



Convention on Biological Diversity

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SUBSIDIARY BODY ON IMPLEMENTATION

Third meeting

Online, 16 May-13 June 2021 and

Geneva, Switzerland, 14-29 March 2022

Agenda item 4

RECOMMENDATION ADOPTED BY THE SUBSIDIARY BODY ON IMPLEMENTATION

3/2. Assessment and review of the effectiveness of the Cartagena Protocol on Biosafety

The Subsidiary Body on Implementation

1. *Takes note* of the analysis of information for the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety¹ for the period 2011-2020, which provides a description of the status and trends in the implementation of the Protocol and the Strategic Plan for the Cartagena Protocol;²

2. *Welcomes* the input to the fourth assessment and review of the Cartagena Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020 provided by the Compliance Committee at its seventeenth meeting and by the Liaison Group on the Cartagena Protocol at its fourteenth meeting;³

3. *Acknowledges* the work undertaken by the Compliance Committee to engage with Parties not having submitted their fourth national reports so far, and encourages the Committee to continue its efforts in this regard;

4. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, at its tenth meeting, adopt a decision along the following lines:

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

1. *Recognizes* the usefulness of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020¹ in supporting national implementation;

2. *Recognizes also* that the post-2020 global biodiversity framework must contribute to the implementation of and compliance with the Cartagena Protocol on Biosafety, and acknowledges the relevance of the Protocol and its implementation plan and capacity-building action plan to the achievement of the three objectives of the Convention on Biological Diversity;

3. *Welcomes* the contribution of the Liaison Group on the Cartagena Protocol and the Compliance Committee to the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020,³ and requests

¹ Decision BS-V/16, annex I.

² CBD/SBI/3/3/Add.1.

³ CBD/SBI/3/3, annexes I and II, respectively.

them to continue providing input to the fifth assessment and review and evaluation process of the follow-up to the Strategic Plan for the Cartagena Protocol, as appropriate;

A. National biosafety frameworks

4. *Welcomes* the progress in establishing functional administrative arrangements, noting that almost all Parties have permanent staff to administer the functions related to biosafety;

[5. *Urges* Parties to reaffirm the precautionary approach contained in principle 15 of the Rio Declaration on Environment and Development;⁴]

6. *Also urges* Parties to allocate the necessary resources for the operation of their biosafety institutions, given the crucial role of these institutions in implementing the Protocol[, in accordance with Article 28 of the Protocol;]

7. *Further urges* Parties to mobilize resources from all available national and international sources, including international cooperation and the private sector, to further support operation of their biosafety institutions;

8. *Notes* with grave concern that just over half of the Parties have fully introduced the necessary legal, administrative and other measures to implement their obligations under the Protocol and that limited progress has been made in this regard since the mid-term evaluation of the Strategic Plan;⁵

9. *Urges* Parties that have not yet fully done so to put in place legal, administrative and other measures to implement their obligations under the Protocol, in particular biosafety legislation, as a matter of priority, and recognizes that further support is needed in this area;

10. *Encourages* Parties to consider indigenous peoples and local communities, gender, women, youth and [human] rights-based approaches in their national biosafety frameworks;

B. Coordination and support

11. *Recognizes* the importance of coordination among relevant authorities and at various levels and of mainstreaming biosafety across relevant sectoral and cross-sectoral instruments, including national biodiversity strategies and action plans, for advancing the implementation of the Protocol;

12. *Welcomes* the support for capacity-building provided in furtherance of the Strategic Plan for the Cartagena Protocol, but notes with concern the lack of progress in meeting capacity-building needs in most regions;

13. *Underlines* the ongoing need for developing and strengthening the capacities of Parties to implement the Protocol, including in the light of the ongoing rapid development of [modern] biotechnologies [relevant for the Cartagena Protocol], and recognizes the facilitative role that the post-2020 capacity-building action plan for the Protocol can play in this regard;

14. *Encourages* Parties to cooperate in biosafety capacity-building, including at the regional level;

15. *Notes* with concern that fewer Parties had access to additional financial resources beyond their national budgets, compared to the third assessment and review and mid-term evaluation of the Strategic Plan;

16. *Recommends* that the Conference of the Parties, in adopting its guidance to the financial mechanism with respect to support for the implementation of the Cartagena Protocol on

⁴ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992, Volume I: Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.1.8), Resolution 1, Annex I.

⁵ See decision VIII/15.

Biosafety, [invite][request] the Global Environment Facility to continue to assist eligible Parties in undertaking activities in the following priority areas based on the needs for further support identified in the present decision: development and implementation of legal, administrative and other measures to implement the Protocol; risk assessment and risk management; detection and identification of living modified organisms; public awareness, education and participation; socio-economic considerations; liability and redress; national reporting; and technology transfer;

17. [Invites][Requests] the Global Environment Facility to establish a funding window for the Cartagena Protocol on Biosafety to support eligible Parties in implementing the Protocol;

18. Urges Parties[, in accordance with Articles 22 and 28 of the Protocol,] and invites other Governments, donors and biosafety capacity-building initiatives [to make resources available] to support Parties in their efforts to strengthen capacities and enhance the implementation of the Cartagena Protocol in the priority areas referred to in paragraph 15 above;

C. Risk assessment and risk management

19. Welcomes the progress made by Parties in carrying out risk assessments pursuant to the Protocol and in publishing risk assessment summary reports along with decisions on the Biosafety Clearing-House;

20. Also welcomes the progress made by Parties in adopting common approaches to risk assessment, in accordance with Annex III of the Cartagena Protocol, and risk management and in adopting or using voluntary guidance documents for the purpose of conducting risk assessments or evaluating risk assessment summary reports submitted by notifiers;

21. Recognizes the need for further support for risk assessment and risk management, including by strengthening human resource capacities and by facilitating access to sufficient financial resources, adequate scientific knowledge and technical infrastructure, also taking into account [[relevant] indigenous][indigenous peoples and local communities] and [local][traditional] knowledge, innovations, practices and technologies;

D. Living modified organisms or traits that may have adverse effects

22. Commends the large number of Parties that have established the capacities to [detect,] identify, assess and monitor living modified organisms or traits that may have adverse effects on the conservation and sustainable use of biological diversity;

23. Recognizes, however, that further support is needed for strengthening human resource and institutional capacities, especially through enhanced international cooperation among Parties, to identify living modified organisms or specific traits that may have adverse effects on the conservation and sustainable use of biodiversity and for facilitating access to adequate technical infrastructure for identifying, assessing and monitoring living modified organisms[, in accordance with Article 16];

E. Liability and redress

24. Notes [with regret] the limited number of Parties to the Cartagena Protocol on Biosafety that have ratified the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress;

25. Requests the Executive Secretary[, subject to the availability of resources,] to undertake [[awareness-raising] [and capacity-building]] activities to support ratification efforts, and invites other partners to also undertake awareness-raising activities on the Supplementary Protocol;

26. Welcomes the progress by Parties to the Supplementary Protocol in introducing measures to implement the Supplementary Protocol while recognizing that support is needed for those Parties to the Supplementary Protocol that are facing challenges in this regard;

F. Handling, transport, packaging and identification

27. *Welcomes* the fact that almost all Parties have trained some laboratory personnel in the detection of living modified organisms, while recognizing that about half of these Parties have indicated that more training would be required;

28. *Notes* that most Parties reported having reliable access to laboratory facilities, yet notes with concern that other Parties continue to face challenges and that support is needed in that regard;

G. Socio-economic considerations

29. *Notes* that about half of Parties have specific approaches or requirements that facilitate how socio-economic considerations should be taken into account in decision-making with regard to living modified organisms[, and [encourages][invites] Parties that have not yet done so to develop such approaches or requirements, as appropriate and in accordance with Article 26 of the Protocol and their circumstances and capacities];

30. *Notes* that more information on methodologies and approaches should be gathered and shared, and encourages Parties to exchange research and information on socio-economic considerations to support [those] Parties [that wish to do so] to take socio-economic considerations into account [in accordance with Article 26[, paragraph 1][, and Article 20] of the Protocol];

31. *Also encourages* Parties to promote the involvement of indigenous peoples and local communities, women and [youth,] [cultures][the relation between nature and culture] when undertaking research on socio-economic considerations;

H. Transit, contained use, unintentional transboundary movements and emergency measures

32. *Welcomes* the fact that approximately three quarters of Parties have measures in place to regulate contained use of living modified organisms and living modified organisms in transit;

33. *Welcomes also* the fact that nearly three quarters of Parties have the capacity to take appropriate measures in case of unintentional transboundary movements of living modified organisms;

34. *Encourages* Parties that have not yet done so to adopt the necessary measures to regulate contained use of living modified organisms and living modified organisms in transit as well as unintentional transboundary movement of living modified organisms, and recognizes the importance of supporting those Parties in adopting such measures and developing capacities in that regard;

I. Information-sharing

35. *Notes* the positive trends regarding information-sharing on the Biosafety Clearing-House, including in relation to the number of national records and reference records published, and the number of visitors;

36. *Calls* on Parties and encourages other users to ensure that records remain up to date;

37. *Welcomes* the fact that almost all Parties have designated their national focal point for the Cartagena Protocol and their focal point for the Biosafety Clearing-House;

38. *Notes* the progress by Parties in designating their point of contact for the purposes of receiving notifications under Article 17 (Unintentional transboundary movements and emergency measures);

39. *Urges* Parties that have not yet completely done so to make all required information available to the Biosafety Clearing-House and keep their records up to date, focusing in particular on information related to: (a) national legislation, regulations and guidelines; (b) summaries of risk

assessments; (c) final decisions regarding the importation or release of living modified organisms; (d) national focal points, national points of contact and competent national authorities; (e) information on bilateral, regional or multilateral agreements or arrangements into which they have entered; and (f) information concerning illegal transboundary movements of living modified organisms;

40. *Requests* the Executive Secretary to ensure that adequate support is provided to the Biosafety Clearing-House to enable the mechanism to function to its full capacity and potential;

J. Compliance and review

41. *Notes* considerable variations in progress by Parties to comply with key obligations under the Protocol;

42. *Welcomes* the progress made by Parties in complying with their obligations under the Protocol, including the obligations concerning: (a) making certain information available to the Biosafety Clearing House; and (b) the designation of national focal points and competent national authorities;

43. *Notes with concern* that a large number of Parties are not in full compliance with key obligations under the Protocol, including: (a) the obligation to take the necessary legal, administrative and other measures to implement the Protocol, and (b) the obligation to submit a national report in a timely manner;

44. *Recognizes* the need for Parties to have in place monitoring and enforcement systems for the implementation of the Protocol;

45. *Welcomes* the Compliance Committee's supportive role, carried out pursuant to decision BS-V/1, as a contribution to the progress reported by Parties in implementing their obligations under the Protocol;

46. *Requests* the Executive Secretary, as appropriate and following guidance provided by the Compliance Committee, to continue following up with Parties that have not yet fully complied with their obligations under the Protocol, and requests Parties to collaborate fully in this regard;

K. Public awareness and participation, biosafety education and training

47. *Stresses* the importance of public awareness, education and participation for the implementation of the Protocol, recognizing that more support in this area is needed;

48. *Notes* the progress in the development of mechanisms for public participation in decision-making on living modified organisms and in the number of Parties that have academic institutions that offer biosafety education and training programmes;

49. *Encourages* Parties and invites other users to share relevant materials on public awareness, education and participation through the Biosafety Clearing-House;

L. Outreach and cooperation

50. *Stresses* the importance of cooperation among Parties in addition to cooperation among intergovernmental organizations to support the implementation of the Protocol;

51. *Also stresses* the importance of outreach and cooperation with indigenous peoples and local communities as well as women, youth and other relevant stakeholders for the effective implementation of the Protocol;

[52. *Encourages* Parties to provide support, especially for developing countries, for effective participation in biotechnological and biosafety research activities, in accordance with Article 22 of the Protocol and Article 19 of the Convention.]