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**CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIOLOGICAL DIVERSITY SERVING AS THE
MEETING OF THE PARTIES TO THE CARTAGENA
PROTOCOL ON BIOSAFETY**

Third meeting
Curitiba, Brazil, 13-17 March 2006

**REPORT OF THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE
PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY**

CONTENTS

	<i>Page</i>
INTRODUCTION	3
ITEM 1. OPENING OF THE MEETING.....	4
1.1 Ceremony to launch commemorative postmark.....	4
1.2 Opening address by Mr. Carlos Alberto Richa, Mayor of Curitiba	4
1.3 Opening address by Mr. Roberto Requião, Governor of the State of Paraná.....	5
1.4. Opening address by Ms Fatimah Raya Nasron, President of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol	5
1.5. Opening statement by Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity	6
1.6. Opening statement on behalf of the Executive Director of the United Nations Environment Programme (UNEP)	7
1.7 Opening statement by Mr Cláudio Langone, Vice-Minister, Ministry of the Environment of Brazil.....	7
1.8 Opening statements by Parties and observers	8
ITEM 2. ORGANIZATION OF THE MEETING.....	9
2.1. Officers.....	9
2.2. Adoption of the agenda	10
2.3. Organization of work.....	11

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ITEM 3.	REPORT ON THE CREDENTIALS OF REPRESENTATIVES TO THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY	11
ITEM 4.	REPORT OF THE COMPLIANCE COMMITTEE	12
ITEM 5.	OPERATION AND ACTIVITIES OF THE BIOSAFETY CLEARING-HOUSE	14
ITEM 6.	STATUS OF CAPACITY-BUILDING ACTIVITIES AND THE USE OF THE ROSTER OF BIOSAFETY EXPERTS	15
ITEM 7.	MATTERS RELATED TO THE FINANCIAL MECHANISM AND RESOURCES.....	18
ITEM 8.	COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES	20
ITEM 9.	REPORT OF THE EXECUTIVE SECRETARY ON THE ADMINISTRATION OF THE PROTOCOL AND ON BUDGETARY MATTERS.....	21
ITEM 10.	HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION (ARTICLE 18)	22
ITEM 11.	RISK ASSESSMENT AND RISK MANAGEMENT (ARTICLES 15 AND 16).....	25
ITEM 12.	LIABILITY AND REDRESS (ARTICLE 27).....	26
ITEM 13.	SUBSIDIARY BODIES (ARTICLE 30).....	26
ITEM 14.	MONITORING AND REPORTING (ARTICLE 33).....	27
ITEM 15.	ASSESSMENT AND REVIEW (ARTICLE 35).....	28
ITEM 16.	OTHER SCIENTIFIC AND TECHNICAL ISSUES THAT MAY BE NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THE PROTOCOL.....	29
ITEM 17.	OTHER MATTERS	29
ITEM 18.	DATE AND VENUE OF THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY.....	30
ITEM 19.	ADOPTION OF THE REPORT	30
ITEM 20.	CLOSURE OF THE MEETING	30
<i>Annex.</i>	DECISIONS ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIODIVERSITY AT ITS THIRD MEETING SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY	32

INTRODUCTION

1. At the kind invitation of the Government of Brazil, the Conference of the Parties to the Convention serving as the meeting of the Parties to the Cartagena Protocol on Biosafety held its third meeting in Curitiba, Brazil, from 13 to 17 March 2006. It was held at the Convention and Exhibition Center (Expo Trade) in Curitiba back-to-back with the eighth ordinary meeting of the Conference of the Parties to the Convention, which was to be convened at the same venue from 20 to 31 March 2006.

2. All States were invited to participate in the meeting. The following Parties to the Cartagena Protocol attended: Algeria; Antigua and Barbuda; Austria; Bahamas; Belgium; Belize; Benin; Bhutan; Bolivia ; Botswana ; Brazil; Bulgaria; Burkina ; Faso; Cambodia; Cameroon; China ; Colombia; Croatia; Cuba; Czech Republic; Democratic Republic of the Congo; Denmark ; Djibouti; Dominica ; Ecuador; Egypt; El Salvador; Estonia; Ethiopia; European Community; Fiji; Finland; France; Gambia; Germany; Ghana; Greece; Guatemala; Hungary; India; Indonesia; Iran (Islamic Republic of); Ireland; Italy; Japan; Kenya; Kiribati; Kyrgyzstan; Lao People's Democratic Republic; Liberia; Madagascar; Malaysia; Mali; Mauritania; Mexico; Mozambique; Namibia; Netherlands; New Zealand; Nicaragua; Nigeria; Norway; Oman; Palau; Panama; Papua New Guinea; Paraguay; Peru, ; Poland; Portugal; Romania; Rwanda; Saint Kitts and Nevis; Samoa; Senegal; Slovakia; Slovenia; Solomon Islands; South Africa; Spain; Sudan; Sweden; Switzerland; Syrian Arab Republic; Tajikistan; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Ukraine; United Kingdom of Great Britain and Northern Ireland; United Republic of Tanzania; Venezuela; Viet Nam; Zambia; Zimbabwe.

3. The following States not party to the Protocol were also represented: Argentina; Australia; Canada; Chile; Gabon; Guinea; Holy See; Morocco; Philippines; Qatar; Republic of Korea; Saudi Arabia; Tuvalu; United States of America; Uruguay.

4. Observers from the following United Nations bodies, Secretariat units, convention secretariats, specialized agencies and related organizations also attended: Food and Agriculture Organization of the United Nations; Codex Alimentarius Commission; Global Environment Facility; International Plant Protection Convention ; United Nations Development Programme; United Nations Environment Programme (UNEP); United Nations University (UNU); World Bank.

5. The following other organizations were represented: Acción Ecológica; AfricaBio; African Union; AgroBio Mexico; Agrolinks; Alellyx Applied Genomics; APPAM; Asociación de Productores de Soja; Assessoria e Servicos a Projetos em Agricultura Alternativa; Associação Alternativa Terrazul; Associação Biodinamico; Associação Capoeirista Esportiva e Social e de Preservacao Ambiental; Associação de Agricultura Orgânica; Associação do Canal Comunitário de Porto Alegre; Associação dos Agricultores Organicos; Associação dos Moradores e Prrotetores da Mata Atlantica e da Barragem Vossoroça; Associação Nacional de Biossegurança; Associação Nacional dos Membros do Ministerio Publico; Associação Paranaense de Preservação Ambiental dos Mananciais do Alto Iguacu e da Serra do Mar; Associação Para o Desenvolvimento da Agroecologia; Asociación Colombiana de Productores de Semillas; Ban Terminator Campaign; Biotechnology Coalition of the Philippines; Black Sea Biotechnology Association; Brazilian Agricultural Research Corporation; Brazilian Association of Seeds and Seedlings; Brazilian Forum of NGOs; Brazilian InstituTe of the Environment and Renewable Natural Resources; Câmara Americana de Comércio; Campina Grande do Sul; Central Unica dos Trabalhadores ; Centre for Development Initiatives; Centre for Sustainable Development and Environment; Centro Acadêmico de Estudos Biológicos; Centro de Educação e Defesa Ambiental; Centro de Educação Universitária Sao José dos Pinhais; Centro Ecológico; Church Development Service; College of the Atlantic; Comissão Pastoral da Terra; Community Technology Development Trust; Congress of Racial Equality; Conservation International; Consumers International; Coperativa Ecológica das Mulheres Extrativistas do Marajó; CropLife International; Departamento de Estudos Socio-Economicos Rurais; Direct Branding; Ecológica; EcoNexus; Eeootopia; Ecoplan Institute; Ecoropa; Empresa Brasileira Pesquisa Agropecuaria (EMBRAPA); Environment Liaison Centre International; ETC Group; Faculdade Evangélica do Paraná; Federação Nacional dos Trabalhadores na Agricultura Familiar; Federação da Agricultura do Estado de Goiás; Federação da Agricultura do Estado do Paraná; Federação das Industrias

do Estado do Paraná; Federation of German Scientists; Financiadora de Estudos e Projetos; Fórum Global da Sociedade Civil; Friends of the Earth ; Fundação Antonio Prudente; Fundação Educacional Meninos e Menina de Rua Profeta Elias; Fundação Esperança; Fundação O Boticario de Protecao a Natureza; Fundação SOS Mata Atlantica; Fundación para la Promoción del Conocimiento Indígena; Fundación Sociedades Sustentables; Gazeta Do Povo; Global Forest Coalition; Global Industry Coalition; Greenpeace International; Instituto Brasileiro de Estudo e Pesquisa para Otimização de Tecnologia e Qualidade Aplicadas; Instituto Interamericano de Cooperacion para la Agricultura; Instituto Nacional de Aprendizagem (INAP); Instituto Nacional de Pesquisas da Amazonia; Instituto Nacional Do Colonizacao e reforma Agraria; Instituto Pro-emprego; Instituto Socioambiental; Instituto Superior de Educação Padre Joao Bagozzi; Instituto Superior de Relaciones Internatiocionais; Instituto Superior do Litoral do Parana; International Centre for Genetic Engineering and Biotechnology; International Centre for Trade and Sustainable Development; International Food Policy Research Institute; International Forum on Globalization; International Grain Trade Coalition; International Plant Genetic Resources Institute; IUCN - The World Conservation Union; Keele University; Movimento de Mulheres Camponesas; Movimiento Ecologico Amigos do Cambui; National Institute for Amazon Research; Nature Conservancy - Brazil; Norwegian Institute of Gene Ecology; Nucleo de GEO Processamento; O Despertar da Consciência; Organizacion Regional de los Pueblos Indigenas de Amazonas; Panos Features; Paraná Biodiversity Project; Pelum Association; Pesticide Action Network Latin America; Petroleo Braileiro SA; PlantBio Trust; Pontificia Universidade Catolica do Parana; Public Research and Regulation Foundation; RAEIN-Africa; Red por una America Latina de Transgenicos; Rotary Club de Curitiba Agua Verde; S.O.S. Natureza do Brasil; Serviço Social do Comércio - Parana; SINDIPETRO PR/SC; Small Agriculturists of the Movement; Social Equity in Environmental Decisions; Sociedad Peruana de Derecho Ambiental; Sociedade de Pesquisa Em Vida Selvagem e Educacao Ambiental; SOS BICHO de Protecao Animal; SOS Cultura; Southeast Asia Regional Initiatives for Community Empowerment; Superior Institute of International Relations; Sustainability Council of New Zealand; SWAN International; Swiss Federal Institute of Technology Zurich; Tebtebba Foundation; Terra de Direitos; Third World Network; U.S. Grains Council; União de Entidades Ambientalistas do Parana; Universidad Nacional Agraria La Molina; Universidade de Sao Paulo; Universidade Federal de Rondonia; Universidade Federal de Santa Catarina; Universidade Federal do Parana; Universidade Tuiuti do Paraná; Universita di Roma; Université René Descartes; University of Canterbury; University of Minnesota; Washington Biotechnology Action Council / 49th Parallel Biotechnology Consortium; Wildlife Protection Organisation Djibouti; World Resources Institute; World-Wild Fund for Nature (WWF); Xopozo Farmers Associates.

I. ORGANIZATIONAL MATTERS

ITEM 1. OPENING OF THE MEETING

6. The third meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety was opened at 10.20 a.m. on Monday, 13 March 2006.

1.1. Ceremony to launch commemorative postmark

7. Mr. Janio Pohren, President of the Brazilian Postal Service, announced that a new postmark had been created to mark the occasion. The postmark, which would be used on outgoing post from Curitiba, had been designed to form part of a commemorative collection. He invited Mr. Ahmed Djoghla, Executive Secretary of the Convention on Biological Diversity, to launch the postmark. During a brief official ceremony, Mr. Djoghla made and signed the first impression of the postmark, which was then presented to him by Mr. Pohren as a souvenir of the event.

1.2. Opening address by Mr. Carlos Alberto Richa, Mayor of Curitiba

8. Mr. Carlos Alberto Richa, Mayor of Curitiba, welcomed the participants to his city, which was both honoured and proud to be hosting such a momentous event as the current meetings. Closely linked to the future of the planet, the themes to be discussed during the meetings were of fundamental importance for developing countries, including Brazil, which were entitled to share the benefits generated

by their natural resources. It was essential to promote the sustainable use of those resources through careful analysis and develop common practices that were environmentally friendly, to which end shared interests and needs should also be taken into account and recognized. In the quest for biosafety, the consideration of delicate issues such as those surrounding the use of living modified organisms (LMOs) was vital. Equally vital were identification methodologies and public involvement in the implementation of the Cartagena Protocol. As the world's most biologically diverse country, Brazil was an ideal choice of host for the meetings, and Curitiba itself was a model of urban planning and environmental conservation. He hoped that the meetings would serve as a celebration of biodiversity and wished participants every success.

1.3. Opening address by Mr. Roberto Requião, Governor of the State of Paraná

9. Mr. Roberto Requião, Governor of the State of Paraná, endorsed the content of Mr. Djoghlaf's message to the citizens of Brazil, which had been issued on 17 February 2006. He said that it was essential to maintain firm positions on the subjects of biodiversity and biosafety, as even the smallest compromises had the potential to create upheavals that could end in the destruction of the planet. A case in point was the labelling of transgenic products, to which a responsible approach was crucial. The Government of the State of Paraná was resolute in implementing a raft of measures designed to protect biodiversity and biosafety, in the absence of which it would, for instance, stand to lose its remaining forests, which had already diminished by 97 per cent over the past 100 years. It also had a strict anti-transgenic policy, particularly where genetically-modified soya was concerned. Consequently, it had successfully avoided any transgenic contamination of its soya crop, the largest in Brazil. As a result, Paraná remained a zone free of genetically modified organisms (GMOs), at the same time keeping its population well informed of GMO-related risks. In so doing, its purpose was to safeguard the health of its people, protect the sovereignty of its seeds and defend its autonomy. As a consequence of maintaining that position, a sordid media campaign had been conducted against it, targeted specifically at the port of Paranaguá, which handled only non-LMO products. Hitherto, it had nevertheless remained triumphant and would staunchly pursue its current policies further.

10. Other measures taken by the State of Paraná to preserve its biodiversity and biosafety included: the development of a programme for the restoration and conservation of its riparian forest buffers; the establishment of a "green" special police force to conduct inspections in conjunction with the Environment Institute of Paraná State; the creation of various forums on climate change, biodiversity, biosafety and protection of flora and fauna; the provision of guidance on minimizing the environmental impact of rural production activities; the establishment of an agricultural school; a ban on the use of non-certified wood for construction purposes; the introduction of an ecological sales tax from which municipalities that preserved water resources and protected forests would partially benefit; an organic school-meal programme; organic zoning; and radical moves to protect the coastal forest. It was through such contributions that the Government of the State of Paraná would continue to fight against the destruction of the planet.

1.4. Opening address by Ms Fatimah Raya Nason, President of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol

11. At the opening of the meeting, on 13 March 2006, Ms Fatimah Raya Nason (Malaysia), President of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, welcomed all participants and thanked the Government and the people of Brazil for the excellent facilities made available for the meeting. She also welcomed the new Executive Secretary of the Convention on Biological Diversity, Mr. Ahmed Djoghlaf, to his first meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety in his new capacity. She recalled the role he had played while Assistant Executive Director and Director of the Division of Global Environment Facility Coordination at the United Nations Environment Programme (UNEP) in helping developing countries and countries with economies in transition to draw up national biosafety frameworks in order to implement the Cartagena Protocol on Biosafety and to gain access to the

Biosafety Clearing-House. She thanked him for the excellent documentation provided for the present meeting.

12. She said that Brazil was a megadiverse wonder of the world. That fact should inspire participants to meet the main objective of the meeting, which was to give the necessary operational guidance for implementation of the Protocol by all countries, thus minimizing any potential adverse effects on biological diversity of living organisms modified by modern biotechnology. Several important decisions for implementation had been taken at the previous meeting, but no decision had been taken about the detailed requirements for identification of living modified organisms intended for direct use as food or feed, or for processing, as stipulated in the Protocol. She urged participants not to leave Curitiba without having resolved that issue. Implementation of the Protocol was a challenging task, especially for developing countries, which looked upon the decisions of the meeting as a source of guidance in formulating domestic regulatory frameworks. The aim of the present meeting was to give practical, operational guidance and direction to the Protocol's provisions; its intention was not to renegotiate the text of the Protocol.

1.5. Opening statement by Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity

13. Mr. Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity, emphasized that the Convention embodied the spirit of the Rio Summit. It recognized the need for, and the potential benefits of, biotechnology, but at the same time the need for adequate safety measures to avoid or minimize the potential risks of biotechnology to human health and the environment. The adoption of the Cartagena Protocol on Biosafety had been a moment of great significance for the implementation of the Convention and the advancement of the goal of sustainable development. The Protocol was one of the most important materializations of the spirit of the Rio Declaration and chapter 16 of Agenda 21 and made a significant contribution to ensuring that major technological advances could be achieved while respecting human health and environment. It was a unique tool designed to provide transparent and safe procedures so as to reap the full potential that modern biotechnology had and should offer for the socio-economic welfare and prosperity of mankind.

14. It was a matter of great satisfaction to note that, concomitantly with measures to take full advantage of the potential benefits arising from modern biotechnology, the international community was stepping up its endeavours to enhance collaboration in addressing all issues related to biosafety, including potential risks for the environment. The fact that there were now 130 Parties to the Protocol provided a good example and he called on countries that had not yet done so to expedite their internal process of ratification or accession to ensure that what had been hailed as the first new legal environmental instrument of the twenty-first century had the broadest possible universal membership. Such a result would not have been possible without the unique contribution of Malaysia as the President of the first meeting of the Parties to the Protocol and he wished to pay tribute to Malaysia for its unstinting efforts. He also wished to thank the donors that had made contributions totalling US\$ 1.3 million to ensure adequate participation of developing countries and economies in transition in the Protocol processes since the first meeting, including in the present meeting, namely Austria, Brazil, Denmark, the European Community, Finland, France, Ireland, Italy, the Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland.

15. The Government and the people of Brazil under the able leadership of their President, His Excellency Luiz Inácio Lula da Silva, were to be thanked for their unique contribution in promoting multilateral cooperation for sustainable development. He also wished to express his deep and sincere gratitude to the Brazilian Minister for the Environment, Ms. Marina Silva, for her personal and untiring commitment and efforts to arrange the meeting. Finally, he paid tribute to the strong commitment to the environment expressed by the Mayor of Curitiba and the Governor of the State of Paraná in their opening statements.

16. The meeting was expected to adopt important decisions, but it was clear that it would only be able to achieve results if a new form of strategic partnership involving Governments and their partners,

including civil society, indigenous and local communities, scientific networks and the private sector, was formed. It was to be hoped that the decisions taken would be for the benefit of all people of the planet and future generations without exception.

1.6. *Opening statement by the representative of the Executive Director of the United Nations Environment Programme (UNEP)*

17. Speaking on behalf of Mr. Klaus Töpfer, Executive Director of UNEP, Mrs. Elizabeth Mrema said that Mr. Töpfer was grateful to the Brazilian Government and people for hosting the meeting in Curitiba, the most environmentally advanced city in the world. He expressed his continued support for Mr. Ahmed Djoghla, the new Executive Secretary of the Convention on Biological Diversity. She said that biotechnology could potentially make a valuable contribution to the achievement of the Millennium Development Goals and to sustainable development in general; the role of the Cartagena Protocol was to ensure that those potential benefits did not have negative effects on the environment.

18. Several substantive issues remained to be agreed upon, including handling, transport, packaging and identification (Article 18), risk assessment and risk management (Articles 15 and 16) and liability and redress (Article 27), and further work was required on standing issues such as compliance, operation of the Biosafety Clearing-House and capacity-building. Capacity-building, was particularly important, as the full effect of the Protocol would become manifest only when all countries had the necessary human and institutional capacity to implement it. In its decision 23/1, the UNEP Governing Council had mandated the Programme to strengthen technology support and capacity-building in developing countries and countries with economies in transition. Finalization of national biosafety frameworks with the assistance of the UNEP-Global Environment Facility (GEF) programme was well advanced, and 12 countries were receiving support for their implementation.

19. The tasks remaining for implementation of the Protocol would require strong partnerships among international organizations, donors, the GEF and countries and, within countries, more human, institutional and technical resources. All countries should promote education, public awareness and participation and increase transparency and information flow through better use of the Biosafety Clearing-House.

1.7. *Opening statement by Mr Cláudio Langone, Vice-Minister, Ministry of the Environment of Brazil*

20. Mr. Cláudio Langone, Vice-Minister, Ministry of the Environment of Brazil, recalled the context in which the Cartagena Protocol had initially been adopted. At the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, it had been decided to build safeguards against the possible adverse effects on biological diversity of the products of modern biotechnology. The Protocol had finally been adopted in 2000, after a long, difficult process of negotiation. One of the basic concepts behind the Protocol had been the precautionary principle, not only with respect to biological diversity but also to potential risks to human health. The federal constitution ensured that the principle was enshrined in the Brazilian legal framework. One basis of the precautionary principle related to the lack of full scientific certainty; it was therefore difficult to refer to “purely scientific information”. It would be unwise to create a category of science that overly restricted the process of decision-making. It would be beneficial for all to include information from a wide variety of sources, as the participation of the widest spectrum of scientific disciplines was necessary to reflect different needs and to reach the most effective decision.

21. He recognized that the Cartagena Protocol raised highly complex questions for all sectors of society. Legislators and policy makers had the vital duty of establishing and enforcing legal instruments to reduce the potential risk posed by genetically modified organisms. Under the Protocol, Governments were ultimately responsible for preventing illegal use and accidental release, managing risk and regulating biotechnology industries. They could not perform those tasks alone, however; cooperation was required with other sectors, including science, health biotechnology and the environment. The views of organized civil society and non-governmental organizations would be essential in any decision that was made, and

in Brazil public hearings could be held concerning the release of genetically-modified organisms. The media also played a crucial role in the debate, in providing clear information.

22. Biotechnology had a huge potential to modify the planet definitively. Any mistake would therefore be tragic, and a sense of responsibility for present and future generations should therefore guide the debate, keeping in mind the precautionary principle as the basis for the Convention on Biological Diversity. The Protocol must ensure adequate protection in the areas of safe transfer, handling and use of genetically modified organisms. To reach such complex decisions, various different interests, values and expectations would have to be reconciled, and the negotiations would be complex. Only a transparent debate, with due respect for others' opinions, would ensure that all points of view were reflected in the final result.

1.8. Opening statements by Parties and observers

23. At the 1st plenary session of the meeting, general statements were made by the representatives of Austria (on behalf of the European Community and its member States, with the acceding countries Bulgaria and Romania, the candidate countries Croatia, Turkey and The former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Serbia and Montenegro aligning themselves with the statement and with statements on other agenda items), China, Ecuador (on behalf of the Group of Latin American and Caribbean Countries), Ethiopia (on behalf of the African Group), Japan, Mexico and the Philippines.

24. All speakers who took the floor expressed gratitude to the Government of Brazil, the State of Paraná and the city of Curitiba for the warmth of their reception.

25. The representative of Austria noted the rapid progress made since the Protocol had entered into force in September 2003. The number of Parties to the Protocol was steadily increasing and underscored its success as a cornerstone for a global framework for sustainable development. The main objective of the meeting should be to pursue implementation with a view to achieving an effective international biosafety framework, bearing in mind the needs of developing countries, small island developing States and countries with economies in transition, as well as those of both importing and exporting countries. The European Union called for the adoption of a decision on documentation requirements for shipments of living modified organisms intended for food or feed, or for processing, as required by Article 18.2(a) of the Protocol. Such a decision would be of the utmost importance in contributing to the achievement of the Protocol's objectives. The European Union also attached considerable importance to decisions on the Biosafety Clearing-House, risk assessment and risk management and capacity-building. Moreover, at the current stage of implementation, decisions on monitoring and reporting requirements, as well as on an efficient assessment and review process, were also crucial.

26. The representative of Ethiopia stressed that if the present meeting made the right decisions, the Protocol would afford protection that fostered life. Not taking the right decisions would mean that the Protocol had failed the living. One unresolved issue that must be settled at the present meeting was that of documentation requirements for shipments of living modified organisms for direct use as food or feed, or for processing. Parties would only be able to implement the Convention to the extent of their capacities and many developing countries were eager to build their capacities. They were grateful to those developed countries that assisted their efforts, although more permanent support for their participation in meetings would be welcome, but their needs were great. It was therefore surprising to learn that the Global Environment Facility, the funding mechanism established precisely to support capacity-building efforts, had unilaterally adopted the Resource Allocation Framework, which reduced such support to an insignificant level. As the financial mechanism for the Convention and the Protocol, the Global Environment Facility was supposed to be guided by the Conference of the Parties to the Convention on Biological Diversity, but the reverse had occurred. He therefore called on the Conference of the Parties to assert its authority or to seek other sources of funding.

27. The representative of Japan said that her country's experience of the Protocol had been positive, notably through the exchange of information and the Biosafety Clearing-House, and she expected that the present meeting would lead to even greater benefits. By underlining the determination to assist and

support Parties, the meeting could encourage other countries to accede. She hoped that progress would be made on documentation, which was an extremely important issue that had to be resolved.

28. The representative of Mexico recalled that Mexico had promptly ratified the Cartagena Protocol and had since played an active part in ensuring its broad and comprehensive implementation. In order to achieve the objective of strengthening the framework defined in the Protocol, it was necessary to build and utilize capacity to exchange information on biotechnology and to make the best use of the Convention's subsidiary bodies for the purpose of capacity-building. Mexico agreed that Article 18.2 (a) was particularly important and would work constructively towards the adoption of a decision.

29. The representative of China said his country had become a Party to the Protocol on 6 September 2005, and was therefore participating for the first time in that capacity. That heightened level of participation represented an important advance for the Government of China, which had always attached great importance to the issue of biosafety. It was looking forward to joining all other delegations in a common effort to make a constructive contribution to the key issues before the meeting and to ensure effective implementation of the Protocol and its provisions.

30. The representative of the Philippines said that that her Government was still in the process of ratifying the Protocol, but had begun work towards achieving the goals set by the two previous meetings. The Philippines was looking forward to a liability and redress regime that would not dampen much-needed work on the development of biotechnology crops. It believed that the Protocol could be best operationalized by the effective functioning of science-based regulatory systems, taking into account the inter-sessional work of the Ad Hoc Technical Expert Group. Also, immediate attention needed to be given to addressing capacity-building needs in the detection of unapproved living modified organisms (LMOs), and the Philippines supported simple documentation systems that would facilitate trade and simplify identification requirements.

31. The representative of Ecuador, said that his region contained 8 of the 16 megadiverse countries, and was therefore keen to play an active and responsible part in the proceedings of the meeting. The GRULAC countries had made considerable efforts to ensure that they were able to participate in the present meeting, and wished to invite all Parties to realize that if headway were to be made in a process of fair negotiation, it would require the full participation of all countries.

ITEM 2. ORGANIZATION OF THE MEETING

2.1. *Officers*

32. In accordance with Article 29, paragraph 3, of the Protocol, the current Bureau of the Conference of the Parties served as the Bureau for the meeting, with the substitutes for members representing Parties to the Convention that were not yet Parties to the Protocol elected at the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (UNEP/CBD/BS/COP-MOP/1/15, paragraphs 20-22).

33. It was agreed that Mr. Sem Taukondjo Shikongo (Namibia) should serve as Rapporteur. The Bureau thus comprised:

<i>President:</i>	Ms Fatimah Raya Nasron (Malaysia)
<i>Vice-Presidents:</i>	Ms. Birthe Ivars (Norway)
	Mr. Ronnie Devlin (Ireland)
	Mr. Moustafa Fouda (Egypt)
	Mr. Sergiy Gubar (Ukraine)
	Mr. Zamir Dedej (Albania)
	Mr. Orlando Rey Santos (Cuba)
	Mr. Antonio Matamoros (Ecuador)
	Ms. Tererei Abete-Reema (Kiribati)
	Ms. N. Oyundar (Mongolia)

Rapporteur: Mr. Sem Taukondjo Shikongo (Namibia)

2.2. Adoption of the agenda

34. At the opening session of the meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/BS/COP-MOP/3/1):

I. ORGANIZATIONAL MATTERS

1. Opening of the meeting.
2. Organization of the meeting:
 - 2.1. Officers;
 - 2.2. Adoption of the agenda;
 - 2.3. Organization of work.
3. Report on the credentials of representatives to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol on Biosafety.

II. STANDING ISSUES

4. Report of the Compliance Committee.
5. Operation and activities of the Biosafety Clearing-House.
6. Status of capacity-building activities and the use of the roster of biosafety experts.
7. Matters related to the financial mechanism and resources.
8. Cooperation with other organizations, conventions and initiatives.
9. Report of the Executive Secretary on the administration of the Protocol and on budgetary matters.

III. SUBSTANTIVE ISSUES ARISING FROM THE MEDIUM-TERM PROGRAMME OF WORK AND PREVIOUS DECISIONS OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

10. Handling, transport, packaging and identification (Article 18).
11. Risk assessment and risk management (Articles 15 and 16).
12. Liability and redress (Article 27).
13. Subsidiary bodies (Article 30).
14. Monitoring and reporting (Article 33).
15. Assessment and review (Article 35).
16. Other scientific and technical issues that may be necessary for the effective implementation of the Protocol.

IV. FINAL MATTERS

17. Other matters.
18. Date and venue of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.
19. Adoption of the report.

20. Closure of the meeting.

2.3. Organization of work

35. At the opening session of the meeting, on 13 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol approved its organization of work on the basis of the suggestions contained in annex I to the annotations to the provisional agenda (UNEP/CBD/BS/COP-MOP/2/1/Add.1/Rev.1).

36. Accordingly, the meeting established two working groups: Working Group I, under the chairmanship of Ms Birthe Ivars (Norway), to consider agenda items 5 (Operation and activities of the Biosafety Clearing-House, 10 (Handling, transport, packaging and identification (Article 18)), 11 (Risk assessment and risk management (Articles 15 and 16)), 13 (Subsidiary bodies (Article 30)) and 16 (Other scientific and technical issues that may be necessary for the effective implementation of the Protocol); and Working Group II, under the chairmanship of Mr. Orlando Rey Santos (Cuba), to consider agenda items 6 (Status of capacity-building activities and the use of the roster of biosafety experts, 14 (Monitoring and reporting (Article 33)), and 15 (Assessment and review (Article 35)). Subsequently, the Bureau decided that Working Group II should further consider agenda item 4 (Report of the Compliance Committee) and also agenda item 7 (Matters related to the financial mechanism and resources). The remaining items were taken up directly in plenary.

Work of the sessional working groups

37. Working Group I held six meetings, from 13 to 17 March 2006. The Working Group adopted its report (UNEP/CBD/BS/COP-MOP/3/L.1/Add.1) at its 6th meeting, on 17 March 2006. The report of the Working Group has been incorporated into the present report under the appropriate agenda items.

38. Working Group II held seven meetings, from 13 to 16 March 2006. The Working Group adopted its report (UNEP/CBD/BS/COP-MOP/3/L.1/Add.2) at its 6th meeting, on 16 March 2006. The report of the Working Group has been incorporated into the present report under the appropriate agenda items.

39. At the 2nd plenary session, on 14 March 2006, the meeting heard progress reports by the chairs of the two working groups.

40. The final reports of the working groups were presented to the Conference of the Parties at the 3rd plenary session of the meeting, on 17 March 2006.

ITEM 3. REPORT ON THE CREDENTIALS OF REPRESENTATIVES TO THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL ON BIOSAFETY

41. Agenda item 3 was taken up at the opening plenary session of the meeting, on 13 March 2006. The President drew attention to rule 18 of the rules of procedure on the presentation of credentials. She added that Mr. Ronnie Devlin (Ireland) had agreed to liaise with the Secretariat in examining the validity of the credentials; he would report thereon to the Bureau and would report to the plenary in due course.

42. At the 3rd plenary session of the meeting on 17 March 2006, Mr Devlin informed the meeting that, pursuant to rule 19 of the rules of procedure of the Conference of the Parties, the Bureau had examined the credentials of the representatives of the 95 Contracting Parties to the Protocol that were attending the meeting. The credentials of 72 delegations had been found to be in full compliance with the provisions of rule 18 of the rules of procedure. Those of 15 delegations complied only partially with those provisions, and a further eight delegations attending the meeting had not submitted credentials. The 23 delegations concerned had agreed to sign a declaration undertaking to provide the Executive Secretary with their credentials in good order within 30 days of the closure of the meeting.

43. In accordance with past practice, the Bureau, acting as the Credentials Committee, recommended that the full participation of those delegations in the meeting be approved on the basis of that understanding.

44. The representative of Bulgaria, speaking on behalf of those countries of Central and Eastern Europe that were represented at the meeting (Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Poland, Slovakia, Slovenia, Tajikistan and Ukraine) thanked donor countries that had enabled the participation of representatives from developing countries and countries with economies in transition. Their participation was essential to maintain the regional balance in the meeting. Nevertheless, some countries of Central and Eastern Europe had not received the necessary funds, and the criteria for funding countries were unclear. Some Parties that had received funding had received confirmation of the availability of funds only one week before the meeting, which had made it impossible for many to attend and impossible for those that could attend to obtain their credentials in time.

45. Accordingly, the countries of Central and Eastern Europe requested that, in future, the Secretariat of the Convention inform Parties in due time regarding the availability of funding, so as to allow delegates from those countries to prepare for the meeting and to obtain the necessary visas and credentials. She urged the Executive Secretary and the Bureau to use the power invested in them by decision VII/34 of the Conference of the Parties to use surplus and savings to cover shortfalls of funds for participation of Parties from developing countries and countries with economies in transition, particularly to allow them to attend meetings of the Conference of the Parties and of the Parties to the Cartagena Protocol.

46. The Conference of the Parties serving as the meeting of the Parties to the Protocol took note of the report on the credentials of representatives to its third meeting.

II. STANDING ISSUES

ITEM 4. REPORT OF THE COMPLIANCE COMMITTEE

47. Agenda item 4 was taken up at the opening plenary session of the meeting, on 13 March 2006. In considering the item, the meeting had before it the report of the Compliance Committee on the work of its second meeting (UNEP/CBD/BS/COP-MOP/3/2) and a note by the Executive Secretary on measures in cases of repeated non-compliance (UNEP/CBD/BS/COPMOP/3/2/Add.1).

48. Introducing the item, Mr. Veit Koester, Chair of the Compliance Committee, said that the second meeting of the Committee had taken place in Montreal from 6 to 8 February 2006, with 10 of its 15 members attending. There had been two substantive items on its agenda, namely rules of procedure and reviewing general issues of compliance.

49. Under the first item, the Committee had discussed the amended rule 14 on open or closed sessions, which required it to take a decision on whether to meet in an open or a closed session, giving reasoning for the decision and reflecting that decision in its report. Paragraph 14 of the Committee's report (UNEP/CBD/BS/COP-MOP/3/2) referred to the difficulties involved in the implementation of that rule, to which it might wish to return at a future meeting, as indicated in paragraph 21 of the report. The Committee had agreed to make such decisions on a case-by-case basis before the convening of each meeting, using rule 15 to conduct consultations electronically as to the agenda of the subsequent meeting. The Committee had considered the question of who should be allowed to be present at open sessions and had noted with concern the lack of arrangements to provide financial support to eligible Parties in cases where they needed to be represented in deliberations of the Committee as Parties. The Committee had discussed rule 18 on voting, which had been placed in square brackets by the previous meeting of the Conference of the Parties serving as meeting of the Parties to the Protocol, and paragraph 1 of the draft decision contained in the annex to its report was a decision to remove those brackets and allowed qualified majority voting by the Committee as a last resort where consensus could not be reached. In response to an invitation from the second meeting of the Conference of the Parties, the Committee had agreed to look into the matter of rule 11 on conflict of interest at its next meeting with a view to providing its final response.

50. In its consideration of general issues of compliance, the Committee had dealt with analysis of interim national reports and review of information available in the Biosafety Clearing-House. In the

former, the Committee had emphasized four issues that needed due attention, namely delay in putting in place the necessary regulatory and administrative measures to implement the Protocol; weakness in carrying out scientifically sound risk assessment and in designing and implementing appropriate risk management and monitoring measures; limited or absence of steps taken by Parties towards promoting and facilitating public awareness and participation concerning the safe transfer, handling and use of LMOs, as well as facilitating public access to the Biosafety Clearing-House; and the fact that some two thirds of Parties had not fulfilled their reporting obligation.

51. Based on its discussions, the Committee had drawn up a list of 12 recommendations for the consideration of the meeting. Several elements of the draft decision included in the annex to the Committee's report were relevant to one or another item being considered at the meeting, and he suggested that they be considered under those items.

52. Finally, the Committee had requested the Secretariat to remind the Parties and the Conference of the Parties serving as the meeting of the Parties of the need to take measures to replace those of its members who had resigned and those whose terms ended at the end of 2006. Members had been of the view that for the sake of ensuring continuity in the Committee's work, regions and the Conference might consider re-electing for another term those whose terms were expected to finish at the end of 2006.

53. At the 2nd plenary session, on 14 March 2006, the meeting resumed its consideration of the item.

54. Statements were made by the representatives of Argentina, Australia, Austria (on behalf of the European Union), Brazil, Japan, Malaysia, New Zealand, Nigeria (on behalf of the African Group), Norway, Thailand, Ukraine and Zambia. A statement was made by the Chair of the Compliance Committee. A statement was also made by the representative of the Global Environment Facility. Statements were made by the representatives of the Grupo de Reflexión Rural and the Red por una América Latina Libre de Transgénicos.

55. Following the exchange of views, the President said that she would consult with the Chairs of the two Working Groups to determine how to proceed further with consideration of the item.

56. As decided by the Bureau, Working Group II took up agenda item 4 (UNEP/CBD/BS/COP-MOP/3/2 and Add.1) at its 3rd meeting, on 15 March 2006.

57. The Chair said that the Group had been asked to consider a number of issues, with a view to adopting a consolidated decision on compliance. Those issues comprised rule 18 of the rules of procedure of the Compliance Committee on voting, which was currently in square brackets; measures to be taken in cases of repeated non-compliance; and the issue of election or re-election of members of the Compliance Committee.

58. The Working Group would consider paragraphs 1, 2, 3, 5 and 15 of the draft decision in the report of the Compliance Committee (UNEP/CBD/BS/COP-MOP/3/2, annex) and the elements of a draft decision on repeated cases of non-compliance contained in section III of the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/3/2/Add.1). The other paragraphs of the draft decision in the report of the Compliance Committee would be considered under the relevant agenda items.

59. Following the introduction by the Chair, statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Cameroon, Canada, China, Cuba, Japan, Namibia (on behalf of the African Group), New Zealand, Peru and Zambia.

60. At its 5th meeting, on 16 March 2006, the Working Group considered a draft decision submitted by the Chair.

61. During consideration of the draft decision, statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Namibia (on behalf of the African Group), New Zealand, Switzerland and Zambia.

62. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.14.

63. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.14.

64. The representative of Cameroon proposed that, as no consensus could be reached on the issue of whether to remove or retain the square brackets around rule 18 of the rules of procedure, the relevant paragraph in the draft decision be deleted and a commitment to reconsider the issue at its fourth meeting be included in the report.

65. The Conference of the Parties serving as the meeting of the Parties to the Protocol accordingly agreed to delete the paragraph and decided to reconsider the issue at its fourth meeting with a view to reaching a decision. The Conference of the Parties serving as the meeting of the Parties to the Protocol, then adopted the draft decision, as orally amended, as decision BS-III/1. The text of the decision is contained in the annex to the present report.

66. The Conference of the Parties serving as the meeting of the Parties to the Protocol then elected by acclamation the following members of the Compliance Committee for a full term of four years:

Mr. Bather Kone (Mali)

Mr. Victor Villabos Arambula (Mexico)

Mr. Paul Damien Roughan (Solomon Islands)

Mr. Sergiy Gubar (Ukraine)

Ms Jane Bulmer (United Kingdom of Great Britain and Northern Ireland)

67. The Conference of the Parties serving as the meeting of the Parties to the Protocol then also elected by acclamation the following members of the Compliance Committee to replace, for the remaining term, members who resigned from their respective regions: Mr. Lionel Michael (Antigua and Barbuda), replacing Mr. Leonard O'Garro of Barbados, and Ms Liina Eek-Piirsoo (Estonia) replacing Ms Bisreka Strel of Slovenia.

ITEM 5. OPERATION AND ACTIVITIES OF THE BIOSAFETY CLEARING-HOUSE

68. Working Group I took up agenda item 5 at its 1st meeting on 13 March 2006. In considering the item, the Working Group had before it a note by the Executive Secretary on the operation and activities of the Biosafety Clearing-House (UNEP/CBD/BS/COP-MOP/3/3).

69. The representative of the Secretariat introduced the note by the Executive Secretary (UNEP/CBD/BS/COP-MOP/3/3), saying that it provided a progress report on the multi-year programme of work and additional items for consideration during the forthcoming inter-sessional period. Section IV of the document contained elements of a draft decision on the modalities of operation of the biosafety clearing-house.

70. Statements were made by the representatives of Argentina, Austria (on behalf of the European Union), Belize, Brazil, China, India, Mexico, New Zealand, Nigeria (on behalf of the African Group), Norway, Peru, Switzerland, the representatives of the Global Environment Facility (GEF), the Washington Biotechnology Action Council/49th Parallel Biotechnology Consortium, the Global Industry Coalition, the Public Research and Regulation Foundation and the Universidad Nacional Agraria La Molina.

71. Following the exchange of views, the Chair said that she would prepare a text incorporating the points raised during the discussion.

72. At its 3rd meeting, on 15 March 2006, the Working Group took up a draft decision on operation and activities of the Biosafety Clearing-House, submitted by the Chair.

73. Statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Kiribati and Nicaragua.

74. The Working Group approved the draft decision on operation and activities of the Biosafety Clearing-House, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.4.

75. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.4 and adopted it as decision BS-III/2. The text of the decision is contained in the annex to the present report.

ITEM 6. STATUS OF CAPACITY-BUILDING ACTIVITIES AND THE USE OF THE ROSTER OF BIOSAFETY EXPERTS

76. Working Group II took up agenda item 6 at its 1st meeting on 13 March 2006. In considering the item, the Working Group had before it a report by the Executive Secretary on the progress in, and effectiveness of, the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/3/4), a note by the Executive Secretary on the draft updated Action Plan for building capacities for the effective implementation of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/3/4/Add.1) and a report by the Executive Secretary on the roster of biosafety experts (UNEP/CBD/BS/COP-MOP/3/4/Add.2). It also had before it as information documents a note by the Executive Secretary containing a compilation of the responses to the questionnaire for the review of the Action Plan for the effective implementation of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/3/INF/4), reports on the second coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities (UNEP/CBD/BS/COP-MOP/3/INF/5) and on the third liaison group meeting on capacity-building for biosafety (UNEP/CBD/BS/COP-MOP/3/INF/6), a report of the workshop on European responsibility for biosafety cooperation (UNEP/CBD/BS/COP-MOP/3/INF/10), an update on ongoing biosafety capacity-building initiatives: a compilation of submissions made at the second coordination meeting held from 18 to 20 January 2006, in Tromsø, Norway (UNEP/CBD/BS/COP-MOP/3/INF/11), and an evaluation report of GEF support for biosafety (UNEP/CBD/BS/COP-MOP/3/INF/12).

77. The Chair suggested that the two aspects of the item, capacity-building and the roster of technical experts, be considered separately.

Capacity-building

78. Introducing the first part of the item, the representative of the Secretariat said that the note contained in document UNEP/CBD/BS/COP-MOP/3/4 was based on the submissions that had been received from Governments and relevant organizations and on an analysis of information from the interim national reports, the evaluation of GEF's support to the Protocol and the preliminary results of an assessment of ongoing efforts to build capacity for biotechnology and biosafety conducted by the Institute for Advanced Study of the United Nations University. The note described the overall status and effectiveness of implementation of the different elements of the action plan, outlined some of the main capacity-building needs and constraints encountered by Governments and summarized the proposed means for improving the implementation and effectiveness of the action plan and its coordination mechanism. The meeting was invited to consider the information provided in the notes by the Executive Secretary and to take note of the information documents in its deliberations.

79. At the invitation of the Chair, the Chair of the second coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities reported on the outcome of that meeting. The meeting had been sponsored and hosted by the Government of Norway and organized as part of the coordination mechanism for the implementation of the capacity-building action plan, which had been adopted at the first meeting of the Parties to the Cartagena Protocol in decision BS-I/5. The meeting had facilitated exchanges of information with a view to promoting partnerships and maximizing synergy among various capacity-building initiatives. One of the main

outcomes had been adoption of an interim guiding framework for promoting practical synergies and complementarity at country level, which appeared in Annex 1 to the report of the meeting (UNEP/CBD/BS/COP-MOP/3/INF/5). Participants had also shared information about ongoing and planned biosafety capacity-building initiatives, which was summarized in document UNEP/CBD/BS/COP-MOP/3/INF/10. Detailed case-studies had been presented of six ongoing and completed projects, including practical experiences, best practices and lessons learned. The speaker drew attention to a number of recommendations on possible measures for addressing key constraints to effective implementation of the action plan, which were also contained in the report of the meeting, and asked the Working Group to take those recommendations into account in its deliberations.

80. Also at the invitation of the Chair, a further presentation was made, by a representative of the Independent Evaluation Office of the Global Environment Facility (GEF). He said that the Facility had provided about US\$ 60 million for capacity-building. The GEF Council had asked for an evaluation of its work in that area for use in further planning. The evaluation had been based on visits to 11 countries and telephone contacts with a further eight countries, on reviews of the 38 national biosafety frameworks that were complete and on a study of the quality and neutrality of the UNEP “toolkit” for assisting countries to implement the Protocol. Information-sharing had been considered satisfactory, but effective harmonization of scientific, legal and regulatory instruments had been achieved only in European Union accession countries. Interest in cooperation had been expressed by subregional scientific institutions but not at Government level. Awareness-raising and public participation had not been as broad as required by the Protocol and GEF, and inclusion in national coordinating committees had been satisfactory for about one-half of the projects. Capacity-building in risk assessment and risk management had been mainly general and introductory, and more thorough and longer-term instruction was required. Few countries were found to have integrated biosafety with other risk management. In the area of policy and regulatory development, attainment of key criteria had been mixed. Especially weak areas had been identified as compliance with Article 18 and action against unintentional and illegal movement of living modified organisms.

81. The assessment had found that GEF had succeeded in remaining neutral in the debate and that its actions corresponded to countries’ needs.

82. Also speaking at the invitation of the Chair, the representative of the United Nations University described the assessment undertaken by the University of ongoing efforts to build capacity for biotechnology and biosafety. The purpose had been to provide an objective overview of internationally-funded training programmes. The assessment had begun in 2004 and was planned to finish in June 2006. It had concluded that over the past 15 years about US\$ 170 million in assistance had been provided to help build capacity for biosafety in developing countries. Detailed information on 30 of the largest projects had shown that the challenges and constraints of capacity-building for biosafety were similar to those in other capacity-building endeavours. Furthermore, the Protocol had acted as a focus and a catalyst for many initiatives, and the action plan provided a sound basis for guiding capacity-building projects.

83. The assessment had, however, revealed gaps in: geographic coverage; several key areas, such as administrative systems and risk management; and the depth of training provided. Those gaps were of a magnitude that represented a serious challenge to successful implementation of the Protocol. The preliminary recommendations derived from the assessment addressed general capacity-building issues, the gaps and the sustainability of projects and cooperation and called for more support from a wider variety of donors and more support to developing countries to assess their priorities. More focus on long-term training and support was critical, and donors should provide support for administrative systems, risk management and monitoring and information systems. The sustainability of projects must be ensured at the planning stage. The existing action plan should be complemented by support for the Biosafety Clearing-House. The speaker hoped that the preliminary recommendations arising from the assessment, which would be available on the University’s website in April, would prove useful for the revision and implementation of the action plan on capacity-building.

84. Following the presentations, the Chair drew the Working Group's attention to paragraph 72 of document UNEP/CBD/BS/COP-MOP/3/4, which consisted of the elements of a draft decision, and also to the annex to document UNEP/CBD/BS/COP-MOP/3/4/Add.1, which presented a draft updated action plan for building capacities for the effective implementation of the Biosafety Protocol.
85. Statements were made by the representatives of Austria (on behalf of the European Union), Japan, Malaysia, Mexico, Namibia (on behalf of the African Group), New Zealand and Norway.
86. Statements were also made by the representatives of the Foundation for Public Research and Regulation and the Global Industry Coalition.
87. At its 2nd meeting, on 14 March 2006, the Working Group took up the text of a draft decision on capacity-building submitted by the Chair.
88. Statements were made by the representatives of Argentina, Austria (on behalf of the European Union), Brazil, Cameroon, Canada, Cuba, Indonesia, Malaysia, Mexico and Namibia (on behalf of the African Group).
89. Following the discussion, the Chair said that he would prepare a revised text of the draft decision.
90. At its 4th meeting, on 15 March 2006, the Working Group took up a revised text of the draft decision on capacity-building, submitted by the Chair.
91. Statements were made by the representatives of Austria (on behalf of the European Union), Cameroon, Cuba, Dominica and Namibia (on behalf of the African Group). A statement was made by the representative of the Global Environment Facility. The representative of the Foundation for Public Research and Regulation also made a statement.
92. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.8.
93. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.8 and adopted it as decision BS-III/3. The text of the decision is contained in the annex to the present report.

Roster of experts on biosafety

94. Introducing the second part of the agenda item on the roster of experts, the representative of the Secretariat recalled that decision BS-II/4 had requested the Executive Secretary to include in the questionnaire for collecting information to facilitate the review of the Action Plan on the status of capacity-building activities, question to assess the possible reasons behind the limited use of the roster of biosafety experts so as to facilitate the review of the roster in accordance with decision BS-1/4, annex I, section K. The document before the Working Group (UNEP/CBD/BS/COP-MOP/3/4/Add.2) reported on the status, composition and use of the roster and the pilot phase of the voluntary fund for the roster. It also synthesized the results of the review of the roster, including the current level and nature of its use, the major factors limiting its use and recommendations for improving its operations and use.
95. Following the introduction, statements were made by Austria (on behalf of the European Union), Brazil, Cameroon, Japan, Malaysia, Mexico, Namibia (on behalf of the African Group), New Zealand and Norway.
96. At its 2nd meeting, on 14 March 2006, the Working Group took up the text of a draft decision on the roster of experts submitted by the Chair.
97. Statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Cameroon, Egypt, Malaysia, Namibia (on behalf of the African Group) and New Zealand. A statement was also made by Mr Veit Koester, Chair of the Compliance Committee. The Global Industry Coalition and the Foundation for Public Research and Regulation also made statements.

98. Following the discussion, the Chair said that he would prepare a revised text of the draft decision.

99. At its 4th meeting, on 15 March 2006, the Working Group took up a revised text of the draft decision on the roster of experts, submitted by the Chair.

100. A statement was made by the representative of Austria (on behalf of the European Union). The representative of the Foundation for Public Research and Regulation also made a statement.

101. After the exchange of views, the Working Group agreed to transmit the draft decision to the plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.9.

102. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.9 and adopted it as decision BS-III/4. The text of the decision is contained in the annex to the present report.

ITEM 7. MATTERS RELATED TO THE FINANCIAL MECHANISM AND RESOURCES

103. Agenda item 7 was taken up at the 2nd plenary session of the meeting on 14 March 2006. In considering the item, the meeting had before it a note by the Executive Secretary on matters related to the financial mechanism and resources (UNEP/CBD/BS/COP-MOP/3/5). It also had before it as an information document elements for a biosafety strategy (UNEP/CBD/BS/COP-MOP/3/INF/13) and a report by the Executive Secretary on the evaluation of GEF support for biosafety (UNEP/CBD/BS/COP-MOP/3/INF/12).

104. Introducing the item, the representative of the Secretariat recalled that, at its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol had made a recommendation on guidance to the financial mechanism with respect to biosafety, which had subsequently been adopted as decision VII/20 and transmitted to the GEF. At its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol had adopted decision BS-II/5, outlining further steps to strengthen and expand financial support for implementation of the Protocol, including an invitation to the GEF to further develop its funding modalities in order to support the Protocol in a systematic, flexible manner. It further encouraged the GEF and the Executive Secretary to continue their strong collaboration.

105. She said that, in addition to the note by the Executive Secretary providing an update on the status of implementation of the guidance to the financial mechanism (UNEP/CBD/BS/COP-MOP/3/5), the GEF had prepared a report to the eighth meeting of the Conference of the Parties, contained in document UNEP/CBD/COP/8/10, which summarized the actions taken by the GEF in response to the guidance provided by the Conference of the Parties at its seventh meeting with respect to the different programme priorities, including those related to biosafety.

106. The representative of the GEF reported that, in November 2004, the Council of the Facility had requested its Office of Safety and Evaluation to conduct an evaluation of GEF financial activities in the framework of the initial strategy, in order to provide useful lessons for increased capacity-building for implementation of the Protocol. In June 2005, the Council had approved an interim strategy that allowed for the provision of assistance to countries in urgent need of support in preparing national biosafety frameworks. That strategy had resulted in approval of a number of medium-term projects and also of projects to strengthen regional centres of excellence situated in developing countries. The results of the evaluation that had been requested had been presented to the GEF Council in November 2005, at the same time as a document entitled "Elements for a Biosafety Strategy", prepared in collaboration with the Implementing and Executing Agencies, which was based on the directives of the Conference of the Parties, the mandate from the Council and the conclusions of the evaluation. The Council had approved the elements proposed and added several more; the results of the evaluation and the elements for a biosafety strategy were contained in the information documents referred to by the representative of the Secretariat.

107. Statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Cambodia, Cameroon, Colombia, El Salvador, Ethiopia (on behalf of the African Group), Nigeria, Norway, Peru, South Africa and Zimbabwe.

108. At the 3rd meeting of Working Group II, on 15 March 2006, the Chair said that the Bureau had asked the Working Group to address the issue of the financial mechanism and resources, taking into account the innovative ideas and proposals put forward during discussion of the item in plenary session. In addition to the documents considered by the plenary session, the Working Group had before it an informal paper submitted by the African Group.

109. Following a procedural discussion in which the representatives of Austria (on behalf of the European Union), Brazil, China, Colombia, El Salvador, Namibia (on behalf of the African Group), Peru and South Africa took part, the Working Group agreed to base its discussion of the item on the paper submitted by the African Group. The proposals made in the course of the discussion would then be incorporated into a revised text.

110. The Working Group discussed the informal paper submitted by the African Group at its 4th meeting, on 15 March 2006.

111. The representative of the Global Environment Facility (GEF) said that GEF was aware of the concerns of Parties with regard to the new Resource Allocation Framework, which had been approved by the GEF Council in September 2005. GEF would do all it could to help countries adapt to the new strategy. A total of US\$ 75 million had been requested to support countries in implementing their National Biosafety Frameworks, which represented US\$ 1 million per country. He said that two side-events were planned, one on the elements for the biosafety strategy and the other to explain the evaluation of GEF support for biosafety. He looked forward to direct input from Parties at those events, which he hoped would prove useful.

112. Statements were made by the representatives of Austria (on behalf of the European Union), Cameroon, Canada, China, Colombia, Cuba, Dominica, El Salvador, Kiribati, Mexico, Norway, Peru, South Africa and Switzerland.

113. Following the discussion, the Chair said that he would prepare a draft decision based on the proposal from the African Group, incorporating the comments made.

114. At its 5th meeting, on 16 March 2006, the Working Group took up a revised version of the draft decision on matters relating to the financial mechanism and resources, submitted by the Chair.

115. Statements were made by the representatives of Austria (on behalf of the European Union), Colombia, El Salvador, Japan, Malaysia, Namibia, Peru, South Africa (on behalf of the African Group) and Zambia. A statement was also made by the representative of the Global Environment Facility (GEF).

116. The Working Group resumed its consideration of the revised draft decision at its 6th meeting, on 16 March 2006.

117. Statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Cameroon, Colombia, Cuba, Dominica, El Salvador, Ethiopia, Mexico, Peru, South Africa (on behalf of the African Group) and Zambia.

118. The representative of Colombia said that many developing countries were not represented at the meeting, as funds had not been made available to allow them to attend. It was essential that such support be provided, so that all Parties could participate in negotiations on an equal footing. She asked that her remarks be reflected in the report of the meeting.

119. A statement was made by the representative of the Global Environment Facility (GEF).

120. Following the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.17.

121. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.17.

122. The Chair of Working Group II indicated that the Working Group had agreed that all guidance to be given to the Global Environment Facility for consideration by the Conference of the Parties should be incorporated into the decision. He therefore proposed that an additional paragraph be added to cover that decision.

123. The Conference of the Parties serving as the meeting of the Parties to the Protocol then adopted the draft decision, as orally amended, as decision BS-III/5. The text of the decision is contained in the annex to the present report.

ITEM 8. COOPERATION WITH OTHER ORGANIZATIONS, CONVENTIONS AND INITIATIVES

124. Agenda item 8 was taken up at the 2nd plenary session of the meeting, on 14 March 2006. In considering the item, the meeting had before it a note by the Executive Secretary on cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/3/6 and Corr.1).

125. Introducing the item, the representative of the Secretariat recalled that, at its second meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol had adopted decision BS-II/6, which requested a number of actions by the Executive Secretary aimed at enhancing, reinforcing, intensifying or establishing, as relevant, cooperation with various organizations, conventions and initiatives, the activities of which might be relevant for effective implementation of the Protocol. The note by the Executive Secretary provided an overview of actions taken pursuant to that decision, as well as an overview of cooperative activities between the Secretariat and other organizations, conventions and initiatives that had been initiated before the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. Section III of that document contained elements for consideration and possible inclusion in a draft decision.

126. Statements were made by the representatives of Austria (on behalf of the European Union), Belize, Brazil, Cameroon, Colombia, Ethiopia (on behalf of the African Group), Mexico, Norway, the Republic of Korea and Switzerland. Statements were also made by representatives speaking on behalf of the Food and Agriculture Organization of the United Nations (FAO), the International Plant Protection Convention (IPPC) and the Codex Alimentarius Commission. A statement was also made by the representative of the Arab Centre for the Studies of Dry Lands and Arid Zones (ACSAD).

127. The Executive Secretary updated the meeting on cooperation with other organizations, conventions and initiatives, mentioning some forthcoming events. He announced that a meeting of the Partnership Forum of the United Nations Environment Management Group (EMG) would be convened in Curitiba on 26 March and one of its agenda items would be improvement of United Nations system-wide coherence and effectiveness. In addition, a number of regional coordination meetings would be held. It was expected that a Deputy Director-General of the World Trade Organization (WTO) would attend the Conference of the Parties, and a meeting with the Director-General of WTO was planned for later in the year, so the message from the Parties regarding collaboration with the WTO was being heeded. Meetings with high officials of the World Bank, the United Nations Development Programme (UNDP) and the United Nations Environment Programme have been convened to discuss collaboration. He also announced that a heads of agency task force on achieving the 2010 biodiversity target, which included biosafety, will be established at the margins of the High Level Segment of the eighth meeting of the Conference of the Parties.

128. Following the exchange of views, the President said that she would work with the Secretariat to prepare a draft decision on the item, for consideration at the next plenary session.

129. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.3, submitted by the President.

130. The representative of Austria (on behalf of the European Union) proposed that an addition be made to the second operative paragraph requesting the Executive Secretary to intensify efforts to obtain observer status at the WTO committees on sanitary and phytosanitary measures and on technical barriers to trade.

131. The Conference of the Parties serving as the meeting of the Parties to the Protocol then adopted the draft decision, as orally amended, as decision BS-III/2. The text of the decision is contained in the annex to the present report.

ITEM 9. REPORT OF THE EXECUTIVE SECRETARY ON THE ADMINISTRATION OF THE PROTOCOL AND ON BUDGETARY MATTERS

132. Agenda item 9 was taken up at the 2nd plenary session of the meeting on 14 March 2006. In considering the item, the meeting had before it a report by the Executive Secretary on the administration of the Protocol and on budgetary matters (UNEP/CBD/BS/COP-MOP/3/7/Rev.1).

133. The representative of the Secretariat, introducing the item, indicated that the document before the meeting highlighted the financial and administrative performance of the Secretariat since the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It reported on the income and budget performance of the three Trust Funds of the Protocol during the 2005-2006 biennium and the levels of expenditure during that period vis-à-vis the approved budgets, as well as the status of staffing and other administrative and personnel matters. Pursuant to decision BS-1/10, it presented budgetary options for the 2007-2008 biennium. It reflected a real increase of 25.4 per cent over the 2005-2006 budget and included 15 per cent of the cost of the shared posts which had been borne entirely by the Convention budget during the 2005-2006 biennium. Payments to the core budget (BG) Trust Fund in 2005 had been high, amounting to 95 per cent of the total core budget approved for 2005, mainly because a number of Parties had paid their assessed contributions for 2006 in advance. On the other hand, pledges to the voluntary fund for the participation of Parties in meetings were low.

134. A statement was made by the representative of Austria (on behalf of the European Union).

135. The President requested the Secretariat to compile a list of new activities to be undertaken before the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol but not included in the programme budget for the 2005-2006 biennium and to report to the Bureau on the cost implications. The Bureau would then discuss how best to secure funding for the activities and would report to the plenary session. She also proposed that an open-ended contact group chaired by Mr. Ositadinma Anaedu (Nigeria) be established to review the programme budget and requested it to make a progress report to the Bureau. She emphasized, however, that serious consideration must be given to the issue of the number of inter-sessional meetings to be held before the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in view of increasing concern about the availability of voluntary contributions in support of such meetings.

136. Mr. Ositadinma Anaedu (Nigeria), chair of the contact group, reported to the 3rd plenary session, on 17 March 2006, that the group had completed its work, despite the fact that the negotiations had been difficult and complex. A consensus had been reached on all matters with the exception of the new P-2 post, on which concerns had been expressed. He introduced the draft decision on the programme budget for the costs of the Secretariat services and the biosafety work programme of the Cartagena Protocol on Biosafety for the biennium 2007-2008. The text would have to be amended to take into account two new elements: firstly, the annual contribution of the host country Canada and the Province of Quebec would be increased by 2 per cent per annum and the amount allocated per annum to offset contributions from the Parties to the Protocol for the biennium would have to be adjusted accordingly; secondly, as it had been

decided to remove the post of information officer, the budget attached to the draft decision would have to be amended.

137. The representative of Japan, speaking as a major contributor to the core budget, underlined the need to improve the budget's transparency and make it more user-friendly. She added that she was not convinced of the need for the new P-2 post, but had agreed to the budget in the hope that in future increased efforts would be made to take into account the concerns expressed by Parties. She asked the Secretariat to review the effectiveness of the new post when preparing the budget for the next biennium.

138. The Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.18 and adopted it, as orally amended, as decision BS-III/7. The text of the decision is contained in the annex to the present report.

139. The Executive Secretary said that he wished to express his deep gratitude to the delegations of Japan and Germany in particular for having demonstrated such flexibility and understanding in considering the proposal for an additional P-2 post, despite the lateness of its submission. In that context, he reiterated his commitment to ensuring accountability for all donor contributions by reminding participants that the programme budget for each biennium would be fully audited by the United Nations Board of Auditors. He also wished to thank the other donors who had promptly supported the proposal for the additional post, thereby manifesting their trust and confidence in the manner in which the programme budget was to be administered.

III. SUBSTANTIVE ISSUES ARISING FROM THE MEDIUM-TERM PROGRAMME OF WORK AND PREVIOUS DECISIONS OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

ITEM 10. HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION (ARTICLE 18)

140. Working Group I took up agenda item 10 at its 1st meeting on 13 March 2006. In considering the item, the Working Group had before it a note by the Executive Secretary on taking a decision on the detailed identification/documentation requirements of living modified organisms intended for direct use as food or feed, or for processing (Article 18, paragraph 2 (a)) (UNEP/CBD/BS/COP-MOP/3/8), a note by the Executive Secretary containing a synthesis of information on experience gained with the use of documentation to fulfil the identification requirements of paragraphs 2 (b) and 2 (c) of Article 18 (UNEP/CBD/BS/COP-MOP/3/8/Add.1) and a note by the Executive Secretary on consideration of the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices in the transboundary movement of living modified organisms (paragraph 3, Article 18) (UNEP/CBD/BS/COP-MOP/3/8/Add.2). It also had before it as information documents a compilation of information submitted by Parties and other Governments and by organizations on experience gained with the use of documentation requirements under paragraphs 2 (b) and (c) of Article 18 of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/3/INF/2) and a compilation of information submitted by Parties and other Governments and by organizations on Article 18, paragraph 3, of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/3/INF/3).

141. Statements on paragraph 2 (a) of Article 18 were made by the representatives of Argentina, Australia, Brazil, Canada, Colombia, El Salvador, Ethiopia, the European Community, India, Japan, Malaysia, Mexico, Namibia, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, Switzerland, Uganda, Zimbabwe. The representative of the United States of America also made a statement. Statements were also made by the representatives of the Codex Alimentarius Commission, Greenpeace International, the Third World Network and the International Grain Trade Coalition.

142. Following the exchange of views, the Chair convened a contact group, co-chaired by Mr. François Pythoud (Switzerland) and Mr. Luiz Alberto Figueiredo Machado (Brazil), to consider the unresolved issues and produce a draft decision without brackets.

143. At the 2nd meeting of the Working Group, on 14 March 2006, Mr. Pythoud reported that the contact group had thus far held positive discussions, which would be continued until complete, following which a text would be developed for the consideration of the Working Group.

144. Statements on paragraphs 2 (b) and 2 (c) of Article 18 were made by the representatives of Austria (on behalf of the European Union), Antigua and Barbuda, Belize, Brazil, Burkina Faso, Colombia, Ecuador, Ethiopia (on behalf of the African Group), India, Indonesia, Japan, Malaysia, Mexico, Namibia, New Zealand, Nigeria, Norway, Switzerland, Thailand, Zambia, Zimbabwe and the representatives of the Public Research and Regulation Foundation and the Global Industry Coalition.

145. Following the exchange of views, the Chair said that she would prepare a text reflecting the points that had been made during the discussion.

146. Statements on paragraph 3 of Article 18 were made by the representatives of Argentina, Austria (on behalf of the European Union), Brazil, Ethiopia (on behalf of the African Group), India, Indonesia, Liberia, Malaysia, Nicaragua, Nigeria, Norway, Paraguay, Peru, Senegal, Switzerland, Thailand, Venezuela and the representative of the Arab Centre for the Studies of Dry Lands and Arid Zones (ACSAD).

147. Following the exchange of views, the Chair said that she would prepare a text reflecting the views which had been expressed during the discussion.

148. At the 3rd meeting of the Working Group, on 15 March 2006, Mr. Figueiredo Machado reported that the contact group had had a further very constructive exchange of views and was at the stage of considering specific texts, so wished to continue its work later that day.

149. The Working Group then took up a draft decision on handling, transport, packaging and identification, in respect of paragraphs 2 (b) and 2 (c) of Article 18, submitted by the Chair.

150. Statements were made by the representatives of Argentina and Norway.

151. The Working Group approved the draft decision on handling, transport, packaging and identification, in respect of paragraphs 2 (b) and 2 (c) of Article 18, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.5.

152. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.5 and adopted it as decision BS-III/8. The text of the decision is contained in the annex to the present report.

153. The Working Group then took up a draft decision on handling, transport, packaging and identification, in respect of paragraph 3 of Article 18, submitted by the Chair.

154. Statements were made by the representative of Belize and Norway.

155. The Working Group approved the draft decision on handling, transport, packaging and identification, in respect of paragraph 3 of Article 18, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.6.

156. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.6 and adopted it as decision BS-III/9. The text of the decision is contained in the annex to the present report.

157. At its 4th meeting, on 16 March 2006, the Chair informed the Working Group that the contact group on paragraph 2 (a) of Article 18 was making good progress in a small group of friends of the co-chairs and hoped to be in a position to report to the Working Group at its next meeting.

158. At its 5th meeting, on 16 March 2006, the Working Group heard a progress report on the work of the contact group from Mr. Pythoud, who said he was optimistic that with more time the group of friends of the co-chairs would be able to make sufficient headway for the Working Group to be presented with a clean text of a draft decision at its 6th meeting. The group of friends of the co-chairs then convened as Friends of the Chair of the Working Group to continue their discussions.

159. At the 6th meeting of the Working Group, on 17 March 2006, the Chair suggested compromise amendments to a working text on handling, transport, packaging and identification of living modified organisms: paragraph 2 (a) of Article 18, submitted by the Friends of the Chair, on the understanding that one delegation would be making an interpretative statement at the next plenary session. Following an exchange of views in which statements were made by the representatives of Brazil, Ethiopia (on behalf of the African Group), the European Community, Japan, Mexico, Paraguay, Peru and Venezuela, the Chair invoked her Chair's prerogative and said that she would submit a clean text of a draft decision, incorporating her suggested amendments, for the consideration of the plenary at its next session.

160. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.19.

161. The representative of New Zealand said that he wished to place on record his country's views on the draft decision on paragraph 2 (a) of Article 18, as there might have been some misunderstanding in that respect. New Zealand had a strong environmental record and stringent biosafety regulations. It regarded the Biosafety Protocol as a critical international instrument, which made a vital contribution to the global environment. New Zealand supported the provision of strong documentation to accompany transboundary movements of living modified organisms, so that all countries, including his own, were fully informed when making decisions about whether to allow such imports. His delegation would support documentation regulations containing the phrases "may contain" and "does contain".

162. New Zealand had participated actively in all aspects of the negotiations and had done its utmost to accommodate the concerns of others. His Government wished to ensure the highest possible standards of environmental protection under the Protocol. It wished, however, to avoid elaborating documentation requirements that would affect shipments of non-living modified organisms, and especially organic materials. It sought a simple, workable, practical documentation system that would meet the objectives of the Protocol.

163. His delegation considered that the draft decision represented a careful balance, based on the spirit of compromise and flexibility shown in the negotiations. It could accordingly endorse all aspects of the text and gave it full support.

164. The representative of Mexico said that he too was seeking a solution that would be satisfactory to all Parties and achieve consensus. In that spirit, he proposed several amendments to the draft decision, in order to clarify certain key points that had not been settled in the discussion in the Working Group.

165. The representative of the European Community pointed out that Parties had already had ample opportunity to exchange views and the text before the meeting was a balanced one. He could not accept the amendments proposed by the representative of Mexico as they would represent a step backwards and all matters had been extensively discussed and adequately covered.

166. The representative of Paraguay sought clarification of operative paragraphs 4 (i) and (ii) before he could accept the amendments proposed.

167. The President, noting that there was no agreement on the text, requested the Chair of Working Group I to pursue consultations and to report back to the plenary session.

168. Following those consultations, the Chair of Working Group I reported that a package deal had been achieved in which agreement had been reached on amendments proposed by the delegation of Mexico to the fourth preambular paragraph and to operative paragraph 4 and by the delegation of Paraguay to operative paragraphs 4 (i) and (ii).

169. Draft decision UNEP/CBD/BS/COP-MOP/3/L.19, as orally amended, was adopted as decision BS-III/10. The text of the decision is contained in the annex to the present report.

170. The representative of Brazil said that his delegation had worked untiringly with all other delegations throughout the week in pursuit of consensus, and in that spirit accepted the amendment proposed by the delegation of Mexico even though it considered it to be unnecessary. Brazil believed that in spite of the provisions of its Article 24 the Parties must work for the universalization of the Protocol and until that objective was reached the acceptance and implementation of its rules and regulations should be increased with the aim of promoting biosafety at international level.

171. The representative of Venezuela said her delegation's understanding was that the decision was a call for compromise that the developing countries, especially importers, must make in order to strengthen their national frameworks and thereby have a proper response to the challenges implied by the movement of living modified organisms. It was, however, important to point out that Parties and non-Parties, exporters and producers, should be urged to develop identity preservation systems for living modified organisms so that they were able to determine that their shipments "contained" living modified organisms intended for direct use as food or feed, or for processing.

172. Statements were also made by the representatives of Bolivia, China, the European Community, Japan, Malaysia and Paraguay.

ITEM 11. RISK ASSESSMENT AND RISK MANAGEMENT (ARTICLES 15 AND 16)

173. Working Group I took up agenda item 11 at its 2nd meeting, on 14 March 2006. In considering the item, the Working Group had before it a note by the Executive Secretary on risk assessment and risk management (Articles 15 and 16) (UNEP/CBD/BS/COP-MOP/3/9) and an information document (UNEP/CBD/BS/COP-MOP/3/INF/1).

174. The representative of the Secretariat said that the note by the Executive Secretary had been based in part on the findings of an Ad Hoc Technical Expert Group on Risk Assessment that had been convened with the support and hospitality of the Government of Italy in November 2005, and that the report of its meeting was to be found in the information document. The note considered information from interim national reports, the main conclusions of the Ad Hoc Technical Expert Group, and views submitted prior to the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. It also contained elements of a draft decision.

175. Statements were made by the representatives of Antigua and Barbuda, Argentina, Australia, Austria (on behalf of the European Union), Belize, Bolivia, Brazil, Cambodia, China, Colombia, Cuba, Ecuador, India, Indonesia, Japan, Kenya, Malaysia, Mexico, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, Thailand, Uganda. Statements were also made representatives speaking on behalf of the FAO, the IPPC and the Codex Alimentarius Commission and the representatives of the Public Research and Regulation Foundation and Third World Network and the Global Industry Coalition.

176. Following the exchange of views, the Chair said that she would prepare a text reflecting the views which had been expressed during the discussion.

177. At its 3rd meeting, on 15 March 2006, the Working Group took up a draft decision on risk assessment and risk management, submitted by the Chair.

178. Statements were made by the representatives of Australia, Brazil, Colombia, Ethiopia, Kiribati, Paraguay, Peru, South Africa and Zimbabwe.

179. The Working Group approved the draft decision on risk assessment and risk management, as orally amended, for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.7.

180. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.7 and adopted it as decision BS-III/11. The text of the decision is contained in the annex to the present report.

181. The representative of Norway, noting that in the decision the meeting had agreed to consider the possible need for further guidance on specific aspects of risk assessment and risk management, announced that Norway, in collaboration with Canada, was considering ways and means of co-hosting a workshop in Montreal prior to the fourth meeting focusing on future challenges in risk assessment as a contribution to discussions at the meeting.

ITEM 12. LIABILITY AND REDRESS (ARTICLE 27)

182. Agenda item 12 was taken up at the 2nd plenary session of the meeting, on 14 March 2006. In considering the item, the meeting had before it the report of the Open-ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the context of the Cartagena Protocol on Biosafety on the work of its second meeting (UNEP/CBD/BS/COP-MOP/3/10).

183. Mr. René Lefeber (Netherlands), Co-Chair of the Ad Hoc Open-ended Working Group on Liability and Redress, presented the report of the Working Group on its second meeting. Regarding review of information relating to liability and redress for damage resulting from the transboundary movement of living modified organisms, the Working Group requested the Secretariat to compile further information on certain relevant topics and to make them available to its third meeting. It also requested the Secretariat to arrange for expert presentations on the application of tools for the valuation of biodiversity and biodiversity resources, financial security to cover liability for damage resulting from the transboundary movement of living modified organisms, and transnational procedures. Concerning the analysis of issues and elaboration of options, the Working Group had prepared the indicative list of criteria annexed to its report, but he emphasized that it had not been negotiated and was not exhaustive. The Working Group had considered a synthesis of submissions on approaches, options and issues and had developed different options for scope, damage, and causation.

184. Turning to future work, he said that if a third meeting of the Working Group was not convened in 2006, it could still complete its work plan within the timeframe, provided that three meetings were convened over the next biennium. In that connection, he expressed concern that insufficient funds had been available to support the participation of a representative from all eligible Parties at the second meeting and stressed that full participation by all Parties was essential in order to build understanding and consensus and to allow the Working Group to fulfil its mandate.

185. Statements were made by the representatives of Australia, Austria (on behalf of the European Union), Cameroon, Ethiopia (on behalf of the African Group), Malaysia, Venezuela, Zimbabwe and the representative of the Foundation for Public Research and Regulation.

186. Following the exchange of views, the President said that she would work with the Secretariat to prepare a draft decision on the item, for consideration at the next plenary session.

187. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.2 and Corr.1, submitted by the President, and adopted it as decision BS-III/12. The text of the decision is contained in the annex to the present report.

ITEM 13. SUBSIDIARY BODIES (ARTICLE 30)

188. Working Group I took up agenda item 13 at its 3rd meeting, on 15 March 2006. In considering the item, the Working Group had before it a note by the Executive Secretary on subsidiary bodies (Article 30) (UNEP/CBD/BS/COP-MOP/3/11) and an information document, which was a compilation of views submitted by Parties and other Governments on the need for subsidiary bodies to address scientific issues including risk assessment and risk management (UNEP/CBD/BS/COP-MOP/3/INF/7).

189. The representative of the Secretariat, introducing the item, said that the Conference of the Parties serving as the meeting of the Parties to the Protocol, in its medium-term programme of work adopted in decision BS-I/12, had decided to consider subsidiary bodies at its third meeting. In addition, in its decision BS-I/11 on other issues it had decided to consider the need for designating or establishing a

permanent subsidiary body that provided it with advice on scientific and technical issues arising in relation to implementation of the Protocol. Subsequently, in its decision BS-II/14, it had invited views on the need to designate or establish a permanent subsidiary body to provide advice on scientific and technical issues, including risk assessment and risk management, for inclusion in a synthesis report to be considered at its third meeting. The views submitted had been compiled in the information document (UNEP/CBD/BS/COP-MOP/3/INF/7) and synthesized in the pre-session paper (UNEP/CBD/BS/COP-MOP/3/11). On the basis of the views submitted, the Executive Secretary had made a recommendation to the Conference of the Parties serving as the Meeting of the Parties in Section III of the latter document.

190. Statements were made by the representatives of Argentina, Austria (on behalf of the European Union), Belize, Brazil, Burkina Faso, Cambodia, China, Colombia, Cuba, India, Indonesia, Mexico, New Zealand, Nicaragua, Norway, Paraguay, Thailand, Zambia, Zimbabwe and the representative of ACSAD.

191. Following the exchange of views, the Chair said that she would prepare a text reflecting the views which had been expressed during the discussion.

192. At its 4th meeting, on 16 March 2006, the Working Group took up a draft decision on subsidiary bodies, submitted by the Chair.

193. A statement was made by the representative of Austria (on behalf of the European Union).

194. The Working Group approved the draft decision on subsidiary bodies for transmission to plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.16.

195. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.16 and adopted it as decision BS-III/13. The text of the decision is contained in the annex to the present report.

ITEM 14. MONITORING AND REPORTING (ARTICLE 33)

196. Working Group II took up agenda item 14 at its 1st meeting on 13 March 2006. In considering the item, the Working Group had before it an analysis of information contained in the interim national reports (UNEP/CBD/BS/COP-MOP/3/12). It also had before it as an information document a summary of responses submitted in the interim national reports on implementation of the Cartagena Protocol on Biosafety (UNEP/CBD/BS/COP-MOP/3/INF/8).

197. Introducing the item, the representative of the Secretariat recalled that the first meeting of the Parties to the Protocol had approved a format for interim national reports on implementation of the Protocol and had agreed on their frequency and timing. The Parties had also agreed that an interim report would be submitted two years after the entry into force of the Protocol. The deadline for submission of interim national reports was therefore 11 September 2005. The document before the meeting contained an analysis of the 44 reports received by 11 October 2005. He added that since that date reports had been received from a further seven countries, bringing the total up to 51.

198. Following the introduction, statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Cameroon, Namibia (on behalf of the African Group) and Norway. Statements were also made by representatives of the United Nations University and the Global Environment Facility.

199. At its 2nd meeting, on 14 March 2006, the Working Group took up the text of a draft decision on monitoring and reporting submitted by the Chair.

200. Statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Egypt, Indonesia, Namibia (on behalf of the African Group), South Africa and by Mr. Veit Koester, Chair of the Compliance Committee.

201. Following the discussion, the Chair said that he would prepare a revised text of the draft decision.
202. At its 4th meeting, on 15 March 2006, the Working Group took up a revised text of the draft decision on monitoring and reporting, submitted by the Chair.
203. Statements were made by the representatives of Austria (on behalf of the European Union) and Cameroon.
204. Following the exchange of views, the Working Group agreed to transmit the draft decision to the plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.10.
205. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.10 and adopted it as decision BS-III/14. The text of the decision is contained in the annex to the present report.

ITEM 15. ASSESSMENT AND REVIEW (ARTICLE 35)

206. Working Group II took up agenda item 15 at its 1st meeting on 13 March 2006. In considering the item, the Working Group had before it a note by the Executive Secretary on initiating a process of evaluation of the effectiveness of the Protocol on the basis of an analysis of information contained in the interim national reports (UNEP/CBD/BS/COP-MOP/3/13).
207. The representative of the Secretariat, introducing the item, recalled that a medium-term programme of work had been adopted by the Parties in decision BS-I/12. The programme envisaged the initiation of a process of review and assessment at the third meeting, with a review of the implementation of the Protocol, its annexes, procedures and mechanisms scheduled for consideration at the fourth Conference of the Parties. The document before the meeting discussed some considerations that might be pertinent when undertaking an evaluation of the effectiveness of the Protocol and attempted to identify possible modalities that the Conference of the Parties might wish to take into account in establishing a process to undertake such an evaluation.
208. Following the introduction, statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Cameroon, Canada, Colombia, Cuba, Egypt, Japan, Mexico, Namibia (on behalf of the African Group), New Zealand, Norway, Switzerland, the representatives of the United Nations University and the Foundation for Public Research and Regulation.
209. At its 3rd meeting, on 15 March 2006, the Working Group took up the text of a draft decision on assessment and review submitted by the Chair.
210. Statements were made by the representatives of Austria (on behalf of the European Union), Colombia, Cuba, Ethiopia, Japan, Mexico, Namibia (on behalf of the African Group), New Zealand and Switzerland. Mr. Veit Koester, Chair of the Compliance Committee, also made a statement, as did the representative of the Foundation for Public Research and Regulation.
211. Following the discussion, the Chair said that he would prepare a revised text of the draft decision.
212. At its 4th meeting, on 15 March 2006, the Working Group took up a revised text of the draft decision on assessment and review, submitted by the Chair.
213. Statements were made by the representatives of Austria (on behalf of the European Union) and Namibia (on behalf of the African Group).
214. After the exchange of views, the Working Group agreed to transmit the draft decision, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.11.
215. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision

UNEP/CBD/BS/COP-MOP/3/L.11 and adopted it as decision BS-III/15. The text of the decision is contained in the annex to the present report.

ITEM 16. OTHER SCIENTIFIC AND TECHNICAL ISSUES THAT MAY BE NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THE PROTOCOL

216. Working Group I took up agenda item 16 at its 3rd meeting, on 15 March 2006. In considering the item, the Working Group had before it an information document containing a compilation of views submitted by Parties, other Governments and relevant international organizations on obligations and rights of transit States (UNEP/CBD/BS/COP-MOP/3/INF/9) and a note by the Executive Secretary which synthesized those views (UNEP/CBD/BS/COP-MOP/3/14).

217. The representative of the Secretariat, introducing the item, said that in its decision BS-II/14 the Conference of the Parties serving as the meeting of the Parties to the Protocol had invited views on the issue of obligations and rights of transit States for inclusion in a synthesis to be considered at the present meeting. The views submitted had been compiled in the information document (UNEP/CBD/BS/COP-MOP/3/INF/9) and synthesized in the pre-session paper (UNEP/CBD/BS/COP-MOP/3/14). He said that the Conference of the Parties serving as the meeting of the Parties to the Protocol might wish to take a decision regarding clarification of the rights and/or obligations of transit States, taking into account the synthesis of views.

218. Statements were made by the representatives of Argentina, Austria (on behalf of the European Union), Brazil, Canada, Colombia, India, Japan, New Zealand, Norway, Paraguay, Thailand, and Zambia. The representatives of ACSAD, the Public Research and Regulation Foundation and Third World Network also made statements.

219. Following the exchange of views, the Chair said that she would prepare a text reflecting the views which had been expressed during the discussion.

220. At its 4th meeting, on 16 March 2006, the Working Group took up a draft decision on other issues (transit), submitted by the Chair.

221. Statements were made by the representatives of Austria (on behalf of the European Union), Belize, Brazil, Cameroon, Japan, New Zealand and Uganda.

222. Following the exchange of views, the Chair convened a group of Friends of the Chair to resolve outstanding issues in connection with the draft decision.

223. The Working Group took up a revised text of the draft decision, submitted by the group of friends of the chair, and following a further exchange of views, in which statements were made by the representatives of Cameroon and Rwanda, agreed to transmit it, as orally amended, to the plenary as draft decision UNEP/CBD/BS/COP-MOP/3/L.15.

224. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/3/L.15 and adopted it as decision BS-III/16. The text of the decision is contained in the annex to the present report.

IV. FINAL MATTERS

ITEM 17. OTHER MATTERS

Tribute to the Government and people of the Federative Republic of Brazil

225. At the 3rd plenary session of the meeting, on 17 March 2006, the Conference of the Parties serving as the meeting of the Parties to the Protocol expressed its sincere gratitude to the Government and people of the Federative Republic of Brazil for the cordial hospitality accorded to participants in the meeting and for their contribution to its success. In that connection, the Conference of the Parties

considered draft decision UNEP/CBD/BS/COP-MOP/3/L.20, submitted by the Bureau, and adopted it as decision BS-III/17. The text of the tribute is contained in the annex to the present report.

ITEM 18. DATE AND VENUE OF THE FOURTH MEETING OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY

226. At the 3rd plenary session of the meeting, the Conference of the Parties serving as the meeting of the Parties to the Protocol considered draft decision UNEP/CBD/BS/COP-MOP/2/L.12.

227. The representative of the Secretariat, introducing the document, said that, according to rule 4.2 of the rules of procedure for meetings of the Conference of the Parties, a decision had to be taken on the dates of the next ordinary meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol. Taking into account the relevant provisions of the applicable rules of procedure, as well as previous decisions of meetings of the Parties to the Protocol, in consultation with other members of the Bureau, the President had prepared, a draft decision on the item, as contained in draft decision UNEP/CBD/BS/COP-MOP/3/L.12.

228. With respect to the venue of the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, rule 3 of the rules of procedure stated that unless meetings of the Conference of the Parties decided otherwise or other appropriate arrangements were made by the Secretariat in consultation with the Parties, meetings should take place at the seat of the Secretariat.. Should any offers or expressions of interest in hosting the next meeting of the Parties be communicated to the Executive Secretary, he would inform the Parties accordingly and in due course.

229. Following the introduction, the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted draft decision UNEP/CBD/BS/COP-MOP/2/L.12 as decision BS-III/18. The text of the decision is contained in the annex to the present report.

ITEM 19. ADOPTION OF THE REPORT

230. The present report was adopted at the 3rd plenary session of the meeting, on 17 March 2006, on the basis of the draft report presented by the Rapporteur (UNEP/CBD/BS/COP-MOP/3/L.1) and the reports of Working Group I (UNEP/CBD/BS/COP-MOP/3/L.1/Add.1) and Working Group II (UNEP/CBD/BS/COP-MOP/3/L.1/Add.2).

ITEM 20. CLOSURE OF THE MEETING

231. Ms Marina Silva, Minister of the Environment of Brazil, expressed her satisfaction that the meeting had been held in Curitiba, a city that was synonymous with environmental awareness and economic dynamism. The meeting had been the largest ever of its kind, with 96 Parties represented and over 3000 participants. Important decisions had been taken for the future of the Protocol, in the areas of capacity-building, risk analysis, the Biosafety Clearing-House and the financial mechanism of the Protocol. The negotiations on the main item on the agenda, concerning the requirements for documentation and identification of living modified organisms for use in food, feed, or for processing in paragraph 2 (a) of Article 18, had been an outstanding example of mutual understanding and represented a step forward with respect to previous debates on the subject. Large concessions had been made to accommodate legitimate concerns, such as the need for training and international cooperation in Latin America to allow Parties to fulfil the requirements of the decision. She was pleased to note that the final decision explicitly authorized the Executive Secretary to mobilize funds to help Parties implement the conditions of Article 18.2 (a). The large Brazilian delegation clearly reflected the importance that was attached to the Cartagena Protocol in her country. She expressed gratitude to all those who had ensured the success of the meeting.

232. The representatives of Ethiopia (on behalf of the African Group), Austria (on behalf of the European Union, Bulgaria and Romania) and Kiribati (on behalf of the Asia-Pacific group) expressed their thanks to all those who had made the meeting a success.

233. The Executive Secretary informed the meeting that Mr. Jesse Machuca, a non-governmental organization representative who had been taken ill during the meeting, was being well cared for by the Brazilian health services and that the Brazilian Embassy in Nairobi was facilitating the travel of his wife to Curitiba. The Secretariat of the Convention would also do all it could to assist and he read out a letter of sympathy that he had sent to Mrs. Machuca in the name of all participants in the meeting. That event recalled the thin line between life and death. The line between destruction and preservation of the environment was also thin, but it had been strengthened by the results of the meeting, which was a historic one. He was proud that it had achieved its objectives. The Protocol would permit countries to take full advantage of biotechnology.

234. He reiterated that the meeting had been the largest of the meetings of the Parties to the Protocol, with respect both to the number of participants and the number of decisions taken. He welcomed the suggestion by the representative of China to name decision BS-III/10 “the Curitiba decision”. Much of the success of the meeting was due to the remarkable efforts of the Brazilian Government and also to the local organizers of the meeting. In closing, he paid tribute to the Minister of the Environment of Brazil and to the President and Ms. Cyrie Sendashonga, the Secretary of the meeting, and presented the President with a bouquet of flowers and Ms. Sendashonga with a commemorative plaque in recognition of her services to the Protocol and the fact that the current meeting would be her last in that capacity.

235. The President then declared the third meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol on Biosafety closed, at 9.45 p.m. on Friday, 17 March 2006.

Annex

**DECISIONS ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION
ON BIODIVERSITY AT ITS THIRD MEETING SERVING AS THE MEETING OF THE
PARTIES TO THE CARTAGENA PROTOCOL ON BIOSAFETY
*Curitiba, Brazil, 13-17 March 2006***

BS-III/1.	Compliance.....	33
BS-III/2.	Operation and activities of the Biosafety Clearing-House	34
BS-III/3.	Capacity-building	36
BS-III/4.	Capacity-building (Roster of experts)	43
BS-III/5.	Matters relating to the financial mechanism and resources.....	45
BS-III/6.	Cooperation	47
BS-III/7.	Programme budget for the costs of the Secretariat services for and the biosafety work programme of the Cartagena Protocol on Biosafety for the biennium 2007-2008.....	48
BS-III/8.	Handling, transport, packaging and identification of living modified organisms: paragraphs 2 (b) and 2 (c) of Article 18	58
BS-III/9.	Handling, transport, packaging and identification of living modified organisms: paragraph 3 of Article 18.....	59
BS-III/10.	Handling, transport, packaging and identification of living modified organisms: paragraph 2 (a) of Article 18	60
BS-III/11.	Risk assessment and risk management.....	63
BS-III/12.	Liability and redress under the Biosafety Protocol	66
BS-III/13.	Subsidiary bodies	67
BS-III/14.	Monitoring and reporting	68
BS-III/15.	Assessment and review	85
BS-III/16.	Other issues (Transit)	86
BS-III/17.	Tribute to the Government and people of the Federative Republic of Brazil	87
BS-III/18.	Date and venue of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.....	88

BS-III/1. Compliance

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Taking note of the report of the second meeting of the Compliance Committee, in particular the recommendations of the Committee regarding general issues of compliance (UNEP/CBD/BS/COP-MOP/3/2),

Recognizing that capacity-building is an essential element in supporting developing country Parties, in particular the least developed and the small island developing States amongst them, and Parties with economies in transition to comply with their obligations under the Protocol,

Recognizing also that it is too early to undertake the review of the effectiveness of the compliance procedures and mechanisms as provided for in section VII of the annex to decision BS-I/7,

Recalling paragraph 2 (d) of section VI of the procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety as annexed to decision BS-I/7,

Taking note of the experience of other multilateral environmental agreements in addressing cases of repeated non-compliance within their respective compliance procedures and mechanisms, as presented in section II of the note by the Executive Secretary on the subject (UNEP/CBD/BS/COP-MOP/3/2/Add.1),

Noting the absence of any submission to date of a case of non-compliance by a Party to the Protocol with respect to itself or with respect to another Party,

Recognizing the need to resolve the differences that emerged at the second meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol regarding rule 18 of the rules of procedure of the Committee on voting in a manner that ensures efficiency and effectiveness of the Committee and the independence of its members in taking decisions,

1. *Decides to undertake the review of the effectiveness of the procedures and mechanisms on compliance as provided for in section VII of decision BS-I/7, including addressing the issue of measures concerning repeated cases of non-compliance as well as rule 18 of the rules of procedure of the Compliance Committee, at its fourth meeting within the framework of the overall evaluation of the effectiveness of the Protocol in accordance with Article 35 and in accordance with the modalities established in decision BS-III/15 of the present meeting regarding such evaluation;*

2. *Requests the Compliance Committee to compile further information on experience of other multilateral environmental agreements regarding repeated cases of non-compliance for consideration at the fourth Conference of the Parties serving as the meeting of the Parties to the Protocol;*

3. *Calls upon Parties that still have no appropriate legal and administrative measures in place at the national level to take the necessary measures and specifically to give appropriate attention to the development of national biosafety frameworks as enabling tools in their efforts to effectively implement their obligations under the Protocol, and urges those Parties that have duly completed the development of their national biosafety frameworks to take measures necessary, including the allocation of appropriate resources, to make these frameworks operational and effective;*

4. *Invites Parties and other Governments with well-developed and functional biosafety frameworks or systems to cooperate and share their practical experiences with those Parties that have a demand in this regard.*

BS-III/2. Operation and activities of the Biosafety Clearing-House

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Taking note of the progress report on the implementation of the multi-year programme of work for the operation of the Biosafety Clearing-House, and relevant information contained in the interim national reports on implementation of the Protocol,

Taking note of the report of the second meeting of the Compliance Committee (UNEP/CBD/BS/COP-MOP/3/2),

Welcoming the participation of Governments and international organizations that have already provided information to the Biosafety Clearing-House,

Recalling the need for capacity-building to enable developing country Parties, in particular the least developed and small island developing states among them, to effectively use the Biosafety Clearing-House, and taking into account the limited capacities of these Parties to provide information to the Biosafety Clearing-House,

Emphasizing that the provision of sufficient relevant information is essential for the effective operation of the Biosafety Clearing-House, and recognizing the important role of the Biosafety Clearing-House in implementing the Protocol,

1. *Urges* Parties, Governments and other users to participate in the Biosafety Clearing-House by contributing or continuing to contribute information as soon as possible, whether directly through the management centre of the Central Portal, or through the development of nodes that are interlinked and interoperable with the Central Portal, or other options for national participation as appropriate;

2. *Requests* the Executive Secretary to continue to collaborate with nodes that are interlinked and interoperable with the Central Portal to ensure full accessibility of information through the Biosafety Clearing-House;

3. *Recognizing* the limited data available in some categories of information in the Biosafety Clearing-House, *urges* Parties and other Governments to include information pertaining to decisions on the release or import of living modified organisms and risk assessments taken prior to entry into force of the Protocol;

4. *Invites* those Governments that have identified constraints on making information available in a timely manner and/or implemented strategies to overcome these difficulties to share these experiences with the Secretariat for circulation to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, no later than six months prior to that meeting;

5. *Recalls* the requirement under Annex II of the Protocol to provide any unique identification of living modified organisms intended for direct use as food or feed, or for processing under Article 11 and *requests* Governments to also provide information relating to unique identification when registering decisions under the Advance Informed Agreement procedure, where available;

6. *Encourages* Parties, Governments and other users to continue to use the Management Centre to provide information, and/or to develop national, regional, sub-regional and institutional nodes that are interlinked and interoperable with the Central Portal, as appropriate;

7. *Reminds* Parties that information must be directly registered with the Central Portal even where it is available on a national website, in order to comply with the information-sharing obligations;

8. *Invites* Parties, other Governments and donor organizations including the Global Environment Facility (GEF), when formulating projects and programmes for capacity building in biosafety, to take into account the need for Parties to be able to provide summary information in the

common formats for reporting information (particularly keywords for categorizing records) in an official language of the United Nations to enable registration of such information with the Central Portal;

9. *Invites* Parties, Governments and international organizations to continue to make relevant biosafety information available through the Biosafety Information Resource Centre;

10. *Welcomes* ongoing initiatives in capacity-building, such as the Biosafety Clearing-House training workshop supported by the Secretariat in collaboration with the UNEP-GEF Biosafety Unit and *requests* the Executive Secretary to continue to support such capacity-building activities in partnership with organizations such as UNEP-GEF;

11. *Recalls* the invitation previously extended to donor Governments and organizations to assist developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition as well as countries that are centres of origin and centres of genetic diversity, and especially States with limited or no Internet access, to access and use the Biosafety Clearing-House, particularly in the areas of improved capacity for data collection and data management at the national level, strengthening of core human resources at the national level, and the establishment of appropriate infrastructure to share information at national, regional and international levels;

12. *Requests* the Executive Secretary, in order to ensure the rights of Parties arising from in particular Article 11 of the Protocol, to make easily available decisions and other information on living modified organisms for food, or feed, or for processing, risk assessments on living modified organisms, and decisions taken under the Advance Informed Agreement procedure;

13. *Requests* the Executive Secretary to undertake translation of the Central Portal interface into the six official languages of the United Nations, and *calls upon* Parties, Governments and other donors to provide the required financial resources;

14. *Requests* the Executive Secretary, with a view to ensuring value for money, to undertake an external security audit of the Central Portal and its infrastructure to ensure full security of this information, and to minimize any chance of any loss of information, and *calls upon* Parties, Governments and other donors to provide the required financial resources;

15. *Requests* the Executive Secretary to continue to develop non-Internet based mechanisms for countries to access information in the Biosafety Clearing-House, such as circulating information registered with the Central Portal on CD-ROMs on a quarterly basis to those Governments that request such facilities;

16. *Requests* the Executive Secretary to undertake another survey of Biosafety Clearing-House users to compare improvements against existing baseline data, and to submit this information for consideration by the Parties at their fourth meeting as part of the review of the implementation of the Protocol envisaged in the medium-term programme of work.

BS-III/3. Capacity-building

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Action Plan

Recalling its decisions BS-I/5 and decision BS-II/3;

Taking note of the report on the progress in, and effectiveness of, the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety contained in the note prepared by the Executive Secretary (UNEP/CBD/BS/COP-MOP/3/4),

Recognizing the need to take further measures to improve the implementation and effectiveness of the Action Plan,

Welcoming the evaluation of the support of the Global Environment Facility for biosafety contained in document UNEP/CBD/BS/COP-MOP/3/INF/12,

Reiterating the importance of capacity-building for the effective implementation of the Protocol and for its continued development,

Recognizing that capacity-building is a complex issue requiring urgent as well as long-term sustained efforts to assist developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition to fulfil their obligations under the Protocol,

1. *Adopts* an updated version of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety contained in the annex to this decision, superseding the one adopted in decision BS-I/5, annex I;

2. *Invites* Parties, other Governments and relevant organizations to implement, as appropriate, the updated Action Plan referred to above;

3. *Calls upon* Parties, other Governments, intergovernmental organizations, non-governmental organizations and, as appropriate, the private sector to continue extending their cooperation with developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition with a view to strengthening biosafety capacity-building programmes taking into account Article 22 of the Protocol on capacity building and the Action Plan annexed to this decision;

4. *Invites* the Global Environmental Facility, developed country Parties and Governments, as well as relevant organizations to take into account the updated Action Plan referred to above and increase their financial and technical support to developing countries and countries with economies in transition for its implementation;

5. *Decides* to conduct further comprehensive reviews of the Action Plan every five years;

6. *Invites* Parties, other Governments and relevant organizations to provide to the Executive Secretary reports on the progress in, and effectiveness of, their efforts in implementing the Action Plan, at least three months prior to the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol that will undertake the comprehensive review of the Action Plan in accordance with paragraph 5 above;

7. *Urges* Parties and other Governments to integrate biosafety in their broader sustainable development strategies and approaches and programmes such as Poverty Reduction Strategy Papers, where available and when scheduled for revision, as well as those related to the goals and objectives agreed upon at major United Nations conferences and summits including those agreed upon at the Millennium Summit that are described as the Millennium Development Goals;

8. *Invites* developed country Parties and other Governments to include biosafety issues in their development aid policies and strategies, and in their corresponding sectoral and bilateral programmes;

9. *Encourages* Parties, other Governments and relevant organizations to adopt a long-term perspective in the design and implementation of biosafety capacity-building initiatives, also focusing on building up countries' research capacities and institutional frameworks in order to assess their own needs and possible adverse effects of living modified organisms on the conservation and sustainable use of biological diversity, taking also into account risks to human health;

10. *Invites* developing country Parties and Parties with economies in transition as well as other Governments to adopt, as appropriate, the following measures with a view to addressing some of the key factors limiting the implementation and effectiveness of the Action Plan at all levels:

- (a) Promote coordination of donor assistance for biosafety initiatives at the country level;
- (b) Mobilize funding from a wide range of sources;
- (c) Provide, where possible, adequate allocations for biosafety capacity-building activities in the national budgets;
- (d) Coordinate and harmonize biosafety frameworks at the regional and subregional levels;

11. *Invites* Parties and other Governments, in collaboration with relevant organizations, to adopt, as appropriate, the following measures in order to strengthen human resources for the effective implementation of the Protocol:

- (a) Encourage the development of training of trainers' programmes in technical aspects of biosafety in collaboration with relevant partners, including regional centres of excellence and national training institutions;
- (b) Develop core local expertise in biosafety through long-term formal training and/or attachment of personnel to specialized institutions or centres of excellence, located in the country or abroad;
- (c) Utilize opportunities offered by capacity-building activities for biotechnology to the extent that they are relevant for biosafety;
- (d) Promote and facilitate direct bilateral exchanges of technical experts between countries in order to build capacities in biosafety and encourage bilateral or regional cooperation;

12. *Urges* Parties, other Governments and relevant organizations to include in the design of their biosafety capacity-building initiatives a requirement to provide to the Biosafety Clearing-House information regarding the activities, outcomes, best practices and lessons learned from those initiatives in order to facilitate the broader sharing of such information;

13. *Requests* the Executive Secretary to prepare, on the basis of the submissions referred to in paragraph 6 above, a synthesis report for consideration by the meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol that will undertake the comprehensive review of the Action Plan;

Coordination Mechanism

Welcoming the report of the second coordination meeting for Governments and organizations implementing or funding biosafety capacity-building activities, which was held in Tromsø, Norway, from 18 to 20 January 2006 (UNEP/CBD/COP-MOP/3/INF/5);

Expressing its appreciation to the Government of Norway for sponsoring and hosting the second coordination meeting referred to above;

Emphasizing the need for promoting synergies and partnerships between different capacity-building initiatives in order foster increased efficiency in the use of available resources,

14. *Reiterates* its call made in decision BS-I/5, paragraph 23, to all Parties and other Governments to establish national coordination mechanisms for biosafety capacity-building;

15. *Invites* developed country Parties, other Governments and relevant organizations to provide additional financial and other resources to enable developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition, to participate in the global Coordination Mechanism;

16. *Invites also* developed country Parties, other Governments and relevant organizations to assist developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition to build their capacity to establish and implement biosafety coordination mechanisms at the national and regional levels;

17. *Urges* Parties, other Governments and relevant organizations to regularly update, as appropriate, information on their capacity-building submitted to the Biosafety Clearing-House and to improve the level of detail and quality of the information;

18. *Invites* Parties, other Governments and relevant organizations to document and publicize, including through the Biosafety Clearing-House, experiences, best practices and lessons learned in coordination and collaboration;

19. *Invites* Parties, other Governments, relevant organizations and regional bodies, including the regional economic commissions of the United Nations, to organize, as appropriate, regional and subregional coordination meetings on capacity-building for biosafety;

20. *Encourages* Parties, other Governments and relevant organizations offering to host coordination meetings to invite participants from both recipient countries and donor Governments and organizations in order facilitate effective dialogue on the capacity-building efforts.

Annex

UPDATED ACTION PLAN FOR BUILDING CAPACITIES FOR THE EFFECTIVE IMPLEMENTATION OF THE BIOSAFETY PROTOCOL

1. Objective of the Action Plan

1. The objective of this Action Plan is to facilitate and support the development and strengthening of capacities for the ratification and effective implementation of the Cartagena Protocol on Biosafety at the national, sub regional, regional and global levels in a timely manner. In this regard, the provision of financial, technical and technological support to developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity, is essential.

2. To achieve the above objective, this action plan aims to provide a general strategic framework to guide and facilitate the identification of country needs, priorities, actions and mechanisms of implementation and funding of capacity-building efforts at the national, regional and international levels.

2. Guiding principles and approaches

3. In light of the operational experience and lessons learned from relevant processes, capacity-building initiatives undertaken in support of this Action Plan should, as appropriate:

(a) Be country-driven, i.e. responsive to the needs and priorities identified by the recipient countries themselves, taking into account the dynamic nature of some capacity-building needs;

(b) Ensure national ownership and leadership, including the setting of the agenda and the design, implementation and coordination of the initiatives;

(c) Ensure systematic and timely participation of all relevant stakeholders in the formulation planning and implementation of capacity-building initiatives;

- (d) Recognizing that capacity-building is a dynamic, progressive and long-term process, apply an adaptive and learning-by-doing approach;
- (e) Maximize synergy and complementarity among all capacity-building initiatives relevant to biosafety;
- (f) Apply a results-oriented approach, focusing on achieving specific capacity-building outcomes;
- (g) Promote policy dialogue with donors and organizations providing biosafety capacity--building assistance and encourage the participation of civil society and the private sector in such dialogue;
- (h) Apply a holistic approach, integrating biosafety activities with relevant sectoral and national policies, strategies and programmes;
- (i) Encourage the development and implementation of nationally-designed and resourced activities that address the specific needs and priorities of each country;
- (j) Promote high level political will and commitment to the implementation of the Protocol.

3. *Key elements requiring concrete action*

4. The following key elements are meant to be considered in a flexible manner, taking into account the different situations, capabilities and stages of development in each country.

- (a) Institutional capacity-building:
 - (i) Legislative and regulatory framework;
 - (ii) Administrative framework;
 - (iii) Technical, scientific and telecommunications infrastructures;
 - (iv) Funding and resource management;
 - (v) Mechanisms for follow-up, monitoring and assessment;
- (b) Human-resources development and training;
- (c) Risk assessment and other scientific and technical expertise;
- (d) Risk management;
- (e) Awareness, participation and education at all levels, including for decision makers, stakeholders and the general public;
- (f) Information exchange and data management, including full participation in the Biosafety Clearing-House;
- (g) Scientific, technical and institutional collaboration at sub regional, regional and international levels;
- (h) Technology transfer;
- (i) Identification of living modified organisms, including their detection;
- (j) Socio-economic considerations;
- (k) Implementation of the documentation requirements under Article 18.2 of the Protocol;
- (l) Handling of confidential information;
- (m) Measures to address unintentional and/or illegal transboundary movements of living modified organisms;
- (n) Scientific biosafety research relating to living modified organisms;
- (o) The taking into account risks to human health.

4. *Processes/steps*

5. The following processes/steps should be undertaken within appropriate timeframes:
- (a) Identification of existing capacities and assessment of capacity-building needs;
 - (b) Prioritization of the key elements by each country and the sequencing of actions, including development of timelines, for building capacities in biosafety;
 - (c) Mobilization of existing capacities and ensuring their effective utilization;
 - (d) Identification of the coverage and gaps in capacity-building initiatives and resources that could support the ratification and implementation of the Protocol, from the following:
 - (i) Global Environment Facility (GEF);
 - (ii) Multilateral agencies;
 - (iii) Other international sources;
 - (iv) Bilateral sources;
 - (v) Other stakeholders;
 - (vi) National sources;
 - (e) Enhancement of the effectiveness and adequacy of financial resources to be provided by multilateral and bilateral donors and other donors to developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition taking, including countries amongst these that are centres of origin and centres of genetic diversity;
 - (f) Enhancement of synergies and coordination of capacity-building initiatives at different levels;
 - (g) Development of indicators for evaluating capacity-building measures at different levels;
 - (h) Identification and maximization of opportunities for partnerships and collaborative initiatives in order to leverage resources and achieve greater impact.

5. *Implementation*

6. The activities hereunder are indicative tasks to be undertaken at different levels to implement the associated elements and processes identified above. The sequence in which they are listed does not establish any order of priority:

5.1 *National level*

- (a) Assessment of the effectiveness and adequacy of existing capacity;
- (b) Assessment of the short-term and long-term requirements for internal and external funding;
- (c) Development of a national biosafety capacity-building strategy and action plan, prioritizing the capacity-building needs and defining specific objectives, outputs, targets and timelines;
- (d) Integration of biosafety into broader national development strategies and plans, including country Poverty Reduction Strategy Papers (PRSPs), country assistance strategies and/or other similar instruments;
- (e) Development and implementation of national biosafety frameworks;
- (f) Development and/or strengthening of institutional, administrative, financial and technical capacities, including the designation of national focal points and competent national authorities;
- (g) Development of a mechanism for handling requests or notifications, including risk assessment and decision-making, as well as public information and participation;

- (h) Establishment of a mechanism for monitoring and compliance;
- (i) Establishment of a mechanism to inform all stakeholders;
- (j) Establishment of a system to facilitate appropriate participation of all relevant stakeholders;
- (k) Establishment and/or strengthening of a national coordination mechanism in order to promote synchronized and synergistic implementation of capacity-building activities and the harmonized use of donor assistance at the country level.

5.2 Subregional and regional levels

- (a) Assessment of national, bilateral and multilateral funding;
- (b) Establishment of regional websites and databases;
- (c) Establishment of mechanisms for regional and sub regional coordination and harmonization of biosafety frameworks, where appropriate;
- (d) Promotion of regional and subregional collaborative arrangements;
- (e) Establishment of regional and subregional advisory mechanisms;
- (f) Establishment and/or strengthening of regional and subregional centres of excellence and training.

5.3 International level

- (a) Ensuring the effective functioning of the Biosafety Clearing-House;
- (b) Enhancing the effectiveness, adequacy and coordination of financial resources provided by multilateral and bilateral donors and other donors to developing countries, in particular the least developed and small island developing States among them and countries with economies in transition, including countries amongst these that are centres of origin and centres of genetic diversity;
- (c) Development and effective use of the roster of experts;
- (d) Enhancing synergies and coordination among capacity-building initiatives;
- (e) Strengthening South-South cooperation;
- (f) Development/updating of international guidance by relevant international organizations, including the United Nations Environment Programme (UNEP), the Food and Agriculture Organization of the United Nations (FAO), IUCN and others;
- (g) Regular review and provision of further guidance by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol.

6. Monitoring and coordination

7. Because of the multitude of different actors undertaking different capacity- building initiatives, mutual information, coordination and regular monitoring will be promoted in order to avoid duplications and to identify gaps. This exercise will lead to a focus of capacity- building on biosafety, ratification, and implementation of the Cartagena Protocol on Biosafety. The Secretariat and the Biosafety Clearing-House will be actively involved in the process.

8. The Secretariat will prepare, on the basis of submissions by Governments, a report on the steps taken by countries, multilateral/bilateral and other international actors towards the implementation of the Action Plan. The report will be submitted to the Conference of the Parties serving as the meeting of the Parties to the Protocol so that it identifies whether the actions listed under section 5 above have been carried out successfully and effectively.

7. *Review of the Action Plan*

9. A review of the Action Plan will be undertaken every five years by the Conference of the Parties serving as the meeting of the Parties to the Protocol, based on an independent evaluation of the effectiveness and outcomes of capacity-building initiatives implemented in support of the Action Plan.

BS-III/4. Capacity-building (Roster of experts)

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling its decisions BS-I/4 and decision BS-II/4 on the roster of experts on biosafety,

Taking note of the report on the status and use of the roster of experts and of the pilot phase of the Voluntary Trust Fund for the Roster of Experts (UNEP/CBD/BS/COP MOP/3/4/Add.2),

Recognizing the need to strengthen the roster of experts,

Understanding that it is the right of Parties and Governments to nominate their experts to the roster,

Welcoming the initiatives taken by the Executive Secretary to promote awareness about the roster of experts and to publicize the available funding from the pilot phase of the Voluntary Fund for the Roster of Experts,

1. *Requests* the Liaison Group on Capacity-Building for Biosafety to develop, for consideration at the fourth meeting of the Parties to the Protocol, draft criteria and minimum requirements (including minimum qualifications or experience), for experts to be included in the roster, in order to assist countries in making their nominations to the roster and in re-assessing the nominations already made;

2. *Requests also* the Liaison Group on Capacity-Building for Biosafety to explore the possibility of establishing a quality control mechanism, and if feasible, propose modalities of such mechanism for consideration at the fourth meeting of the Parties to the Protocol, taking into account the suggestions made during the internal review of the roster;

3. *Invites* Parties, other Governments and relevant organizations to submit to the Secretariat, no later six months prior to its fourth meeting, views and suggestions on the criteria and minimum requirements for experts to be nominated to the roster as well as views on a possible a quality control mechanism for the roster;

4. *Reiterates* the call to Parties and Governments to oblige the experts they nominate to the roster to provide sufficient details regarding their expertise, including: academic and professional qualifications, specific competencies, practical experiences and publications relevant to biosafety;

5. *Encourages* Parties and other Governments to be more rigorous in their process of selecting and screening experts for nomination to the roster;

6. *Urges* national focal points to create user accounts for the experts nominated to the roster or authorize the Secretariat to create accounts for all experts in the roster and to update the records on the basis of the information submitted by experts that unable to do it themselves online;

7. *Invites* eligible Parties to make use of the biosafety roster of experts, and calls upon donors to make financial contributions to the appropriate fund under the Protocol in order to cover the cost of using experts from the roster;

8. *Invites* Parties, other Governments and relevant organizations that identify and use experts from the roster directly through Biosafety Clearing-House without going through the Secretariat to provide to the Secretariat evaluation reports of the completed assignments by the experts, including the quality of the advice and other support provided, in order to facilitate the overall assessment of the utility and effectiveness of the roster;

9. *Invites also* capacity-building initiatives, such as the projects funded by the Global Environment Facility, to promote awareness of the roster, particularly in countries participating in those initiatives;

10. *Further invites* donor countries and relevant organizations to make voluntary contributions to assist developing country Parties, in particular the least developed and the small island developing States among them, and Parties with economies in transition to pay for the use of experts selected from the roster.

11. *Requests* the Executive Secretary to prepare, on the basis of the submissions referred to in paragraph 3 above, a synthesis report for consideration by the Liaison Group on Capacity-Building for Biosafety.

BS-III/5. Matters relating to the financial mechanism and resources

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling Article 28 of the Protocol,

Recalling also its decision BS-II/5,

Taking note of the note by the Executive Secretary on matters related to the financial mechanism and resources (UNEP/CBD/BS/COP-MOP/3/5),

Recognizing the significance of the role of the Global Environment Facility in the implementation of the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety,

Appreciative of the information documents (UNEP/CBD/BS/COP-MOP/3/INF/12 and UNEP/CBD/BS/COP-MOP/3/INF/13) from the Global Environment Facility and updates provided by its representatives,

Aware that the Council of the Global Environment Facility has adopted a new system of allocating resources to countries in the focal areas of biodiversity and climate change, known as the Resource Allocation Framework,

Realizing that the Conference of the Parties to the Convention on Biological Diversity did not provide guidance on the development of the Resource Allocation Framework,

Concerned about the implications of the Resource Allocation Framework in limiting the allocation of resources to developing countries, in particular the least developed and the small island developing States amongst them, and countries with economies in transition, to support the development of national biosafety frameworks and the building of biosafety capacity for implementation,

Understanding that all countries need to put in place at least a base level of capacity to implement the Protocol and that such a requirement is not part of the criteria of the Resource Allocation Framework,

Recognizing that guidance to the Global Environment Facility for consideration of the Conference of the Parties should be incorporated into this decision, based upon the outcomes of negotiations under other agenda items of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

1. *Notes with appreciation* that the biosafety-related activities financed by the Global Environment Facility have helped foster the ratification and implementation of the Protocol;

2. *Notes also* the recommendations made by the Evaluation Office of the Global Environment Facility in the document entitled "Report of the Evaluation of GEF Support for Biosafety" (UNEP/CBD/BS/COP-MOP/3/INF/12), and *urges* the Global Environment Facility to implement those recommendations in a timely manner;

3. *Urges* the Global Environment Facility to expeditiously finalize, approve and implement the biosafety strategy based on the elements suggested in the document entitled "Elements for a Biosafety Strategy" (UNEP/CBD/BS/COP-MOP/3/INF/13), taking into account the guidance from the Conference of the Parties that incorporates elements of this decision;

4. *Requests* the Conference of the Parties to the Convention on Biological Diversity to seek an assurance from the Global Environment Facility that the introduction of the Resource Allocation Framework will not in any way jeopardize eligible Parties' access to funding for biosafety-related activities including regional activities where appropriate;

5. *Urges* donor Parties and Governments to substantially replenish the Global Environment Facility Trust Fund, taking account of the need for adequate and predictable funding for supporting developing countries, in particular the least developed and the small island developing States amongst them, and countries with economies in transition, to implement the Cartagena Protocol on Biosafety.

6. *Requests also* that the Conference of the Parties at its eighth meeting consider providing the following guidance to the financial mechanism:

“1. *Requests* the Global Environment Facility to base their allocation of resources to support the implementation of the Protocol on country needs and priorities, and as a priority to support the establishment of a base level of capacity in all eligible developing country Parties, in particular the least developed and the small island developing States amongst them, and Parties with economies in transition;

“2. *Urges* the Global Environment Facility to support in-country, regional and sub-regional stock-taking studies to enable:

(a) The better planning and customizing of future assistance to the respective needs of eligible countries, given the fact that a “one-size-fits-all” approach to biosafety has been demonstrated to be inappropriate;

(b) The identification of clear and realistic targets;

(c) The identification and provision of technical and adequately experienced expertise for the implementation of national biosafety frameworks;

(d) The development of effective coordination which facilitates the support, ownership and involvement of all relevant national ministries and authorities, to ensure synergy and continuity;

“3. *Requests* the Global Environment Facility to support:

(a) The provision of longer-term support for building, consolidating and enhancing sustainable human resource capacity in risk assessment and risk management, and also in developing detection techniques for identifying living modified organisms;

(b) Awareness-raising, public participation and information sharing, including through the Biosafety Clearing-House;

(c) Coordination and harmonization of national biosafety frameworks at regional and sub-regional levels, where appropriate;

(d) Sustainable national participation in the Biosafety Clearing-House, including registration of information with the central portal of the Biosafety Clearing-House of the Protocol;

(e) Transfer and joint development of technology in risk assessment, risk management, monitoring and detection of living modified organisms;

(f) Development and implementation of national biosafety frameworks;

(g) Development of technical, financial, and human capacity including postgraduate education, biosafety-related laboratories and relevant equipment;

(h) Implementation of the revised Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety;

(i) Facilitation of the consultative information-gathering process leading to the preparation of national reports under the Protocol.”

7. *Further requests* that, in considering the above guidance to the financial mechanism, the Conference of the Parties at its eighth meeting also take into account paragraph 8 of decision BS-III/2, paragraph 4 of decision BS-III/3, paragraph 9 of decision BS-III/4, and paragraph 6 of decision BS-III/14.

BS-III/6. Cooperation

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Having considered the note by the Executive Secretary on the status and experiences gained so far in promoting cooperation with other organizations, conventions and initiatives (UNEP/CBD/BS/COP-MOP/3/6 and Corr.1),

1. *Takes note* of the information provided by the international organizations which responded to the invitation of the Executive Secretary to provide such information pursuant to decision BS-II/6 of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its second meeting;

2. *Commends* the Executive Secretary on his recent efforts to strengthen cooperation with other organizations and initiatives, in particular as regards the cooperation with the World Trade Organization and *requests* the Executive Secretary to intensify efforts to gain the World Trade Organization observer status in the Sanitary and Phytosanitary (SPS) and the Technical Barriers to Trade (TBT) Committees;

3. *Also requests* the Executive Secretary to:

(a) Continue pursuing, reinforcing and intensifying, as the case may be, cooperative arrangements with all the organizations referred to in decision BS-II/6;

(b) Explore the potential of, and endeavour to enhance synergies with, other processes and initiatives that can contribute to the effective implementation of the Protocol, in particular with regard to enhancing capacity-building;

(c) Report to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety at its fourth meeting on the implementation of this decision.

BS-III/7. Programme budget for the costs of the Secretariat services for and the biosafety work programme of the Cartagena Protocol on Biosafety for the biennium 2007-2008

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Reaffirming the operational modalities of the programme budget (BG, BH, BI), as established in paragraphs 2, 8, 12 and 16 to 19 of decision BS-I/10,

Recalling paragraphs 10 and 11 of decision VII/34 of the Conference of the Parties to the Convention on Biological Diversity,

Satisfied with the development of the Secretariat-wide tracking mechanism for differentiating shared costs of secretariat services between the Convention on Biological Diversity and the Protocol as well as with the analysis of the results by the Executive Secretary and the conclusions drawn from that analysis,

1. *Welcomes* the annual contribution of US\$ 1,000,000, to be increased at 2% per year, from the host country Canada and the Province of Quebec to the operation of the Secretariat, of which 16.5% has been allocated per annum to offset contributions from the Parties to the Protocol for the biennium 2007-2008;

2. *Approves* a core programme budget (BG) of US\$ 2,615,000 for the year 2007 and of US\$ 2,108,100 for the year 2008, for the purposes set out in table 1 below;

3. *Approves* Secretariat staffing as set out in table 2 below, and *requests* that all vacant staff positions be filled expeditiously;

4. *Adopts* the scale of assessments for the apportionment of the costs under the Protocol for 2007 and 2008 set out in table 5 below and *authorizes* the Executive Secretary, in keeping with the financial rules, to adjust the list of Parties on receipt of notification from the Depository that a State has deposited an instrument on ratification, acceptance, approval or accession;

5. *Decides* to set the working capital reserve at a level of 5 per cent of the core programme budget (BG) expenditure, including programme support costs;

6. *Approves* a drawing of US\$ 400,000 from the unspent balances or contributions (“carry-over”) from the previous financial period to cover part of the 2007-2008 budget;

7. *Takes note* of the funding estimates for activities under the Protocol to be financed from:

(a) The Special Voluntary Trust Fund (BH) for Additional Voluntary Contributions in Support of Approved Activities for the biennium 2007-2008, as specified by the Executive Secretary and included in table 3 below;

(b) The Special Voluntary Trust Fund (BI) for Facilitating Participation of the Developing Country Parties, in particular the least developed countries and small island developing States, and Parties with Economies in Transition, for the biennium 2007-2008, as specified by the Executive Secretary and included in table 4 below;

and *urges* Parties to make contributions to these funds;

8. *Invites* all Parties to the Protocol to note that contributions to the core programme budget (BG) are due on 1 January of the year in which these contributions have been budgeted for, and to pay them promptly, and *urges* Parties in a position to do so, to pay by 1 October of the year 2006 for the calendar year 2007 and by 1 October 2007 for the calendar year 2008, the contributions required to finance the Protocol expenditures approved under paragraph 2 above, as offset by the amounts specified in paragraphs 1 and 6 above, and in this regard *requests* Parties to be notified of the amount of their contributions by 1 August of the year preceding the year in which the contributions are due;

9. *Invites* all States not party to the Protocol, as well as governmental, intergovernmental and non-governmental organizations and other sources, to contribute to the trust funds for the Protocol (BG, BH, BI) to enable the Secretariat to implement approved activities in a timely manner;

10. *Decides* that the trust funds for the Protocol (BG, BH, BI) shall be extended for a period of two years, beginning 1 January 2008 and ending 31 December 2009;

11. *Agrees* to share the costs for secretariat services between those that are common to the Convention on Biological Diversity and the Protocol on an 85:15 ratio for the biennium 2007-2008;

12. *Requests* the Executive Secretary to prepare and submit a programme budget for secretariat services and the biosafety work programme of the Protocol for the biennium 2009-2010 to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, and to report on income and budget performance as well as any adjustments made to the Protocol budget for the biennium 2007-2008;

13. *Requests* the Executive Secretary, in presenting the proposed programme budget for the biennium 2009-2010 to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, to use the tracking mechanism to review the ratio specified in paragraph 11 above.

Table 1: Biennium budget for the Trust Fund of the Cartagena Protocol on Biosafety 2007-2008

Expenditures		2007	2008
		(US\$ thousands)	(US\$ thousands)
A.	Staff costs*	939.6	967.8
B.	Biosafety Bureau meetings	50.0	60.0
C.	Travel on official business	50.0	50.0
D.	Consultants/subcontracts	25.0	25.0
E.	Biosafety Clearing-House advisory meetings	40.0	40.0
F.	Liaison group meetings (1/year)	35.0	35.0
G.	Fourth meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Cartagena Protocol on Biosafety	---	350.0
H.	Compliance Committee meetings (2/year)	95.0	95.0
I.	Ad Hoc Open-ended Working Group on Liability and Redress (2 meetings)	800.0	---
J.	Translation of Biosafety Clearing-House website	20.0	20.0
K.	Training/Fellowships	20.0	20.0
L.	Temporary assistance/Overtime	10.0	10.0
M.	General operating expenses	192.8	192.8
Sub-total (I)		2,277.4	1,865.6
II	Programme support costs 13%	296.1	242.5
Sub-total (II)		296.1	242.5
III	Working capital reserve **	41.5	-
Sub-total (III)		41.5	-
GRAND TOTAL (I + II + III)		2,615.0	2,108.1
<i>Less contribution from the host country</i>		168.3	171.7
<i>Less savings from previous years (surplus)</i>		200.0	200.0
NET TOTAL (Amount to be shared by Parties)		2,246.7	1,736.4

* Includes 15% costs for 1 P-5, 4 P-4, 7 P-3, and 4 G-S staff funded mainly by the Convention.

** 5% of biennium total (including programme support costs) less accumulated working capital reserve from 2005-2006 of \$192,600.

Table 2: Biosafety Protocol distinct staffing requirements from the core budget (BG Trust Fund) for the biennium 2007-2008

	2007	2008
A		
Professional category		
P-5	1	1
P-4	1	1
P-3	1	1
P-2	1	1
Total Professional category	4	4
B.		
Total General Service category	2	2
TOTAL (A + B)	6	6

Table 3: Special Voluntary Trust Fund (BH) for additional voluntary contributions in support of approved activities of the Cartagena Protocol on Biosafety for the biennium 2007-2008

Descriptions	2007 (US\$ thousands)	2008 (US\$ thousands)
I		
<i>Meetings</i>		
Regional capacity-building coordination meetings for the Biosafety Protocol (1/year)	60.0	60.0
Regional workshops on capacity-building/risk assessment on LMOs (4)	100.0	100.0
Open-ended Ad Hoc Group of Legal and Technical Experts on Liability and Redress		400.0
<i>Consultants/ sub-contracts</i>		
Biosafety Clearing-House- External security audit		10.0
Biosafety roster of experts	50.0	50.0
<i>Equipment</i>		
Biosafety Clearing-House software/hardware	5.0	5.0
Sub-total (I)	215.0	625.0
II Programme support costs (13%)	28.0	81.3
TOTAL (I + II)	243.0	706.3

Table 4: Special Voluntary Trust Fund (BI) for facilitating participation of Parties in the Protocol for the 2007-2008 biennium

		2007	2008
		(US\$ thousands)	(US\$ thousands)
I	Meetings		
	Meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol		450.0
	Open-ended Ad Hoc Group of Legal and Technical Experts on Liability and Redress (3)	900.0	450.0
	Sub-total (I)	900.0	900.0
II	Programme support costs (13%)	117.0	117.0
TOTAL (I + II)		1017.0	1017.0

Table 5: Contributions to the Trust Fund for the Cartagena Protocol on Biosafety for the biennium 2007-2008

Member Country	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2007 US\$	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2008 US\$	Total contributions 2007-2008 US\$
Albania	0.005	0.008	179	0.005	0.008	139	318
Algeria	0.076	0.121	2,725	0.076	0.121	2,106	4,830
Antigua and Barbuda	0.003	0.005	108	0.003	0.005	83	191
Armenia	0.002	0.003	72	0.002	0.003	55	127
Austria	0.859	1.371	30,796	0.859	1.371	23,801	54,596
Azerbaijan	0.005	0.008	179	0.005	0.008	139	318
Bahamas	0.013	0.021	466	0.013	0.021	360	826
Bangladesh	0.010	0.010	225	0.010	0.010	174	398
Barbados	0.010	0.016	359	0.010	0.016	277	636
Belarus	0.018	0.029	645	0.018	0.029	499	1,144
Belgium	1.069	1.706	38,324	1.069	1.706	29,619	67,944
Belize	0.001	0.002	36	0.001	0.002	28	64
Benin	0.002	0.003	72	0.002	0.003	55	127
Bhutan	0.001	0.002	36	0.001	0.002	28	64
Bolivia	0.009	0.014	323	0.009	0.014	249	572
Botswana	0.012	0.019	430	0.012	0.019	332	763
Brazil	1.523	2.430	54,600	1.523	2.430	42,199	96,799
Bulgaria	0.017	0.027	609	0.017	0.027	471	1,080
Burkina Faso	0.002	0.003	72	0.002	0.003	55	127
Cambodia	0.002	0.003	72	0.002	0.003	55	127
Cameroon	0.008	0.013	287	0.008	0.013	222	508
Cape Verde	0.001	0.002	36	0.001	0.002	28	64
China	2.053	3.276	73,601	2.053	3.276	56,884	130,485
Colombia	0.155	0.247	5,557	0.155	0.247	4,295	9,852
Croatia	0.037	0.059	1,326	0.037	0.059	1,025	2,352
Cuba	0.043	0.069	1,542	0.043	0.069	1,191	2,733
Cyprus	0.039	0.062	1,398	0.039	0.062	1,081	2,479
Czech Republic	0.183	0.292	6,561	0.183	0.292	5,071	11,631
Dem. Republic of Congo	0.003	0.005	108	0.003	0.005	83	191

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Member Country	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2007 US\$	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2008 US\$	Total contributions 2007-2008 US\$
Denmark	0.718	1.146	25,741	0.718	1.146	19,894	45,635
Djibouti	0.001	0.002	36	0.001	0.002	28	64
Dominica	0.001	0.002	36	0.001	0.002	28	64
Ecuador	0.019	0.030	681	0.019	0.030	526	1,208
Egypt	0.012	0.019	430	0.012	0.019	332	763
El Salvador	0.022	0.035	789	0.022	0.035	610	1,398
Eritrea	0.001	0.002	36	0.001	0.002	28	64
Estonia	0.012	0.019	430	0.012	0.019	332	763
Ethiopia	0.004	0.006	143	0.004	0.006	111	254
European Community	2.500	2.500	56,168	2.500	2.500	43,410	99,578
Fiji	0.004	0.006	143	0.004	0.006	111	254
Finland	0.533	0.851	19,108	0.533	0.851	14,768	33,876
France	6.030	9.622	216,178	6.030	9.622	167,077	383,256
Gambia	0.001	0.002	36	0.001	0.002	28	64
Germany	8.662	13.822	310,537	8.662	13.822	240,004	550,541
Ghana	0.004	0.006	143	0.004	0.006	111	254
Greece	0.530	0.846	19,001	0.530	0.846	14,685	33,686
Grenada	0.001	0.002	36	0.001	0.002	28	64
Guatemala	0.030	0.048	1,076	0.030	0.048	831	1,907
Hungary	0.126	0.201	4,517	0.126	0.201	3,491	8,008
India	0.421	0.672	15,093	0.421	0.672	11,665	26,758
Indonesia	0.142	0.227	5,091	0.142	0.227	3,934	9,025
Iran	0.157	0.251	5,629	0.157	0.251	4,350	9,979
Ireland	0.350	0.558	12,548	0.350	0.558	9,698	22,245
Italy	4.885	7.795	175,130	4.885	7.795	135,352	310,481
Japan	19.468	22.000	494,274	19.468	22.000	382,008	876,282
Jordan	0.011	0.018	394	0.011	0.018	305	699
Kenya	0.009	0.014	323	0.009	0.014	249	572
Kiribati	0.001	0.002	36	0.001	0.002	28	64
Korea, Democratic Republic	0.010	0.016	359	0.010	0.016	277	636

Member Country	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2007 US\$	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2008 US\$	Total contributions 2007-2008 US\$
Kyrgyzstan	0.001	0.002	36	0.001	0.002	28	64
Lao People's Dem. Rep.	0.015	0.010	225	0.015	0.010	174	398
Latvia	0.015	0.024	538	0.015	0.024	416	953
Lesotho	0.001	0.002	36	0.001	0.002	28	64
Liberia	0.001	0.002	36	0.001	0.002	28	64
Libya	0.132	0.211	4,732	0.132	0.211	3,657	8,390
Lithuania	0.024	0.038	860	0.024	0.038	665	1,525
Luxembourg	0.077	0.123	2,760	0.077	0.123	2,133	4,894
Madagascar	0.003	0.005	108	0.003	0.005	83	191
Malaysia	0.203	0.324	7,278	0.203	0.324	5,625	12,902
Maldives	0.001	0.002	36	0.001	0.002	28	64
Mali	0.002	0.003	72	0.002	0.003	55	127
Marshall Islands	0.001	0.002	36	0.001	0.002	28	64
Mauritania	0.001	0.002	36	0.001	0.002	28	64
Mauritius	0.011	0.018	394	0.011	0.018	305	699
Mexico	1.883	3.005	67,506	1.883	3.005	52,174	119,680
Mongolia	0.001	0.002	36	0.001	0.002	28	64
Mozambique	0.001	0.002	36	0.001	0.002	28	64
Namibia	0.006	0.010	215	0.006	0.010	166	381
Nauru	0.001	0.002	36	0.001	0.002	28	64
Netherlands	1.690	2.697	60,587	1.690	2.697	46,826	107,413
New Zealand	0.221	0.353	7,923	0.221	0.353	6,123	14,046
Nicaragua	0.001	0.002	36	0.001	0.002	28	64
Niger	0.001	0.002	36	0.001	0.002	28	64
Nigeria	0.042	0.067	1,506	0.042	0.067	1,164	2,669
Niue	0.001	0.002	36	0.001	0.002	28	64
Norway	0.679	1.083	24,342	0.679	1.083	18,813	43,156
Oman	0.070	0.112	2,510	0.070	0.112	1,940	4,449
Palau	0.001	0.002	36	0.001	0.002	28	64
Panama	0.019	0.030	681	0.019	0.030	526	1,208
Papua New Guinea	0.003	0.005	108	0.003	0.005	83	191

Member Country	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2007 US\$	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2008 US\$	Total contributions 2007-2008 US\$
Paraguay	0.012	0.019	430	0.012	0.019	332	763
Peru	0.092	0.147	3,298	0.092	0.147	2,549	5,847
Poland	0.461	0.736	16,527	0.461	0.736	12,773	29,300
Portugal	0.470	0.750	16,850	0.470	0.750	13,023	29,872
Republic of Moldova	0.001	0.002	36	0.001	0.002	28	64
Romania	0.060	0.096	2,151	0.060	0.096	1,662	3,813
Rwanda	0.001	0.002	36	0.001	0.002	28	64
Saint Kitts and Nevis	0.001	0.002	36	0.001	0.002	28	64
Saint Vincent & Gren.	0.001	0.002	36	0.001	0.002	28	64
Samoa	0.001	0.002	36	0.001	0.002	28	64
Senegal	0.005	0.008	179	0.005	0.008	139	318
Serbia & Montenegro	0.019	0.030	681	0.019	0.030	526	1,208
Seychelles	0.002	0.003	72	0.002	0.003	55	127
Slovakia	0.051	0.081	1,828	0.051	0.081	1,413	3,241
Slovenia	0.082	0.131	2,940	0.082	0.131	2,272	5,212
Solomon Islands	0.001	0.002	36	0.001	0.002	28	64
South Africa	0.292	0.466	10,468	0.292	0.466	8,091	18,559
Spain	2.520	4.021	90,343	2.520	4.021	69,823	160,167
Sri Lanka	0.017	0.027	609	0.017	0.027	471	1,080
St. Lucia	0.002	0.003	72	0.002	0.003	55	127
Sudan	0.008	0.010	225	0.008	0.010	174	398
Swaziland	0.002	0.003	72	0.002	0.003	55	127
Sweden	0.998	1.593	35,779	0.998	1.593	27,652	63,431
Switzerland	1.197	1.910	42,913	1.197	1.910	33,166	76,079
Syria	0.038	0.061	1,362	0.038	0.061	1,053	2,415
Tajikistan	0.001	0.002	36	0.001	0.002	28	64
TFYR Macedonia	0.006	0.010	215	0.006	0.010	166	381
Thailand	0.209	0.334	7,493	0.209	0.334	5,791	13,284
Togo	0.001	0.002	36	0.001	0.002	28	64
Tonga	0.001	0.002	36	0.001	0.002	28	64
Trinidad and Tobago	0.022	0.035	789	0.022	0.035	610	1,398

Member Country	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions per 1 Jan. 2007 US\$	UN scale of assessments 2006 (per cent)	Scale with 22% ceiling, no LDC paying more than 0.01 % (per cent)	Contributions as per 1 Jan. 2008 US\$	Total contributions 2007-2008 US\$
Tunisia	0.032	0.051	1,147	0.032	0.051	887	2,034
Turkey	0.372	0.594	13,336	0.372	0.594	10,307	23,644
Uganda	0.006	0.010	215	0.006	0.010	166	381
Ukraine	0.039	0.062	1,398	0.039	0.062	1,081	2,479
United Kingdom of Great Britain and Northern Ireland	6.127	9.777	219,656	6.127	9.777	169,765	389,421
United Republic of Tanzania	0.006	0.010	215	0.006	0.010	166	381
Venezuela	0.171	0.273	6,130	0.171	0.273	4,738	10,868
Viet Nam	0.021	0.034	753	0.021	0.034	582	1,335
Yemen	0.006	0.010	215	0.006	0.010	166	381
Zambia	0.002	0.003	72	0.002	0.003	55	127
Zimbabwe	0.007	0.011	251	0.007	0.011	194	445
TOTAL	69.297	100.000	2,246,700	69.297	100.000	1,736,400	3,983,100

BS-III/8. Handling, transport, packaging and identification of living modified organisms: paragraphs 2 (b) and 2 (c) of Article 18

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling the decision taken at the second meeting to consider the documentation requirements of paragraphs 2 (b) and 2 (c) of Article 18 in the context of the review of implementation of the Protocol as provided for under Article 35 (paragraph 4, decision BS-II/10),

Noting the existence of well established rules and practices for identification, packaging and transport such as the United Nations Model Regulations on the Transport of Dangerous Goods in respect of some classes or types of living modified organisms that meet the criteria of dangerous goods or substances, and which fall under the category of living modified organisms destined for contained use,

Noting the submissions of information made on experience gained with the use of a commercial invoice or other documents required or utilized by existing documentation systems in fulfilling the requirements under paragraphs 2 (b) and 2 (c) of Article 18 concerning the identification of living modified organisms destined for contained use and those intended for intentional introduction into the environment, respectively,

Noting further the limited number of submissions received on experience in the use of existing documentation systems on whether a stand alone document would be appropriate to fulfil the documentation requirements under paragraphs 2 (b) and 2 (c) of Article 18, and *recognizing* the need for more practical experience in the use of documents referred to in paragraph 1, of decision BS-I/6 B,

Recognizing further the right of Parties to take domestic measures requiring exporters of living modified organisms destined for contained use and those intended for intentional introduction into the environment, to use standard formats, stand-alone documents, templates or other documentation systems that may be required by national authorities,

1. *Requests* Parties and *invites* other Governments and relevant international organizations to submit further to the Executive Secretary, not later than six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, further information on experience gained with the use of a commercial invoice or other documents required or utilized by existing documentation systems, or pursuant to national requirements with a view to future consideration of a stand-alone document;

2. *Requests* the Executive Secretary to compile the information received as per paragraph 1 above and to prepare a synthesis report for consideration in the context of the process of review of the implementation of the Protocol as provided for under Article 35 of the Protocol.

III/9. Handling, transport, packaging and identification of living modified organisms: paragraph 3 of Article 18

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling paragraph 3 of Article 18 of the Protocol on the consideration of the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices for transboundary movements of living modified organisms,

Noting paragraph 2 of Article 18 provides for rules and standards regarding identification of living modified organisms,

Recognizing, in light of the complexity of existing rules and standards, and the relevant work of various international bodies, that there is a need for further consultations regarding consideration of the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, with a view to creating synergies and avoiding duplication of efforts,

1. *Invites* Parties, other Governments and relevant international organizations to submit, no later than six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, views and information on: (i) the adequacy of existing rules and standards for identification, handling, packaging and transport of goods and substances to address concerns relating to living modified organisms that are subject to transboundary movement, and (ii) on gaps that may exist that may justify a need to develop new rules and standards, or to call upon relevant international bodies to modify or expand their existing rules and standards, as appropriate;

2. *Requests* the Executive Secretary to prepare a synthesis of the views and information referred to in paragraph 1 above for consideration at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Further requests* the Executive Secretary to continue collaborating with relevant international bodies and to gather information on existing rules and standards with a view to making available the information, including on the experiences of relevant international bodies in the establishment and implementation of rules and standards relevant to Article 18, at the fourth and fifth meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

III/10. Handling, transport, packaging and identification of living modified organisms: paragraph 2 (a) of Article 18

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling the second sentence of paragraph 2 (a) of Article 18, which requires the Conference of the Parties serving as the meeting of the Parties to the Protocol to take a decision on the detailed requirements of those elements specified in the first sentence of the same paragraph, including specification of the identity of the living modified organisms in question and any unique identification, no later than two years after the entry into force of the Protocol,

Also recalling decision BS-I/6 A of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recalling that pursuant to Article 2 paragraph 4 of the Protocol, nothing in the Protocol shall be interpreted as restricting the right of a Party to take action that is more protective of the conservation and sustainable use of biological diversity than that called for in the Protocol, provided that such action is consistent with the objective and the provisions of the Protocol and in accordance with that Party's other obligations under international law,

Understanding that Parties may, in the context of Article 14 and Article 24, enter into bilateral, regional and multilateral agreements and arrangements regarding requirements for the identification of living modified organisms intended for direct use as food or feed, or for processing,

Recalling Article 11 of the Protocol on the procedure for living modified organisms intended for direct use as food or feed, or for processing,

Stressing the need to promote the broadest possible participation in the Protocol, by countries exporting and importing living modified organisms intended for use as food or feed or for processing, in order to ensure the broadest possible implementation of identification requirements,

Convinced that capacity-building in developing countries is essential for the effective implementation of the documentation requirements under Article 18, paragraph 2 (a), of the Protocol,

1. *Requests* Parties to the Protocol and *urges* other Governments to take measures to ensure the use of a commercial invoice or other document required or utilized by existing documentation systems, or documentation as required by domestic regulatory and/or administrative frameworks, as documentation that should accompany living modified organisms that are intended for direct use as food or feed, or for processing. Such documentation should include the information in paragraph 4 below and allow for easy recognition, transmission and effective integration of the information requirements, with consideration of standard formats;

2. *Requests* Parties to the Protocol and *invites* other Governments to submit to the Executive Secretary, no later than six months prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, information on experience gained with the use of documentation referred to in paragraph 1 above, with a view to further harmonization of a documentation format to fulfil the identification requirements set out in paragraph 4 below, including consideration of the need for a stand-alone document, and *requests* the Executive Secretary to compile the information and to prepare a synthesis report for consideration by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Further requests* Parties to the Protocol and *urges* other Governments to take measures ensuring that the documentation accompanying living modified organisms that are intended for direct use as food or feed, or for processing, provides the details of a contact point for further information: the exporter, the importer, and/or any appropriate authority, when designated by a Government as the contact point;

4. *Requests* Parties to the Protocol and urges other Governments to take measures ensuring that documentation accompanying living modified organisms intended for direct use as food or feed, or for processing, in commercial production and authorized in accordance with domestic regulatory frameworks, is in compliance with the requirements of the country of import, and clearly states:

(a) In cases where the identity of the living modified organisms is known through means such as identity preservation systems, that the shipment contains living modified organisms that are intended for direct use as food or feed, or for processing;

(b) In cases where the identity of the living modified organisms is not known through means such as identity preservation systems, that the shipment may contain one or more living modified organisms that are intended for direct use as food or feed, or for processing;

(c) That the living modified organisms are not intended for intentional introduction into the environment;

(d) The common, scientific and, where available, commercial names of the living modified organisms;

(e) The transformation event code of the living modified organisms or, where available, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code;

(f) The Internet address of the Biosafety Clearing-House for further information;

and *notes* that in accordance with Article 24 of the Protocol, transboundary movements of living modified organisms between Parties and non-Parties shall be consistent with the objective of the Protocol, and *further notes* that the specific requirements set out in this paragraph do not apply to such movements. In addition, in accordance with paragraph 2 of Article 24, Parties shall encourage non-Parties to adhere to the Protocol;

5. *Invites* Parties to the Protocol and other Governments to make available to the Biosafety Clearing-House the following:

(a) The transformation events that are commercially produced for each planting cycle in the exporting country;

(b) The geographical area within the exporting country where each transformation event was cultivated;

(c) The common, scientific and, where available, commercial names of the living modified organisms;

(d) The transformation event code of the living modified organism or, where available, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code;

6. *Acknowledges* that the expression “may contain” does not require a listing of living modified organisms of species other than those that constitute the shipment;

7. *Decides* to review and assess, at its fifth meeting, experience gained with the implementation of paragraph 4 above, with a view to considering a decision, at its sixth meeting, to ensure that documentation accompanying living modified organisms intended for direct use as food or feed, or for processing covered by paragraph 4 clearly states that the shipment contains living modified organisms that are intended for direct use as food or feed, or for processing, and includes the detailed information in items (c) to (f) of that paragraph;

8. *Decides* that the review referred to in paragraph 7 above shall include an examination of capacity-building efforts in developing countries;

9. *Recalls* the updated Action Plan for Building Capacities for the Effective Implementation of the Protocol adopted at the present meeting (decision BS-III/3, annex) and *requests* the Executive Secretary to mobilize funding from all available sources for the purpose of supporting implementation of Article 18, paragraph 2 (a), of the Protocol;

10. *Encourages* Parties and other Governments to cooperate in exchanging experiences and building capacities in the use and development of easy to use, rapid, reliable and cost-effective sampling and detection techniques for living modified organisms;

11. *Requests* Parties to the Protocol and *invites* other Governments, regional and international organizations and interested stakeholders, to submit to the Executive Secretary, not later than three months prior to its fourth meeting, information on experience gained with the use of sampling and detection techniques and on the need for and modalities of developing criteria for acceptability of, and harmonizing, sampling and detection techniques and *requests* the Executive Secretary to compile the information received and to prepare a synthesis report for consideration by the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

12. *Requests* Parties to the Protocol and *urges* other Governments and relevant international and regional organizations to take urgent measures to strengthen capacity-building efforts in developing countries, in order to assist them in the implementation of and benefit from documentation and identification requirements for living modified organisms intended for direct use as food or feed, or for processing.

BS-III/11. Risk assessment and risk management

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling its decision BS-II/9, on risk assessment and risk management,

Recalling the important role of risk assessment in decision-making, and that Article 23 of the Protocol on Public Awareness and Participation, and Article 26 of the Protocol on Socio-Economic Consideration are relevant to decision-making on import of living modified organisms,

1. *Welcomes* the report of the Ad Hoc Technical Expert Group on Risk Assessment (UNEP/CBD/BS/COP-MOP/3/INF/1), *expresses its gratitude* to the Government of Italy for its financial and organizational support to the meeting, and also *expresses its gratitude* to the Chair and members of the Ad Hoc Technical Expert Group for their work;

A. Existing guidance and information to support risk assessment

2. *Requests* the Executive Secretary to:

(a) Expand the compilation of available guidance documents on risk assessment and risk management contained in the Biosafety Information Resource Centre of the Biosafety Clearing-House, taking into account *inter alia* the numerous references in the report of the Ad Hoc Technical Expert Group to existing guidance materials;

(b) Provide an overview, through the Biosafety Clearing-House, showing the scope and applicability of each guidance material (e.g., for plants, animals or micro-organisms; for specific types of risk pathways; for particular traits; for particular receiving environments, etc.);

3. *Invites* Parties, other Governments and relevant organizations to provide the Biosafety Clearing-House with additional links to databases and information sources relevant to risk assessment and risk management, and, where possible and appropriate, translate relevant information into one or more languages that are commonly used internationally;

4. *Encourages* Parties and other Governments, in submitting risk assessment summaries to the Biosafety Clearing-House in accordance with Article 20 of the Protocol, to include details regarding how particular challenges have been addressed and how existing information has been used to support risk assessments;

5. *Encourages* Parties and other Governments to put in place mechanisms for ensuring sharing of information among government agencies and other stakeholders at the national and regional level dealing with, *inter alia*, environment and human health issues related to biosafety;

6. *Urges* relevant United Nations bodies and other organizations that deal with biodiversity and human health issues to continue to collaborate, as appropriate, with regard to biosafety;

B. Potential need for additional guidance

7. *Recalls* that, according to paragraph 6 of Annex III of the Protocol, risk assessment should be carried out on a case-by-case basis;

8. *Notes* that there is existing guidance related to risk assessment and risk management for living modified organisms, but that it is possible that additional guidance may be required on specific aspects of risk assessment and risk management such as guidance focused on particular types of living modified organisms, particular intended uses of living modified organisms, particular types of risks, particular receiving environments, long-term monitoring of living modified organisms released into the environment, or on the relationship between and the involvement of Competent National Authorities responsible for risk assessment in conservation and sustainable use of biological diversity;

9. *Decides* to consider, at its fourth meeting, the need for further guidance on specific aspects of risk assessment and risk management, and the appropriate modalities for development of any

such guidance such as a further meeting of the Ad Hoc Technical Expert Group on Risk Assessment, taking into account *inter alia*:

- (a) The compilation and overview of guidance materials that will be provided through the Biosafety Clearing-House in accordance with paragraph 2 above;
- (b) The results of the regional workshops on capacity-building and exchange of experiences on risk assessment and risk management called for in paragraph 2 of decision BS-II/9; and
- (c) The ongoing work of relevant United Nations bodies and other organizations;

10. *Calls upon* Parties, other Governments and donor organizations to make funds available to the Executive Secretary as soon as possible to enable the regional workshops referred to in paragraph 9(b) above to be held in advance of the fourth meeting of the Parties, as requested in decision BS-II/9, and *also invites* Parties, other Governments and organizations with relevant experience in risk assessment and risk management to offer to share their experiences and expertise at the regional workshops;

C. Capacity-building

11. *Recalls* the emphasis given to risk assessment and other scientific and technical expertise, and risk management, as key elements requiring concrete action, in the Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety;

12. *Notes* the need for adequate financial resources to build human and infrastructure capacity in the long-term;

13. *Urges* Parties, other Governments and relevant organizations to promote South-South and north-south partnerships as a means to increase the capacity available to Parties to implement the risk assessment and risk management provisions of the Protocol;

14. *Urges* Parties and other Governments to promote cooperation and synergies at national and regional levels between agencies and experts in order to draw widely on the experience and expertise relevant to risk assessment and risk management;

15. *Requests* the Executive Secretary to collaborate with relevant organizations such as the Food and Agriculture Organization of the United Nations, to promote networking and interlinkages between experts in risk assessment of living modified organisms and experts in other relevant fields of risk assessment and risk management (e.g., plant health, animal health, food safety), using, *inter alia*, Internet portals such as the Biosafety Clearing-House and the International Portal on Food Safety, Animal & Plant Health;

16. *Encourages* Parties and other Governments to invite universities and colleges to develop and/or expand degree-granting programmes that focus on training biosafety professionals;

17. *Encourages* Parties, other Governments and relevant organizations to promote, develop, and/or participate in, as appropriate, exchange and scholarship programmes related to biosafety;

18. *Encourages* relevant donor Governments and organizations to support and/or develop, as appropriate, particularly in developing countries, in particular least developed and small island developing States among them, and megadiverse countries, practical training activities in the following areas:

- (a) Interdisciplinary teamwork in the context of risk assessment and risk management;
- (b) Research to support risk assessment and how to conduct risk assessment and risk management;
- (c) Knowledge management, including how to find, use and interpret existing information, how to identify and address need-to-know gaps in information, and how to present risk assessments;

19. *Encourages* relevant donor Governments and organizations to support, strengthen, or where appropriate, to assist with the establishment of testing and detection facilities for living modified organisms, as well as regional, sub-regional and national centres of excellence in biosafety research;

20. *Encourages* Parties, other Governments and relevant organizations to share information related to risk assessment and risk management of living modified organisms through the Biosafety Information Resource Centre of the Biosafety Clearing-House, as well as through other Internet and non-Internet based mechanisms;

21. *Encourages* relevant donor Governments and organizations to fund and support risk-assessment and risk-management research.

BS-III/12. Liability and redress under the Biosafety Protocol

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling its decision BS-II/11, which, among other things, invited the Ad Hoc Open-ended Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Protocol to develop, at its second meeting, a progress report for the consideration of the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recalling also paragraph 5 of the terms of reference contained in the annex to decision BS-I/8 which provides that the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol held two years after the establishment of the Working Group shall review the progress made by the Group in its work and provide, if necessary, guidance to the Working Group,

Conscious of the provision in Article 27 of the Protocol that the Conference of the Parties serving as the meeting of the Parties to the Protocol shall endeavour to complete this process within four years of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Concerned that due to insufficient financial resources there was limited participation of developing country-Parties and Parties with economies in transition at the second meeting of the Working Group,

Having considered the report of the Working Group, held in Montreal from 20 to 24 February 2006 (UNEP/CBD/BS/COP-MOP/3/10),

1. *Takes note* of the report of the second meeting of the Working Group and the conclusions contained therein (UNEP/CBD/BS/COP-MOP/3/10, paragraph. 110);
2. *Welcomes* the progress made so far by the Working Group in its work;
3. *Agrees* that three five-day meetings of the Working Group be convened before the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol in the next biennium in order to enable the Working Group to complete its work in accordance with the schedule specified in the indicative work plan contained in the annex to decision BS-I/8;
4. *Emphasizes* the need for the availability of adequate financial resources to ensure participation by all Parties in the process of the appropriate elaboration of international rules and procedures pursuant to Article 27 of the Protocol;
5. *Urges* developed country Parties, other Governments and donors to provide voluntary financial contributions to support the participation of developing country Parties and Parties with economies in transition in meetings of the Working Group.

BS-III/13. Subsidiary bodies

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling its decision to consider, at its third meeting, the need for designating one or the other subsidiary body of the Convention to serve the Protocol, and to consider whether there is a need to establish further subsidiary bodies to enhance the implementation of the Protocol (decision BS-I/12, annex, paragraph 5 (c)),

Recalling also its decision to consider, at its third meeting, the need for designating or establishing a permanent subsidiary body that provides the Conference of the Parties serving as the meeting of the Parties to the Protocol with timely advice on scientific and technical issues arising in relation to the implementation of the Protocol (decision BS-I/11, paragraph 2),

1. *Notes* that there are various mechanisms by which scientific and technical advice may be provided to the Conference of the Parties serving as the meeting of the Parties to the Protocol;

2. *Decides* to consider, at its fourth meeting, potential mechanisms for provision of scientific and technical advice to the Conference of the Parties serving as the meeting of the Parties to the Protocol, including, inter alia, the potential designation or establishment of a permanent subsidiary body, or use of subsidiary bodies or mechanisms that may be created on an ad hoc basis, and requests the Executive Secretary to prepare a pre-sessional paper for that meeting which includes:

(a) A review of the findings of the Ad Hoc Open-Ended Working Group on Review of Implementation of the Convention, and any associated decisions by the eighth Conference of the Parties, concerning the review of the impacts and effectiveness of existing processes under the Convention;

(b) Cost estimates for various potential mechanisms for the provision of scientific and technical advice.

BS-III/14. Monitoring and reporting

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling its decision BS-I/9, on monitoring and reporting under the Protocol,

Recalling also paragraph 6 (a) of the annex to its decision BS-I/12, on the medium-term programme of work, providing for it to consider at its fourth meeting the first regular national reports by Parties on the implementation of the Protocol,

Taking note of the interim national reports submitted by Parties, and *welcoming* the analysis thereof prepared by the Secretariat (UNEP/CBD/BS/COP-MOP/3/12),

Emphasizing the importance of fulfilling monitoring and reporting obligations under Article 33 of the Protocol, particularly with regard to its interconnection with capacity-building, promoting compliance, and assessment and review,

Recognizing the need for capacity-building to enable developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition, to fulfil their national reporting obligations under the Protocol,

1. *Adopts* the national reporting format annexed to the present decision;
2. *Reminds* each Party to fulfil its monitoring and reporting obligations and to ensure that its national reports provide information that adequately respond to the questionnaire in the reporting format and *invites* eligible Parties that may face difficulties in the preparation of their national reports to make these difficulties known to the Secretariat and to seek assistance from any available opportunities such as the roster of experts;
3. *Requests* Parties to submit their first regular national report, covering the period between entry into force of the Protocol for each Party and the reporting date, 12 months prior to its fourth meeting, to allow consideration of the reports at that meeting;
4. *Reminds* Parties that not submitting a national report within the deadline does not absolve them from fulfilling their obligation for that reporting period;
5. *Invites* developed country Parties, other Governments as well as relevant organizations to provide financial and technical support for capacity-building to enable developing country Parties, in particular the least developed and small island developing States among them, as well as Parties with economies in transition to meet their reporting obligations under the Protocol;
6. *Invites* the Global Environment Facility to make available financial resources to facilitate the consultative information-gathering process leading to the preparation of national reports for those developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, which lack sufficient capacity in this regard;
7. *Requests* the Executive Secretary to prepare, in time for the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, an analysis based on the information contained in national reports received.

Annex

**FORMAT FOR THE FIRST REGULAR NATIONAL REPORT ON THE IMPLEMENTATION
OF THE CARTAGENA PROTOCOL ON BIOSAFETY**

GUIDELINES FOR USE OF THE REPORTING FORMAT

The following format for preparation of the first regular national report on implementation of the Cartagena Protocol on Biosafety called for under Article 33 of the Protocol is a series of questions based on those elements of the Protocol that establish obligations for Contracting Parties. Responses to these questions will help Parties to review the extent to which they are successfully implementing the provisions of the Protocol and will assist the Conference of the Parties serving as the meeting of the Parties to the Protocol to assess the overall status of implementation of the Convention.

The deadline for submission of the first regular national report is no less than 12 months prior to the fourth meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol. It is intended to cover activities undertaken between entry into force of the Protocol for the reporting Party and the date of reporting.

For subsequent national reports, the format is expected to evolve, as questions that are no longer relevant after the first national report may be deleted, questions that are relevant to ongoing progress in implementation will be retained, and additional questions will be formulated pursuant to future decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

The wording of questions follows the wording of the relevant articles of the Protocol as closely as possible. The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol.

The format tries to minimize the reporting burden on Parties, while eliciting the important information regarding implementation of the provisions of the Protocol. Many questions require only a tick in one or more boxes. 1/ Other questions seek a qualitative description of experiences and progress, including obstacles and impediments to the implementation of particular provisions. 2/ Although there is no set limit on length of text, in order to assist with the review and synthesis of the information in the reports, respondents are asked to ensure that answers are as relevant and as succinct as possible.

The information provided by Parties will not be used to rank performance or to otherwise compare implementation between individual Parties.

The Executive Secretary welcomes any comments on the adequacy of the questions, and difficulties in completing the questions, and any further recommendations on how these reporting guidelines could be improved. Space is provided for such comments at the end of the report.

It is recommended that Parties involve all relevant stakeholders in the preparation of the report, in order to ensure a participatory and transparent approach to its development and the accuracy of the information requested. A box is provided in which to identify those groups who have been involved.

Parties are requested to submit an original signed copy by post and an electronic copy on diskette or by electronic mail. An electronic version of this document will be sent to all national focal points and this will also be available from the Convention's website at: <http://www.biodiv.org>

1/ If you feel that, in order to properly reflect the circumstances, it is necessary to tick more than one box, please do so. In this case, you are encouraged to provide further information in the text answers that follow to enable any analysis of results to appropriately reflect the spirit of your answers.

2/ Please feel free to append to the report further information on any of the questions.

Completed reports and any comments should be sent to:

<p>The Executive Secretary Secretariat of the Convention on Biological Diversity World Trade Centre 413 St. Jacques Street West, suite 800 Montreal, Quebec H2Y 1N9 Canada</p> <p>Fax: (+1 514) 288 6588 e-mail: secretariat@biodiv.org</p>

Origin of report

Party:	
<i>Contact officer for report</i>	
Name and title of contact officer:	
Mailing address:	
Telephone:	
Fax:	
E-mail:	
<i>Submission</i>	
Signature of officer responsible for submitting report:	
Date of submission:	
Time period covered by this report:	

Please provide summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report:

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Obligations for provision of information to the Biosafety Clearing-House

<p>1. Several articles of the Protocol require that information be provided to the Biosafety Clearing-House (see the list below). For your Government, if there are cases where relevant information exists but has not been provided to the Biosafety Clearing-House (BCH), describe any obstacles or impediments encountered regarding provision of that information (note: To answer this question, please check the BCH to determine the current status of your country's information submissions relative to the list of required information below. If you do not have access to the BCH, contact the Secretariat for a summary):</p>			
<p>2. Please provide an overview of information that is required to be provided to the Biosafety Clearing-House:</p>			
<i>Type of information</i>	<i>Information exists and is being provided to the Biosafety Clearing-House</i>	<i>Information exists but is not yet provided to the Biosafety Clearing-House</i>	<i>Information does not exist /not applicable</i>
(a) Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20.3(a))			
(b) National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11.5);			
(c) Bilateral, multilateral and regional agreements and arrangements (Articles 14.2, 20.3(b), and 24.1);			
(d) Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19.1 and 19.3), and emergency contacts (Article 17.2 and 17.3(e));			
(e) In cases of multiple competent national authorities, responsibilities for each (Articles 19.2 and 19.3);			
(f) Reports submitted by the Parties on the operation of the Protocol (Article 20.3(e));			
(g) Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17.1);			

<i>Type of information</i>	<i>Information exists and is being provided to the Biosafety Clearing-House</i>	<i>Information exists but is not yet provided to the Biosafety Clearing-House</i>	<i>Information does not exist /not applicable</i>
(h) Illegal transboundary movements of LMOs (Article 25.3);			
(i) Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Articles 10.3 and 20.3(d));			
(j) Information on the application of domestic regulations to specific imports of LMOs (Article 14.4);			
(k) Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11.1);			
(l) Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11.4) or in accordance with annex III (Article 11.6) (requirement of Article 20.3(d))			
(m) Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11.6)			
(n) Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12.1);			
(n) LMOs granted exemption status by each Party (Article 13.1)			
(o) Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13.1);			
(p) Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20.3(c)).			

Article 2 – General provisions

3. Has your country introduced the necessary legal, administrative and other measures for implementation of the Protocol? (Article 2.1)	
a) full domestic regulatory framework in place (please give details below)	
b) some measures introduced (please give details below)	
c) no measures yet taken	
4. Please provide further details about your response to the above question, as well as description of your country's experiences and progress in implementing Article 2, including any obstacles or impediments encountered:	

Articles 7 to 10 and 12: The advance informed agreement procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

5. Were you a Party of import during this reporting period?	
a) yes	
b) no	
6. Were you a Party of export during this reporting period?	
a) yes	
b) no	
7. Is there a legal requirement for the accuracy of information provided by exporters ^{1/} under the jurisdiction of your country? (Article 8.2)	
a) yes	
b) not yet, but under development	
c) no	
d) not applicable – not a Party of export	
8. If you were a Party of export during this reporting period, did you request any Party of import to review a decision it had made under Article 10 on the grounds specified in Article 12.2?	
a) yes (please give details below)	
b) not yet, but under development	
c) no	
d) not applicable – not a Party of export	

^{1/} The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol.

9. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 9.2(c).	
a) yes	
b) no	
c) not applicable – no decisions taken during the reporting period	
10. If your country has been a Party of export of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	
11. If your country has taken decisions on import of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	

Article 11 – Procedure for living modified organisms intended for direct use as food or feed, or for processing

See question 1 regarding provision of information to the Biosafety Clearing-House.

12. Is there a legal requirement for the accuracy of information provided by the applicant with respect to the domestic use of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing? (Article 11.2)	
a) yes	
b) not yet, but under development	
c) no	
d) not applicable (please give details below)	
13. Has your country indicated its needs for financial and technical assistance and capacity-building in respect of living modified organisms intended for direct use as food or feed, or for processing? (Article 11.9)	
a) yes (please give details below)	
b) no	
c) not relevant	
14. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 11.4?	
a) yes	

b) no	
c) not applicable – no decisions taken during the reporting period	
15. If your country has been a Party of export of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:	
16. If your country has been a Party of import of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:	

Article 13 – Simplified procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

17. Have you applied the simplified procedure during the reporting period?	
a) yes	
b) no	
18. If your country has used the simplified procedure during the reporting period, or if you have been unable to do so for some reason, please describe your experiences in implementing Article 13, including any obstacles or impediments encountered:	

Article 14 – Bilateral, regional and multilateral agreements and arrangements

See question 1 regarding provision of information to the Biosafety Clearing-House.

19. Has your country entered into any bilateral, regional or multilateral agreements or arrangements?	
a) yes	
b) no	

20. If your country has entered into bilateral, regional or multilateral agreements or arrangements, or if you have been unable to do so for some reason, describe your experiences in implementing Article 14 during the reporting period, including any obstacles or impediments encountered:

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Articles 15 and 16 – Risk assessment and risk management

21. If you were a Party of import during this reporting period, were risk assessments carried out for all decisions taken under Article 10? (Article 15.2)

a) yes

b) no (please clarify below)

c) not a Party of import / no decisions taken under Article 10

22. If yes to question 21, did you require the exporter to carry out the risk assessment?

a) yes – in all cases

b) yes – in some cases (please specify the number and give further details below)

c) no

d) not a Party of import / no decisions taken under Article 10

23. If you took a decision under Article 10 during the reporting period, did you require the notifier to bear the cost of the risk assessment? (Article 15.3)

a) yes – in all cases

b) yes – in some cases (please specify the number and give further details below)

c) no

d) not a Party of import / no decisions taken under Article 10

24. Has your country established and maintained appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of the Protocol? (Article 16.1)

a) yes – fully established

b) not yet, but under development or partially established (please give further details below)

c) no

25. Has your country adopted appropriate measures to prevent unintentional transboundary movements of living modified organisms? (Article 16.3)

a) yes – fully adopted

b) not yet, but under development or partially adopted (please give further details below)

c) no

26. Does your country endeavour to ensure that any living modified organism, whether imported or locally developed, undergoes an appropriate period of observation commensurate with its life-cycle or generation time before it is put to its intended use? (Article 16.4)	
a) yes – in all cases	
b) yes – in some cases (please give further details below)	
c) no (please give further details below)	
d) not applicable (please give further details below)	
27. Has your country cooperated with others for the purposes specified in Article 16.5?	
a) yes (please give further details below)	
b) no (please give further details below)	
28. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Articles 15 and 16, including any obstacles or impediments encountered:	

Article 17 – Unintentional transboundary movements and emergency measures

See question 1 regarding provision of information to the Biosafety Clearing-House.

29. During the reporting period, if there were any occurrences under your jurisdiction that led, or could have led, to an unintentional transboundary movement of a living modified organism that had, or could have had, significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States, did you immediately consult the affected or potentially affected States for the purposes specified in Article 17.4?	
a) yes – all relevant States immediately	
b) yes – partially consulted, or consultations were delayed (please clarify below)	
c) no – did not consult immediately (please clarify below)	
d) not applicable (no such occurrences)	
30. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 17, including any obstacles or impediments encountered:	

Article 18 – Handling, transport, packaging and identification

31. Has your country taken measures to require that living modified organisms that are subject to transboundary movement within the scope of the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards? (Article 18.1)	
a) yes (please give details below)	
b) not yet, but under development	
c) no	
d) not applicable (please clarify below)	
32. Has your country taken measures to require that documentation accompanying living modified organisms for direct use as food or feed, or for processing, clearly identifies that they ‘may contain’ living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for information? (Article 18.2(a))	
a) yes	
b) not yet, but under development	
c) no	
33. Has your country taken measures to require that documentation accompanying living modified organisms that are destined for contained use clearly identifies them as living modified organisms and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the living modified organisms are consigned? (Article 18.2(b))	
a) yes	
b) not yet, but under development	
c) no	
34. Has your country adopted measures to require that documentation accompanying living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter? (Article 18.2(c))	
a) yes	
b) not yet, but under development	
c) no	
35. Please provide further details about your responses to the above questions, as well as a description of your country’s experiences and progress in implementing Article 18, including any obstacles or impediments encountered:	

Article 19 – Competent national authorities and national focal points

See question 1 regarding provision of information to the Biosafety Clearing-House.

Article 20 – Information-sharing and the Biosafety Clearing-House

See question 1 regarding provision of information to the Biosafety Clearing-House.

36. In addition to the response to question 1, please describe any further details regarding your country's experiences and progress in implementing Article 20, including any obstacles or impediments encountered:

Article 21 – Confidential information

37. Does your country have procedures to protect confidential information received under the Protocol and that protect the confidentiality of such information in a manner no less favourable than its treatment of confidential information in connection with domestically produced living modified organisms? (Article 21.3)	
a) yes	
b) not yet, but under development	
c) no	
38. If you were a Party of import during this reporting period, did you permit any notifier to identify information submitted under the procedures of the Protocol or required by the Party of import as part of the advance informed agreement procedure that was to be treated as confidential? (Article 21.1)	
a) yes	
If yes, please give number of cases	
b) no	
c) not applicable – not a Party of import / no such requests received	
39. If you answered yes to the previous question, please provide information on your experience including description of any impediments or difficulties encountered:	
40. If you were a Party of export during this reporting period, please describe any impediments or difficulties encountered by you, or by exporters under your jurisdiction if information is available, in the implementation of the requirements of Article 21:	

Article 22 – Capacity-building

41. If a developed country Party, during this reporting period has your country cooperated in the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition?	
a) yes (please give details below)	
b) no	
b) not applicable – not a developed country Party	
42. If yes to question 41, how has such cooperation taken place:	
43. If a developing country Party, or Party with an economy in transition, during this reporting period has your country contributed to the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in another developing country Party or Party with an economy in transition?	
a) yes (please give details below)	
b) no	
b) not applicable – not a developing country Party	
44. If yes to question 43, how has such cooperation taken place:	
45. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the proper and safe management of biotechnology to the extent that it is required for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	

b) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	
46. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the use of risk assessment and risk management for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
b) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	
47. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training for enhancement of technological and institutional capacities in biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
b) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	
48. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 22, including any obstacles or impediments encountered:	

Article 23 – Public awareness and participation

49. Does your country promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health? (Article 23.1(a))	
a) yes – significant extent	
b) yes – limited extent	
c) no	
50. If yes, do you cooperate with other States and international bodies?	
a) yes – significant extent	
b) yes – limited extent	

c) no	
51. Does your country endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with the Protocol that may be imported? (Article 23.1(b))	
a) yes – fully	
b) yes – limited extent	
c) no	
52. Does your country, in accordance with its respective laws and regulations, consult the public in the decision-making process regarding living modified organisms and make the results of such decisions available to the public? (Article 23.2)	
a) yes – fully	
b) yes – limited extent	
c) no	
53. Has your country informed its public about the means of public access to the Biosafety Clearing-House? (Article 23.3)	
a) yes – fully	
b) yes – limited extent	
c) no	
54. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 23, including any obstacles or impediments encountered:	

Article 24 – Non-Parties

See question 1 regarding provision of information to the Biosafety Clearing-House.

55. Have there been any transboundary movements of living modified organisms between your country and a non-Party during the reporting period?	
a) yes	
b) no	
56. If there have been transboundary movements of living modified organisms between your country and a non-Party, please provide information on your experience, including description of any impediments or difficulties encountered:	

Article 25 – Illegal transboundary movements

See question 1 regarding provision of information to the Biosafety Clearing-House.

57. Has your country adopted appropriate domestic measures to prevent and penalize, as appropriate, transboundary movements of living modified organisms carried out in contravention of its domestic measures? (Article 25.1)	
a) yes	
b) no	
58. Have there been any illegal transboundary movements of living modified organisms into your country during the reporting period?	
a) yes	
b) no	
59. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 25, including any obstacles or impediments encountered:	

Article 26 – Socio-economic considerations

60. If during this reporting period your country has taken a decision on import, did it take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities? (Article 26.1)	
a) yes – significant extent	
b) yes – limited extent	
c) no	
d) not a Party of import	
61. Has your country cooperated with other Parties on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities? (Article 26.2)	
a) yes – significant extent	
b) yes – limited extent	
c) no	
62. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 26, including any obstacles or impediments encountered:	

Article 28 – Financial mechanism and resources

63. Please indicate if, during the reporting period, your Government made financial resources available to other Parties or received financial resources from other Parties or financial institutions, for the purposes of implementation of the Protocol.	
a) yes – made financial resources available to other Parties	
b) yes – received financial resources from other Parties or financial institutions	
c) both	
d) neither	
64. Please provide further details about your response to the above question, as well as description of your country's experiences, including any obstacles or impediments encountered:	

Other information

65. Please use this box to provide any other information related to articles of the Protocol, questions in the reporting format, or other issues related to national implementation of the Protocol:

Comments on reporting format

The wording of these questions is based on the Articles of the Protocol. Please provide information on any difficulties that you have encountered in interpreting the wording of these questions:

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BS-III/15. Assessment and review

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling Article 35 of the Protocol,

Recognizing that a considerable number of Parties are in the early stages of developing and implementing their national biosafety legislative and regulatory regimes,

Noting that there is insufficient information and operational experience with the implementation of the Protocol,

Noting also that the lack of implementation of the Protocol by developing country-Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition may not be due to inherent problems with the Protocol but rather due to lack of capacity to implement the Protocol,

Noting further that the assessment and review process under Article 35 should be based, *inter alia*, on national reports submitted by Parties pursuant to Article 33 of the Protocol,

1. *Invites* Parties, other Governments as well relevant intergovernmental and non-governmental organizations and other stakeholders to submit their views to the Secretariat not later than six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety. Such views should:

(a) Evaluate the effectiveness of the Protocol, including an assessment of procedures and annexes, taking into account the items specified in paragraph 6 (b) of the medium-term programme of work contained in the annex to decision BS-I/12;

(b) Assess the procedures and annexes under the Protocol, with a view to identifying difficulties arising from implementation as well as suggestions for appropriate indicators and/or criteria for evaluating effectiveness and ideas on the modalities of the evaluation;

2. *Requests* the Executive Secretary, under the guidance of the Bureau, to prepare a synthesis of the views submitted in accordance with paragraph 1 above as well as information contained in the first national reports submitted by Parties, and make it available to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Requests* the Compliance Committee to prepare a report on general issues of compliance by Parties with their obligations under the Protocol, in accordance with paragraph 1 (d) of section III of the Compliance Procedures and Mechanisms contained in the annex to decision BS-I/7, and make this report available six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

BS-III/16. Other issues (Transit)

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling that, in accordance with paragraph 1 of Article 6 of the Protocol, a Party of transit has the right to regulate the transport of living modified organisms through its territory, and also recalling its reference to this right in paragraph 2 of decision BS-II/8 on options for implementation of Article 8,

Recalling also that Parties may enter into bilateral, regional and multilateral agreements and arrangements with other Parties or non-Parties regarding transboundary movements of living modified organisms in accordance with Articles 14 and 24,

Recalling further also its decision BS-II/4 to consider the rights and/or obligations of Parties of transit,

Noting that definitions of transit exist in various multilateral agreements at international level, and *recognizing* that trade and environment agreements should be mutually supportive,;

Invites Parties, Governments and relevant organizations to provide further views and experience on the rights and/or obligations of Parties of transit including whether or not a Party acting only as a Party of transit takes on the obligations of a Party of export under the Protocol, not later than six months prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

BS-III/17. Tribute to the Government and people of the Federative Republic of Brazil

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biological Diversity,

Having met in Curitiba from 13 to 17 March 2006 at the gracious invitation of the Government of the Federative Republic of Brazil,

Deeply appreciative of the excellent arrangements made for the meeting and the especial courtesy and warm hospitality extended to participants by the Government of Brazil, the State of Paraná, the City of Curitiba, and their people,

Expresses its sincere gratitude to the Government and people of Brazil, for the cordial hospitality that they accorded to participants in the meeting and for their contribution to its success.

BS-III/18. Date and venue of the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Recalling paragraph 1 (a) of decision BS-I/12 of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, which indicates the possibility of revising the periodicity of the meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol beyond the third meeting,

Recognizing that the Protocol requirements that needed early actions in the life of the Protocol and that were taken into account in deciding to have meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol on annual basis, have now been more or less fulfilled,

Recalling rule 4 of the rules of procedure for meetings of the Conference of the Parties to the Convention, which applies also to the Protocol *mutatis mutandis*, and which states that ordinary meetings of the Conference of the Parties shall be held every two years,

Recalling also Article 29, paragraph 6 of the Protocol which provides for holding ordinary meetings, subsequent to the first one, of the Conference of the Parties serving as the meetings of the Protocol in conjunction with the ordinary meetings of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Decides:

(a) To hold its future ordinary meetings every two years as specified in Rule 4 of the rules of procedure for meetings of the Conference of the Parties to the Convention which applies *mutatis mutandis* to the meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(b) To hold its fourth meeting in conjunction with the ninth meeting of the Conference of the Parties to the Convention.
