

**CONVENTION ON
BIOLOGICAL
DIVERSITY**Distr.
GENERALUNEP/CBD/BS/CC/1/3
14 January 2005

ORIGINAL: ENGLISH

**COMPLIANCE COMMITTEE UNDER THE
CARTAGENA PROTOCOL ON BIOSAFETY**First meeting
Montreal, 14-16 March 2005
Item 4 of the provisional agenda***DRAFT WORK PLAN FOR THE COMPLIANCE COMMITTEE UNDER
THE BIOSAFETY PROTOCOL***Note by the Executive Secretary***INTRODUCTION**

1. While the main focus of the first meeting of the Compliance Committee will be on developing its rules of procedure, the Committee may also wish to use this opportunity to discuss its work plan with regard to the discharge of its functions as well as the dates for its second meeting. The present note analyses the objectives and main functions of the Committee, provides preliminary suggestions on the work plan of the Committee for consideration by its members.

I. OBJECTIVES, FUNCTIONS AND WORK PLAN OF THE COMMITTEE

2. The objectives of the compliance procedures are threefold: promoting compliance, addressing cases of non-compliance and providing advice or assistance. ^{1/} To attain these objectives, the Committee is to undertake a number of functions that range from addressing individual cases of non-compliance, reviewing general issues of compliance, taking measures or making recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol, and undertaking any other tasks that may be assigned by the Conference of the Parties serving as the meeting of the Parties to the Protocol. The work plan of the Committee should therefore be constructed to enable the Committee to best perform its functions and achieve its objectives. To this end, the following proposed work plan is organized in response to the respective functions of the Committee.

* UNEP/CBD/BS/CC/1/1.

^{1/} Paragraph 1 of section I of the compliance procedures.

A. Addressing individual cases of non-compliance

3. One of the main functions of the Committee is to deal with individual cases of non-compliance. In so doing, the Committee will identify the specific circumstances and possible causes for non-compliance by individual Parties, consider information submitted to it and provide advice and/or assistance to the concerned Party. ^{2/} Performing these functions by the Committee would, however, depend on whether a submission has been made by a Party to the Committee in accordance with paragraph 1 of section IV of the compliance procedures. In other words, unless the process is triggered by a Party who either revise issues of compliance about itself or another Party, the Committee would not be in a position to carry out its functions relating to review of individual cases of non-compliance.

4. Given such procedural prerequisites, it is not feasible at this stage to devise any specific work plan arising from these functions. Nevertheless, the Committee may consider to include a standing agenda item in its work programme such as “Consideration of submissions by Parties”, on the understanding that it would further review the work load and determine number of meetings when a submission is made by a Party.

B. Reviewing general issues of compliance

5. The Committee was established not only to deal with individual cases of non-compliance, but also entrusted with the task to identifying issues that may emerge as common problems of compliance facing Parties in the course of the implementation of the Protocol, in order to achieve its objective of promoting compliance. The Committee is therefore given the mandate to review general issues of compliance by Parties with their obligations under the Protocol, taking into account the information provided in the national reports communicated in accordance with Article 33 of the Protocol and also through the Biosafety Clearing-House. ^{3/}

6. There are no specific procedural steps required in the compliance procedures that prompt the Committee to perform this function. Instead a link is established to associate this general function to national reports as well as the information from the Biosafety Clearing-House. It may be assumed that once the information from these sources is available, the Committee should review it in order to identify general issues of compliance.

7. In translating this general function into the work plan of the Committee, it may be necessary to look at the timetable for submitting national reports and the situation with respect to the Biosafety Clearing-House.

National reports

8. Article 33 requires each Party to report to the Conference of the Parties serving as the meeting of the Parties to the Protocol on measures that it has taken to implement the Protocol. In decision BS-I/9, on monitoring an reporting under the Protocol, the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol decided that Parties will submit their reports on a general frequency of every four years, but in the initial four-year period to submit an interim report two years after the entry into force of the Protocol, i.e., no later than 11 September 2005. The Conference of the Parties serving as the meeting of the Parties to the Protocol, in its decision BS-I/12 on the medium-term programme of work, further decided that the interim national reports will be considered at its third meeting, which is scheduled to take place in conjunction with the eighth ordinary meeting of the Conference of the Parties in the first half of 2006.

^{2/} Paragraphs (a) to (c) of section III of the compliance procedures.

^{3/} Paragraph (d) of section III of the compliance procedures.

Information from the Biosafety Clearing-House

9. The Biosafety Clearing-House established under Article 20 of the Protocol is to facilitate the exchange of scientific, technical, environmental and legal information on the living modified organisms, and assist Parties to implement the Protocol. Parties have obligations to make available to the Biosafety Clearing-House information on, *inter alia* existing laws, any bilateral, regional and multilateral arrangements, summary of risk assessments, final decisions regarding the importation or release of living modified organisms and national reports.

10. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, in decision BS-I/3, adopted modalities for the operation of the Biosafety Clearing-House in which it requested, among other things, reports on activities of the Biosafety Clearing-House. Specifically, once a year, the Quarterly Report prepared by the Secretariat “shall include the information on the operation of the Biosafety Clearing-House such as number of and regional distribution of national focal points; the number of records available through the Biosafety Clearing-House; and partnership arrangements that have been entered into”. The current practice of the Secretariat is to include the reports on activities of the Biosafety Clearing-House in the fourth Quarterly Report. Therefore the reports are expected to be available at the beginning of each calendar year. Parties are also encouraged to provide the Secretariat with feedback on their experiences with operation of the Biosafety Clearing-House (paragraphs 7 and 8 of section G of the annex to decision BS-I/3).

11. In view of the availability of the information on interim national reports and from the Biosafety Clearing-House, the Committee may wish to include two items in the work plan under a title:

“Review of general issues of compliance by Parties with their obligations under the Protocol, with a view to promoting compliance, including:

“(a) Consideration of information from national reports communicated in accordance with Article 33 of the Protocol; and

“(b) Consideration of information provided through the Biosafety Clearing-House.”

C. *Carrying out the functions assigned by the Conference of the Parties serving as the meeting of the Parties to the Protocol*

12. The Committee operates under the overall guidance of the Conference of the Parties serving as the meeting of the Parties to the Protocol and may perform any functions as may be assigned to it by the Conference of the Parties serving as the meeting of the Parties to the Protocol. ^{4/} In its work plan, the Committee may consider to include a standing item such as “Consideration of any other issue that may be assigned to the Committee by the Conference of the Parties serving as the meeting of the Parties to the Protocol” to correspond to this function.

II. DRAFT WORK PLAN FOR THE COMMITTEE

13. To sum up the suggestions in section I above, the following items are proposed to be included in the work plan of the Committee:

(a) Consideration of submissions from Parties;

^{4/} Paragraph (f) of section III of the Compliance Procedures.

(b) Review of general issues of compliance by Parties with their obligations under the Protocol, with a view to promoting compliance, including:

(i) Consideration of information from national reports communicated in accordance with Article 33 of the Protocol;

(ii) Consideration of information provided through the Biosafety Clearing-House.

(c) Consideration of any other issue that may be assigned to the Committee by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

14. In terms of number of meetings of the Committee, paragraph 5 of section II of the compliance procedures provides that “the Committee shall meet twice a year, unless it decides otherwise”. The Committee may wish to consider whether there is a need to hold a second meeting in 2005 taking into account the workload and possible tasks that may be assigned by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, which will take place in Montreal from 30 May to 3 June 2005. Alternatively, since the Quarterly Report from the Biosafety Clearing-House will be available in the first quarter of 2006 and more time would be allowed to compile information from the interim national reports, the Committee may wish to consider to schedule its second meeting in the first quarter of 2006 with a view to assisting the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in its consideration on these matters.

III. RECOMMENDATIONS

15. According to paragraph 5 of section II of the compliance procedures, the Committee shall submit its report to the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and appropriate action. The Committee may wish to discuss, on the basis the proposals made in the present note, its work plan which will then be incorporated into the report of the first meeting of the Committee for consideration by the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.
