



**Convention on  
Biological Diversity**

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CONFERENCE OF THE PARTIES TO THE CONVENTION  
ON BIOLOGICAL DIVERSITY SERVING AS THE  
MEETING OF THE PARTIES TO THE NAGOYA  
PROTOCOL ON ACCESS TO GENETIC RESOURCES  
AND THE FAIR AND EQUITABLE SHARING OF  
BENEFITS ARISING FROM THEIR UTILIZATION

Second meeting

Cancun, Mexico, 4-17 December 2016

Agenda item 4

**DECISION ADOPTED BY THE PARTIES TO THE NAGOYA PROTOCOL ON ACCESS AND  
BENEFIT-SHARING**

**2/3. Report of the Compliance Committee (Article 30)**

*The Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol,*

*Recalling* decision NP-1/4,

*Recalling also* section B, paragraph 8, of the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Nagoya Protocol and to address cases of non-compliance,<sup>1</sup> which requires the Compliance Committee to submit its rules of procedure to the Conference of the Parties serving as the meeting of the Parties to the Protocol for its consideration and approval,

*Welcoming* the work undertaken by the Compliance Committee at its first meeting and noting its recommendations as contained in the annex to its report,<sup>2</sup> including on the Access and Benefit-sharing Clearing-House and information sharing, and the financial mechanism and resources,

1. *Approves* the rules of procedure for the meetings of the Compliance Committee under the Nagoya Protocol as annexed to the present decision;

2. *Notes* that implementation of the Protocol is still in its early stages, wherein it is important to focus on enabling Parties to implement the Protocol, and therefore the need for and modalities of support to address challenges related to compliance with the provisions of the Protocol with a view to making effective use of the compliance mechanism cannot yet be fully assessed;

<sup>1</sup> Decision NP-1/4, annex.

<sup>2</sup> UNEP/CBD/NP/COP-MOP/2/4.

3. *Decides* that the Compliance Committee shall reassess the need for and modalities of support as provided for in paragraph 2(b) of decision NP-1/4 at a future meeting in the light of the experience gained by the Committee in carrying out its functions and further developments in implementation of the Protocol, and with a view to contributing to the assessment and review of the Protocol's effectiveness as required;

4. *Urges* Parties to submit in a timely manner the interim national reports in line with paragraph 4(c) of decision NP-1/3 and *encourages* Parties to include information in their interim national reports on difficulties and challenges related to implementation of the Protocol.

#### *Annex*

### **RULES OF PROCEDURE FOR THE MEETINGS OF THE COMPLIANCE COMMITTEE UNDER THE NAGOYA PROTOCOL**

The following rules of procedure were developed in accordance with section B, paragraph 8, of the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting and set out in the annex to decision NP-1/4.

#### **A. Purposes**

##### **Rule 1**

These rules of procedure shall apply to any meeting of the Compliance Committee under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and shall be read together with and in furtherance of the procedures and mechanisms set out in decision NP-1/4 of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.

##### **Rule 2**

The rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity as applied, *mutatis mutandis*, to the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization shall apply, *mutatis mutandis*, to any meeting of the Compliance Committee under the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, except as otherwise provided in the rules set out herein and in decision NP-1/4, and provided that rules 16 to 20 on representation and credentials of the rules of procedure for the meetings of the Conference of the Parties shall not apply.

#### **B. Definitions**

##### **Rule 3**

For the purposes of these rules:

(a) "Protocol" means the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity;

(b) "Party" means a Party to the Protocol;

(c) “Conference of the Parties serving as the meeting of the Parties to the Protocol” means the Conference of the Parties serving as the meeting of the Parties to the Protocol as provided for under Article 26 of the Protocol;

(d) “Committee” means the Compliance Committee established by decision NP-1/4 of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(e) “Chair” and “Vice-Chair” mean, respectively, the chairperson and vice-chairperson elected in accordance with paragraph 9 of section B of the annex to decision NP-1/4 and rule 12 of these rules of procedure;

(f) “Member” means a member of the Committee elected in accordance with paragraph 2 of section B of the annex to decision NP-1/4 or their replacement elected in accordance with paragraph 3 of section B of the annex to decision NP-1/4;

(g) “Indigenous peoples and local community observer” means a representative of indigenous peoples and local communities elected in accordance with paragraph 2 of section B of the annex to decision NP-1/4 or their replacement elected in accordance with paragraph 3 of section B of the annex to decision NP-1/4;

(h) “Secretariat” means the Secretariat referred to in Article 28 of the Protocol;

(i) “Compliance Procedures and Mechanisms” means the cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance adopted by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its first meeting and set out in the annex to decision NP-1/4.

### **C. Dates and notice of meetings**

#### **Rule 4**

The Committee shall decide on the dates and duration of its meetings, bearing in mind section B, paragraph 7, of the Compliance Procedures and Mechanisms.

#### **Rule 5**

The Secretariat shall notify all members of the Committee and the indigenous peoples and local community observers of the dates and venue of a meeting, at its earliest convenience and in any case no later than six weeks before the meeting is due to commence.

### **D. Agenda**

#### **Rule 6**

The agenda of the Committee shall include items arising from its functions and the procedures as specified in sections C and D, respectively, of the Compliance Procedures and Mechanisms and other matters related thereto.

#### **Rule 7**

To the extent possible, the provisional agenda, together with supporting documents, shall be made available by the Secretariat to all members of the Committee and the indigenous peoples and local community observers at least four weeks before the opening of the meeting.

## **E. Distribution and consideration of information**

### **Rule 8**

1. The Committee shall be informed immediately by the Secretariat when a submission has been received under section D, paragraph 1, of the Compliance Procedures and Mechanisms or when information has been provided by a directly affected indigenous people or local community under section D, paragraph 9(b), of the Compliance Procedures and Mechanisms.
2. Submissions and information received in accordance with section D of the Compliance Procedures and Mechanisms shall be transmitted by the Secretariat to the Committee according to the procedures set out in section D of the Compliance Procedures and Mechanisms.
3. Submissions from a Party, the response and the information, as referred to in section D of the Compliance Procedures and Mechanisms, shall be made in one of the six official languages of the United Nations. The Secretariat shall make arrangements to translate them into English if they are submitted in an official language of the United Nations other than English.

## **F. Publication and confidentiality of documents and information**

### **Rule 9**

1. The provisional agenda, reports of meetings, official documents and any other information documents shall be made publically available. These documents shall not contain confidential information.
2. The Committee, any Party or others involved in its deliberations shall protect confidential information.

## **G. Members and indigenous peoples and local community observers**

### **Rule 10**

The term of office of a member and an indigenous peoples and local community observer shall commence on 1 January of the calendar year immediately following his or her election and shall end on 31 December four years thereafter.

### **Rule 11**

1. Each member of the Committee and the indigenous peoples and local community observers shall, with respect to any matter that is under consideration by the Committee, avoid conflicts of interest. Where a member or indigenous peoples and local community observer finds himself or herself faced with a conflict of interest, that member or indigenous peoples and local community observer shall bring the issue to the attention of the Committee before consideration of that particular matter. The member or indigenous peoples and local community observer concerned shall not participate in the deliberations and the taking of decisions by the Committee in relation to that matter.
2. A “conflict of interest” refers to any current interest that could:
  - (a) Significantly impair the individual’s objectivity as a Committee member or indigenous peoples and local community observer;
  - (b) Create an unfair advantage for any person or organization.

## **H. Officers**

### **Rule 12**

1. As provided for in paragraph 9 of section B of the Compliance Procedures and Mechanisms, the Committee shall elect its Chair and a Vice-Chair, who will rotate among the five regional groups of the United Nations. Subject to rule 10 of the present rules of procedure, they shall serve in those capacities until their successors take office.

2. The Chair and Vice-Chair shall be elected for a period of two years. No officer shall serve for more than two consecutive terms.

## **I. Conduct of business**

### **Rule 13**

The working language of the Committee shall be English. The Committee may accommodate interventions by the Party concerned in any other official language of the United Nations.

### **Rule 14**

Electronic means of communication may be used by the Committee for the purpose of conducting informal consultations on issues under consideration as well as for decision-making except for substantive decisions, such as on submissions relating to issues of compliance and non-compliance with the provisions of the Protocol.

## **J. Amendments to the rules of procedure**

### **Rule 15**

Any amendment to these rules of procedure shall be developed by the Committee and submitted to the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and approval.

## **K. Overriding authority of the Protocol and decision NP-1/4**

### **Rule 16**

In the event of a conflict between any provision in these rules and any provision in the Protocol or decision NP-1/4, the provisions of the Protocol or decision NP-1/4 shall prevail.

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