to test or use it, as appropriate, and requests the Executive Secretary to use it, subject to the availability of funds, to conduct capacity-building activities in risk assessment. The COP/MOP also recommends a coordinated approach with the COP on the issue of synthetic biology, as provisions of the Protocol may also be applicable.

Regarding the terms of reference for the Online Forum and the AHTEG, the Guidance on Risk Assessment of LMOs shall be revised to take into account original comments provided through the testing of the Guidance and incorporate selected suggestions, as well as take into account the topics prioritized by the AHTEG, on the basis of the needs indicated by the Parties. The AHTEG shall meet face-to-face at least once prior to COP/MOP 8, to aim for an improved version of the Guidance to be considered by COP/MOP 8.

#### **SOCIO-ECONOMIC CONSIDERATIONS**

Delegates considered this item on socio-economic considerations arising from the impact of LMOs on the conservation and sustainable use of biodiversity (UNEP/CBD/BS/COP-MOP/7/11/Rev.1) in WG I throughout the week and, on Thursday, in a contact group co-chaired by Andreas Heissenberger (Austria) and Ranjini Warriar (India). Discussions focused on extending the mandate of the AHTEG on Socio-economic Considerations and many Parties stressed the need for capacity building. Brazil suggested that the AHTEG



consider indigenous and local communities (ILCs) and family farmers. Turkey urged considering impacts on gender and small farmers. The Philippines said international standards, rather than prescriptive guidelines, are needed. Paraguay, Kenya and South Africa emphasized that socio-economic considerations are country-specific. New Zealand, the EU and Iran asked to consider both positive and negative impacts of LMOs under socio-economic considerations. South Africa supported gathering further information on the interface between socio-economic considerations and international obligations. Bolivia suggested also analyzing obligations under treaties on ILCs and human rights.

On extending the AHTEG's work to prepare flexible and non-prescriptive guidelines, Bolivia proposed noting in the preambular paragraphs that this work is non-prescriptive, which was opposed by the EU. Paraguay suggested the report be taken into account "in a voluntary manner when necessary." Brazil said it was not ready to have the AHTEG prepare guidelines on conceptual clarity on socio-economic considerations. Noting divergent views, WG I Chair Ogwal established a contact group, which met into Thursday evening.

Contact group Co-Chair Heissenberger reported back to WG I on Friday morning, noting agreement on: refined text on the future work needed for the AHTEG to take first steps towards developing guidance on achieving operational objective 1.7 (socio-economic considerations) of the Strategic Plan and its outcomes; and on topics suggested for online discussions, including socio-economic considerations and the value of biological diversity to ILCs. Delegates then focused on whether to commission, subject to the availability of funds, a study on international agreements that may have relevance to socio-economic considerations. Mauritania, supported by Liberia, Bolivia, El Salvador, Malaysia, Niger, Moldova, Sudan, India and Brazil, supported the study, with Brazil announcing its readiness to provide financial support. Paraguay, with Honduras, objected to the study. The EU noted the study is not a priority and could be commissioned at a later stage. Following consultations among interested Parties, delegates agreed to commission a study, providing it be made "available on the BCH." Paraguay requested the Secretariat to note his delegation's view that the study was not of any obligatory or binding nature in the meeting's report.

**COP/MOP Decision:** In the decision (UNEP/CBD/BS/COP-MOP/7/L.14), the COP/MOP, *inter alia*: recognizes the role and contribution that ILCs may provide in the development of conceptual clarity on socio-economic considerations, and decides that the AHTEG on Socio-economic Considerations: shall be extended, subject to the availability of funds; should further develop, in a stepwise approach, conceptual clarity on socio-economic considerations arising from the impact of LMOs on the conservation and sustainable use of biological diversity; and develop an outline for guidance with a view to making progress towards achieving operational objective 1.7 (socio-economic considerations) of the Strategic Plan.

The COP/MOP also requests the Executive Secretary to:

- compile and disseminate information on: policies, laws, regulations and guidelines providing for definitions of socio-economic considerations; and practical applications of

socio-economic considerations in decision-making on LMOs, including cases where positive and negative socio-economic impacts have been considered;

- convene online discussion groups to facilitate the exchange of views, information and experiences on socio-economic considerations in the context of Protocol Article 26(1), including: international obligations that may be relevant to socio-economic considerations; socio-economic considerations and the value of biological diversity to ILCs; environment-related aspects of socio-economic considerations, as well as the relationship, if any, with risk assessment and human health-related issues;
- compile and prepare a synthesis of the views and comments for consideration by the AHTEG on socio-economic considerations; and
- commission, subject to the availability of funds, a study on international agreements that may have relevance to socio-economic considerations, as provided for in Protocol Article 26, and to make the report available on the BCH.

### MONITORING AND REPORTING

On Tuesday, WG II considered monitoring and reporting (Article 33) (UNEP/CBD/BS/COP-MOP/7/12), including the draft format for Parties' third national reports. Japan and Nigeria opposed references to the "Guidance on Risk Assessment of LMOs," as it is still under discussion.

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.7), the COP/MOP requests: the Executive Secretary to make the revised reporting format available through the BCH; and Parties to use it to prepare their third national reports. The COP/MOP invites: Parties to prepare their reports through a consultative process; and the GEF to make financial resources available to mitigate limitations Parties may face in preparing their reports.

### ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE PROTOCOL

On Tuesday, WG I considered assessment and review of the effectiveness of the protocol (Article 35) (UNEP/CBD/BS/COP-MOP/7/13), including a proposal to conduct the third assessment and review in conjunction with the midterm evaluation of the Strategic Plan, which received general support. Brazil, South Africa and Kenya supported the establishment of an AHTEG, and India suggested involving the Compliance Committee in the process. The EU opposed this, proposing instead to form a liaison group with balanced regional representation.

On Thursday, delegates decided to refer the assessment to the relevant subsidiary body interested in the task of reviewing the implementation of the Protocol, including the Liaison Group on Capacity Building, and to ask this body to undertake activities related to assessment and review, taking into account the views of ILCs "by ensuring their participation in the review process."

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.8), the COP/MOP decides that the third assessment and review of effectiveness of the Protocol be combined with the mid-term evaluation of the Strategic Plan at COP/MOP 8; and that the evaluation should also draw upon information from the third national reports as a primary source, the BCH, and, where appropriate, additional data collected through surveys. The

COP/MOP requests the Executive Secretary to collect, compile and analyze this information and urges Parties to contribute effectively to the data collection process through, *inter alia*: timely submission of their third national reports and making available mandatory information through the BCH.

The COP/MOP requests the relevant subsidiary body entrusted with the assessment to: review the information gathered; undertake the third assessment and review of the effectiveness of the Protocol using the annexed core set of identified information needs; take into account views of ILC representatives and ensure their representation in the process; and submit its findings to COP/MOP 8.

The COP/MOP further requests the Compliance Committee to provide input to the assessment, and recommends that the COP urge the GEF to support Parties in the collection of information and the preparation of their third national reports.

The annex contains identified information needs in four areas: coverage; domestic implementation of core procedures and annexes; international level procedures and mechanisms; and impacts of transboundary movements of LMOs on biological diversity, taking also into account risks to human health.

#### **UNINTENTIONAL TRANSBOUNDARY MOVEMENTS AND EMERGENCY MEASURES**

WG II considered elements of a draft decision on unintentional transboundary movements and emergency measures (Article 17) (UNEP/CBD/BS/COP-MOP/7/14) on Wednesday, and discussed a revised draft on Thursday.

On definitions, the EU and several countries called for differentiating between “unintentional” and “illegal” release of LMOs, and the African Group and Malaysia proposed developing a working definition.

On developing technical tools and guidelines, delegates discussed a provision in the draft for an informal advisory committee to be established to provide guidance in this regard. The EU, New Zealand and India requested the removal of this provision, suggesting that a more effective use of resources would be to have the Online Network of Laboratories for the Detection and Identification of LMOs to play this role. Brazil said that developing guidance on this topic is not part of the Network’s mandate. The African Group and several other countries and organizations stressed the importance of capacity building, including capacity building in relation to the Supplementary Protocol. The EU expressed willingness to support capacity building to identify circumstances that may lead to the unintentional release of LMOs, and delegates agreed that the Network should continue its work.

On notifications, delegates stressed the importance of registering LMO transboundary movements in the BCH for the purposes of detection, identification and possible early warning. They discussed whether field trials should also be registered, with some Parties saying this is not an obligation under the Protocol, and that proprietary information should be provided for regulatory purposes only. The EU, supported by Bolivia, China, El Salvador and Uganda, proposed that the information required in Parties’ notifications include “the sequences of vectors, modified genetic elements, and their flanking regions.” Observers Argentina and Canada, supported by Brazil and Kenya, said that such information may be confidential,

and suggested following the approach of the FAO’s Codex Alimentarius database, which notes where detection methods and reference materials can be obtained, rather than providing the details. Delegates disagreed over a compromise proposal to provide information “in accordance with national legislation,” instead of “for regulatory purposes.” They finally agreed to Norway’s proposal that notifications include “information that allows for unique identification and where reference material may be obtained.”

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.11), the COP/MOP invites Parties and other governments to submit to the Executive Secretary information on actual cases of unintentional transboundary movement and case studies related to their existing mechanisms for emergency measures, and to submit information, tools, guidance and practical experience regarding contained use of LMOs.

The COP/MOP also invites Parties and other governments to submit views on what constitutes unintentional transboundary movements in contrast with illegal transboundary movements, and requests the Executive Secretary to compile and synthesize these views for consideration by the Compliance Committee at its 13th meeting, together with suggested clarifications.

The COP/MOP encourages Parties and other governments to ensure that, for regulatory purposes, the information provided by a notifier includes all the information necessary to detect and identify the LMO, including information that allows for its unique identification and where reference materials may be obtained. It requests the Online Network of Laboratories for the Detection and Identification of LMOs to continue working on issues relevant to the detection and identification of LMOs.

The COP/MOP requests the Executive Secretary to, *inter alia*:

- continue organizing online discussions through the Network of Laboratories focusing on the detection and identification of LMOs;
- create, in the BCH, a system for the easy identification of notifications relating to unintentional transboundary movements of LMOs within the context of Article 17, and provide cross-references among the notifications and relevant detection methods, where applicable; and
- organize, in cooperation with relevant organizations, subject to the availability of funds, capacity-building activities such as online and face-to-face training workshops on sampling, detection and identification of LMOs.

#### **CONTAINED USE OF LMOs**

On Wednesday, WG II considered contained use of LMOs (UNEP/CBD/BS/COP-MOP/7/15). Discussion focused on whether there is a need to develop tools and guidance regarding contained use of LMOs, and how this should be done. Some Parties argued that such guidance is already sufficiently provided through existing national legislation and guidance by international organizations and academic institutions, whereas others called for capacity building to enable developing countries to conduct research that requires contained use of LMOs. The EU supported collecting information from Parties, as a start.

On Thursday, delegates discussed a draft decision inviting Parties and other governments to submit information, tools and guidance on contained use of LMOs. They also agreed to mention submitting “practical experience.”

**COP/MOP Decision:** In its decision (UNEP/CBD/BS/COP-MOP/7/L.12), the COP/MOP:

- invites Parties and other governments to submit to the Executive Secretary information, tools, practical experience and guidance related to their existing mechanisms and requirements relating to the contained use of LMOs, including any specific requirement relating to the type and level of containment;
- requests the Executive Secretary to create sections in the BCH where such information can be submitted and easily retrieved; and
- decides to consider the information submitted at COP/MOP 8, taking into account the gaps and needs identified by Parties, if any, with a view to facilitating the implementation of the Protocol's provisions.

### CLOSING PLENARY

The closing plenary convened at 3:15 pm on Friday, 3 October. Delegates resolved outstanding issues on the decision on the financial mechanism and resources, and on socio-economic considerations, and adopted 14 decisions, the report of the COP/MOP, and the reports of the WGs (UNEP/CBD/BS/COP-MOP/7/L.1, and UNEP/CBD/BS/COP-MOP/7/L.1/Add.1 and Add.2).

CBD Executive Secretary Dias congratulated all Parties, noting that the outcome will enhance the Cartagena Protocol as a global tool contributing to the safe handling of LMOs, and has set a course for the work of the Protocol over the next two years. He urged Parties that have not done so to ratify the Supplementary Protocol on Liability and Redress.

Delegates made closing statements on behalf of the regions, welcoming the review process, including the evaluation of effectiveness, and expressing their commitment to implementation. Fiji, for the Asia-Pacific region, noted that, "information is key," and welcomed the attention given to promoting visibility of the Protocol on the ground, and ensuring the adequate representation of developing countries. Peru, for the Latin American and Caribbean Group, expressed satisfaction regarding the results of the COP/MOP, especially in the contact group on risk assessment and risk management, and pledged to continue contributing technical and financial support as needed. Georgia, for Central and Eastern Europe, noted that the Protocol is coming up with tangible outcomes, and thanked all delegates for the constructive dialogue. The EU, on behalf of the Western Europe and Others Group, thanked the host country, Secretariat, interpreters and all those involved in the preparations, also expressing hope that, in the future, preparatory documents will be provided earlier. Mauritania, for the African Group, expressed appreciation that the constraints faced by developing countries were recognized, reiterating that financial support is key to developing countries' participation in concurrent meetings and to their implementation of the Protocol.

The Republic of Korea highlighted that the Korean Biosafety Capacity-Building Initiative will be a six-year programme beginning in 2015, which will promote "mature cooperation" among Parties.

Third World Network, on behalf of several NGOs, made a statement calling for "no more delay" in developing further guidance on specific topics of risk assessment in order to assist

Parties in implementation. She cautioned that potential conflicts of interest in the composition of the two AHTEGs should be avoided, emphasizing that the AHTEGs must contribute to an adequate level of protection against LMOs, and that the illegal transboundary movements of LMOs must be addressed.

COP/MOP Chair Lee said that discussions had contributed to the conservation of biodiversity and laid a foundation for the sound development of relevant industries. He gavelled the meeting to a close at 5:28 pm.

### A BRIEF ANALYSIS OF COP/MOP 7

COP/MOP 7 of the Cartagena Protocol on Biosafety was likely the last of its kind. If the Convention on Biological Diversity's COP agrees at its meeting beginning on 6 October, week-long COP/MOPs held back-to-back with the COP will be replaced with concurrent meetings of the CBD COP and the COP/MOPs of its protocols. While the new format will offer opportunities to streamline CBD meetings and support integrated implementation, there will be less time to focus on specific biosafety issues. COP/MOP 7 therefore provided, in some sense, a last opportunity for in-depth discussion on some missing elements for effective implementation. At the same time, the prospect of shorter meetings in the future may have served as a strong incentive to slim down the agenda for future meetings.

This analysis will revisit the outcomes of COP/MOP 7 to assess how the meeting has fared in balancing these challenges.

### SLIMMING DOWN THE AGENDA ...

In a less than a week from now, the Nagoya Protocol on Access and Benefit-sharing will enter into force and hold its first COP/MOP alongside COP 12. Being the "new kid on the block," the Nagoya Protocol may inevitably draw attention and meeting resources away from the Biosafety Protocol, challenging its Parties to become more efficient in their deliberations. Some argue that, on the one hand, this streamlining process is a long overdue recognition of the Biosafety Protocol's maturity. Eleven years after its entry into force, the COP/MOP has completed the negotiation of most elements mandated by the Protocol, such as notification requirements, and liability and redress. This leads to the expectation that future meetings will focus more on day-to-day operation and review of effectiveness. On the other hand, there are still a number of issues on which the COP/MOP needs to develop guidance for implementation, such as risk assessment or unintentional transboundary movements.

The issue of unintentional transboundary movements is a case in point. Many developing country Parties have repeatedly stressed the need for guidance on how to prevent unintentional introduction of LMOs in their territory and on emergency measures that can be taken to minimize the risk of adverse effects if such introductions occurred. Disagreements on notification requirements for situations that could lead to unintended transboundary movements, such as field trials, as well as on the establishment of an informal advisory committee to develop guidance on detection and identification of LMOs requested by the African Group, prevented the COP/MOP from taking a decision on concrete steps forward, and the issue was put to rest. Contrary to previous decisions on this item, COP/

MOP 7 did not provide for additional review of the need for guidance at a future meeting.

Another long-standing controversial issue is documentation requirements for LMOs intended for direct use as food or feed, or for processing (LMOs-FFP) and associated guidance for the detection and identification of LMOs that “may” be contained in LMO-FFP shipments. The African Group advocated further review of the need for a stand-alone document, which importing developing countries have traditionally viewed a necessity for informed decision-making on LMO imports. With New Zealand, Argentina and South Africa expressing their established reservations, stand-alone documentation was also opposed by Paraguay, Honduras, the Philippines, Colombia and Japan, among others. The growing opposition led to a compromise predicating further review of the need for a stand-alone document on a subsequent decision by the COP/MOP, and using existing guidance for the detection of LMO-FFPs, rather than developing new guidance. While this decision effectively suspends further discussions on the most controversial items relating to LMO-FFPs, several developing country Parties indicated that taking decisions on imports of LMO-FFPs will remain a challenge in the absence of additional guidance.

Likewise, no specific guidance will be developed for contained use of LMOs. Japan, Iran, the Philippines and Honduras did not consider it necessary to develop such guidance as they deemed existing national legislation and guidance by international organizations and academic institutions sufficient for the safe handling of LMOs destined for contained use. Instead, countries have been invited to submit, through the BCH, information, tools, practical experiences and guidance on contained use, to be considered at COP/MOP 8.

### ...WITHOUT DISMANTLING THE PROTOCOL

The most contentious attempt to slim down the agenda focused on risk assessment. After repeated rounds of revisions, testing and peer review, most delegates expected to adopt the draft guidance on risk assessment, allowing the COP/MOP to focus on further guidance for specific types of LMOs, such as genetically modified fish, insects and microorganisms. Yet, the draft guidance came under heavy attack by a number of countries, including Iran, the Philippines and Honduras, who called it “counterproductive” and “unscientific,” requesting that the COP/MOP discard the draft guidance and stop the established process of developing it further through an *Ad Hoc* Technical Expert Group (AHTEG). The members of the AHTEG who had been involved in the development of the draft guidance not only perceived this attack as outright rude, but tended to agree with concerns expressed by NGO representatives that “scrapping the COP/MOP’s work on risk assessment would come close to dismantling the Protocol as a whole.” Following protracted contact group discussions, opponents of the guidance withdrew their requests saying that, “in the spirit of compromise,” they would be able to adopt the guidance at COP/MOP 8 after a final round of review by the AHTEG. As a result of these protracted discussions, COP/MOP 7 never had time to engage in assessing the specific risks of new types of LMOs.

The unexpectedly rough tone of the discussions had repercussions beyond the contact group on risk assessment. Some delegates expressed their disappointment with the

vehement opposition expressed, which they related to poorly concealed industry interests. To these delegates, the industry’s wariness of risk assessment, as well as continued emphasis on the benefits of biotechnology, is in glaring contrast with the Protocol’s objectives. As one delegate noted, insisting that the risks of LMOs are unproven and that concerns about biosafety are nothing but unfounded trade barriers “takes us back to the time before the Protocol was negotiated, and ignores that the Protocol is the manifestation of a science-based and collaborative approach to promote the safe introduction and use of LMOs while identifying and managing risks to biodiversity and human health.”

Tensions also arose over socio-economic considerations arising from the impact of LMOs on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to ILCs, and are specific to local, national and regional circumstances. Some countries still harbor strong views on whether the issue should be addressed by the COP/MOP in the first place. In particular, delegates deliberated on the continuation of work on conceptual clarity and advancing work on guidance on socio-economic considerations under the Strategic Plan for the Cartagena Protocol on Biosafety. The AHTEG on Socio-economic Considerations was extended, likely far beyond COP/MOP 8, tasked with further developing conceptual clarity as well as “an outline” for guidance. While most delegates supporting the work on socio-economic considerations expressed relief that the work continues, some said the COP/MOP has reverted to its old habit of “kicking the can down the road.”

### WHAT VISION FOR THE FUTURE?

To some, the protracted discussions on risk assessment and socio-economic considerations are indicative of typical confrontations between business-friendly positions and those leaning more towards civil society interests. However, a closer look reveals that this interpretation may ignore an important undercurrent. The plea for more guidance and tools to address obligations under the Protocol comes from those countries that have also indicated in their national reports that their implementation is constrained by a lack of capacity.

Countries with sufficient capacity, such as Norway and EU members, are able to address these issues without additional guidance from the Protocol. For example, during the special session on implementation, Norway described how the Norwegian Gene Technology Act addresses considerations on environment, health, ethics, social utility and sustainable development, by requiring public consultations and integrating the perspectives of academics, laymen and other stakeholders in decision-making. Similarly, Moldova described the improvements in their domestic biosafety laws and institutional capacity for LMO detection in the process of aligning their framework with relevant EU directives under the Moldova-EU association agreement.

In few countries is LMO detection and identification as developed as in the EU and many developing countries currently lack the capacity to adequately identify and manage these risks. As many developing countries integrate biotechnology strategies in their development plans, as described by Uganda and India in their presentations, they have become interested in building

broader capacities for research, development and testing of LMOs. While building the capacities for broader biotechnology development does not fall under the Protocol's scope, such strategies could provide the necessary synergies to also build the capacity required for its implementation.

This transition away from a focus on implementing the Protocol towards broader biotechnology development creates space for new partnerships that address capacity needs under the Protocol as part of integrated biotechnology development. Several delegates were optimistic that concurrent meetings of the COP/MOP with the CBD COP will provide a forum for facilitating such partnerships among governments, industry, civil society and other stakeholders. However, the prerequisite for doing so is, as one NGO delegate put it, "that we must stop accusing each other of overstating the risks of LMOs or the risks of trade disruption, and realize that the successful implementation of the Protocol will avoid both."

## UPCOMING MEETINGS

**CBD COP 12:** The 12th meeting of the Conference of the Parties to the Convention on Biological Diversity will consider a series of strategic, substantive, administrative and budgetary issues. Among other items, the meeting is expected to conduct a mid-term review of progress towards the goals of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets and review progress in support towards implementation. COP 12 will also address issues related to: biodiversity and sustainable development; marine and coastal biodiversity; biodiversity and climate change; biofuels; Article 8(j) (traditional knowledge); sustainable wildlife management; invasive alien species (IAS); synthetic biology; and ecosystem conservation and restoration. **dates:** 6-17 October 2014 **location:** Pyeongchang, Republic of Korea **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/cop2014/>

**Cities Biodiversity Summit:** The Cities Biodiversity Summit will be co-hosted by the CBD Secretariat, ICLEI-Local Governments for Sustainability, and Gangwon Province, Republic of Korea. It will take place during the twelfth meeting of the Conference of the Parties to the CBD, bringing together scientists, NGOs and biodiversity experts from around the world. The Summit will take stock of previous Summits and forge actions for implementing a Plan of Action. **dates:** 12-14 October 2014 **location:** Pyeongchang, Republic of Korea **contact:** ICLEI Biodiversity Center **phone:** +82-31-255-3257 **fax:** +82-31-256-3257 **email:** 2014citysummit@iclei.org **www:** <http://biodiversity-summit.org>

**Nagoya Protocol COP/MOP 1:** The first meeting of the Conference of the Parties to the CBD serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing (ABS) will consider the status of the ratification and implementation of the Nagoya Protocol on ABS and address items related to: the ABS Clearing-house and information-sharing; monitoring and reporting; compliance; model contractual clauses and other voluntary instruments; capacity building; awareness-raising; the need for, and modalities of, a global multilateral benefit-sharing mechanism; and organizational, financial and budgetary matters. **dates:** 13-17

October 2014 **location:** Pyeongchang, Republic of Korea **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/cop2014/>

**International Alliance of Research Universities (IARU) Sustainability Science Congress:** This conference, organized by the Future Earth research platform, the Global Green Growth Forum and the association fødevareBanken, brings together academics, businesses and policy makers to promote collaboration on sustainable solutions. Topics include: feeding future generations with limited resources; the multiple demands on biomass; putting biodiversity concerns into operation; and elucidating sustainability-health interactions. **dates:** 22-24 October 2014 **location:** Copenhagen, Denmark **contact:** Scientific Steering Committee **email:** IARU2014@science.ku.dk **www:** <http://sustainability.ku.dk/iarucongress2014/>

**Second International Conference on Nutrition (ICN2):** This high-level ministerial conference is jointly organized by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO), in cooperation with the UN High Level Task Force on the Global Food Security Crisis, other UN agencies, the World Bank and the World Trade Organization. The meeting will review progress by senior officials from agriculture, health and other ministries, UN agencies, NGOs, academia and the private sector. The conference will review progress since ICN1 in 1992, and propose a flexible policy framework to improve diets, raise levels of nutrition, and enhance international cooperation on the issue. **dates:** 19-21 November 2014 **location:** Rome, Italy **contact:** FAO ICN2 Secretariat **phone:** +39-06-570-53101 **fax:** +39-06-570-53152 **email:** ICN2@fao.org **www:** <http://www.fao.org/about/meetings/icn2/en/>

**Eighth Session of the ITWG on AnGR of the CGRFA:** The eighth session of the Intergovernmental Technical Working Group (ITWG) on Animal Genetic Resources for Food and Agriculture (AnGR) of the Commission on Genetic Resources for Food and Agriculture (CGRFA) will address, among other issues, the preparation of the second report on the state of the world's animal genetic resources for food and agriculture, and the implementation and update of the Global Plan of Action for Animal Genetic Resources. **dates:** 26-28 November 2014 **location:** Rome, Italy **contact:** FAO Animal Genetic Resources Branch **phone:** +39-06-570-52796 **fax:** +39-06-570-53057 **email:** ITWG-ANGR8@fao.org **www:** <http://www.fao.org/ag/againfo/programmes/en/genetics/angrvent-docs.html>

**Second Session of the Team of Technical and Legal Experts on ABS of the CGRFA:** The second session of the Team of Technical and Legal Experts on Access and Benefit-sharing of the CGRFA will continue work on draft elements to facilitate the domestic implementation of ABS for different sub-sectors of genetic resources for food and agriculture. **dates:** 27-29 November 2014 **location:** Rome, Italy **contact:** CGRFA Secretariat **phone:** +39-06-5705-4981 **fax:** +39-06-5705-5246 **email:** cgrfa@fao.org **www:** <http://www.fao.org/nr/cgrfa/>

**CBD Expert Workshop to Prepare Practical Guidance on Preventing and Mitigating the Significant Adverse Impacts of Marine Debris on Marine and Coastal Biodiversity and Habitats:** Organized by the CBD Secretariat with the support from the European Commission, this workshop will bring

together nominated experts to discuss the impacts of marine debris on marine and coastal biodiversity and habitats. **dates:** 2-4 December 2014 **location:** Baltimore, MD, US **contact:** CBD Secretariat **phone:** +1-514-288-2220 **fax:** +1-514-288-6588 **email:** secretariat@cbd.int **www:** <http://www.cbd.int/doc/?meeting=MCBEM-2014-03>

**First Global Soil Biodiversity Conference:** This conference is organized on the theme of 'Assessing Soil Biodiversity and its Role for Ecosystem Services,' supported by the EU, the Secretariats of the CBD and the UN Convention to Combat Desertification and the Global Soil Partnership. The conference will discuss trends in soil biodiversity and the impacts of global change, practices to maintain and enhance ecosystem services provided by soil biodiversity, and global harmonization of methods for structural and functional diversity of soil organisms. **dates:** 2-5 December 2014 **location:** Dijon, France **contact:** Global Soil Biodiversity Initiative **email:** gsbil@dijon.inra.fr **www:** <http://www.gsbiconference.elsevier.com>

**Second Meeting of the ITPGR Working Group to Enhance the Functioning of the MLS:** This meeting of the International Treaty on Plant Genetic Resources for Food and Agriculture's Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing will continue considering measures to increase user-based payments and contributions to the Benefit-sharing Fund, and additional measures to enhance the functioning of the MLS. **dates:** 9-11 December 2014 **location:** Geneva, Switzerland **contact:** ITPGR Secretariat **phone:** +39-06-570-53441 **fax:** +39-06-570-53057 **email:** pgrfa-treaty@fao.org **www:** <http://www.planttreaty.org/content/second-meeting-ad-hoc-open-ended-working-group-enhance-functioning-multilateral-system-acc-0>

**CGRFA 15 Special Information Seminar:** Immediately preceding the 15th regular session of the CGRFA, this information seminar will focus on biodiversity and food security. **date:** 17 January 2015 **location:** Rome, Italy **contact:** CGRFA Secretariat **phone:** +39-06-5705-4981 **fax:** +39-06-5705-5246 **email:** cgrfa@fao.org **www:** <http://www.fao.org/nr/cgrfa/cgrfa-meetings/en/>

**CGRFA 15:** The 15th regular session of the Commission on Genetic Resources for Food and Agriculture is expected to address a range of issues related to its Multi-Year Programme of Work. **dates:** 19-23 January 2015 **location:** Rome, Italy **contact:** Linda Collette, CGRFA Secretary **phone:** +39-06-570-54981 **fax:** +39-06-570-53152 **email:** cgrfa@fao.org **www:** <http://www.fao.org/nr/cgrfa/cgrfa-home/en/>

**Ninth Ad Hoc Open-ended Informal Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biodiversity beyond areas of national jurisdiction:** This meeting of the *Ad Hoc* Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ) aims to make recommendations to the UN General Assembly on the scope, parameters and feasibility of an international instrument under the UN Convention on the Law of the Sea (UNCLOS). **dates:** 20-23 January 2015 **location:** UN Headquarters, New York

**contact:** UN Division for Ocean Affairs and the Law of the Sea **email:** doalos@un.org **www:** <http://www.un.org/Depts/los/biodiversityworkinggroup/biodiversityworkinggroup.htm>

**Tenth Session of the Commission on Phytosanitary Measures:** The tenth session of the Commission on Phytosanitary Measures of the International Plant Protection Convention (IPPC) will consider items relating to the state of plant protection around the world, actions to control the spread of pests into new areas, international standards, guidelines for the recognition of regional plant protection organizations; and cooperation with international organizations on matters covered by the IPPC. **dates:** 16-20 March 2015 **location:** Rome, Italy **contact:** IPPC Secretariat **phone:** +39-06-5705-3388 **email:** IPPC@fao.org **www:** <https://www.ippc.int/events/standard-setting/tenth-session-commission-phytosanitary-measures>

**Twenty-ninth session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore:** The committee will take stock of progress and discuss future work proposals. **dates:** 2015 (TBC) **location:** Geneva, Switzerland (TBC) **contact:** WIPO Secretariat **phone:** +41-22-338-8161 **fax:** +41-22-338-8140 **www:** <http://www.wipo.int/tk/en/igc/>

**Cartagena Protocol COP/MOP 8:** The next COP/MOP of the Cartagena Protocol is expected to take place concurrently with the COP 13 of the CBD, pending a vote during COP 12. **dates:** TBC **location:** Mexico (TBC) **contact:** CBD Secretariat **phone:** +1 514 288 2220 **fax:** +1 514 288 6588 **email:** secretariat@cbd.int **www:** <http://bch.cbd.int/protocol>

## GLOSSARY

AHTEG	<i>Ad Hoc</i> Technical Expert Group
BCH	Biosafety Clearing-House
CBD	Convention on Biological Diversity
COP/MOP	Conference of the Parties serving as the Meeting of the Parties
FAO	Food and Agricultural Organization of the United Nations
GEF	Global Environment Facility
HTPI	Handling, transport, packaging and identification
ILC	Indigenous and local communities
LDCs	Least developed countries
LMOs	Living modified organisms
LMO-FFP	Living modified organisms for food, feed and processing
NBSAP	National biodiversity strategy and action plan
OECD	Organization for Economic Co-operation and Development
SBI	Subsidiary body on implementation
SIDS	Small island developing states
UNEP	United Nations Environment Programme
WG	Working Group
WTO	World Trade Organization