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Item 4 of the provisional agenda**

ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE CARTAGENA PROTOCOL

Note by the Executive Secretary

I. INTRODUCTION

1. Article 35 of the Cartagena Protocol on Biosafety requires that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol undertake a periodic evaluation of the effectiveness of the Protocol.
2. Through decision [BS-V/16](#), the Conference of the Parties serving as the meeting of the Parties to the Protocol adopted the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020.
3. In its decision [CP-9/6](#), the Conference of the Parties serving as the meeting of the Parties to the Protocol decided that the fourth assessment and review of the Cartagena Protocol would be combined with the final evaluation of the Strategic Plan. It requested the Executive Secretary to analyse and synthesize information on the implementation of the Protocol and to make this information available to the Liaison Group on the Cartagena Protocol and, as appropriate, the Compliance Committee under the Cartagena Protocol.
4. The Conference of the Parties serving as the meeting of the Parties to the Protocol requested the Liaison Group and the Compliance Committee to work in a complementary and non-duplicative manner, to contribute to the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan and to submit their conclusions for consideration by the Subsidiary Body on Implementation at its third meeting.
5. The Conference of the Parties serving as the meeting of the Parties to the Protocol requested the Subsidiary Body on Implementation at its third meeting to consider the information provided and conclusions reached by the Liaison Group and the Compliance Committee and to submit its findings and recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its tenth meeting, with a view to facilitating the fourth assessment and review of the Cartagena Protocol and the final evaluation of the Strategic Plan for the Cartagena Protocol.
6. The present note provides, in section II, an overview of the process for the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan. Section III contains a summary of progress under the different thematic areas in the Strategic Plan while section IV presents suggested elements for a recommendation. The full analysis of information for the assessment and review of the Protocol and final evaluation of the Strategic Plan is provided in CBD/SBI/3/3/Add.1.

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** CBD/SBI/3/1.

II. PROCESS FOR THE FOURTH ASSESSMENT AND REVIEW OF THE EFFECTIVENESS OF THE CARTAGENA PROTOCOL AND FINAL EVALUATION OF THE STRATEGIC PLAN FOR THE CARTAGENA PROTOCOL

A. Analysis for the fourth assessment and review of the Cartagena Protocol and final evaluation of the Strategic Plan

7. The Strategic Plan for the Cartagena Protocol comprises operational objectives and related indicators, which broadly relate to the following 12 thematic areas: (a) national biosafety frameworks; (b) coordination and support; (c) risk assessment and risk management; (d) living modified organisms (LMOs) or traits that may have adverse effects; (e) liability and redress; (f) handling, transport, packaging and identification; (g) socioeconomic considerations; (h) transit, contained use, unintentional transboundary movements and emergency measures; (i) information sharing; (j) compliance and review; (k) public awareness and participation, biosafety education and training; and (l) outreach and cooperation.

8. The analysis for the fourth assessment and review of the effectiveness of the Protocol and final evaluation of the Strategic Plan provides information on progress by Parties towards the operational objectives of the Strategic Plan, following the 12 broad thematic areas listed above. The analysis draws on information provided in the fourth national reports as a primary source, the Biosafety Clearing-House (BCH) and experience from capacity-building projects and the Compliance Committee, where appropriate. The full analysis is provided in CBD/SBI/3/3/Add.1, which also includes summaries of the progress for each operational objective.

9. The analysis provides a description of the current status of implementation,¹ and of the changes reported as compared to the baseline used for measuring progress in the implementation of the Strategic Plan. In decision BS-VI/15, it was decided that the baseline comprises information from the second national reports, the BCH and a dedicated survey to gather information corresponding to indicators in the Strategic Plan that could not be obtained from the second national reports or through other existing mechanisms (referred to below as the “survey”).²

10. The comparison of data provided in national reports was obtained with the help of an online national report analyser tool.³ Information from the BCH relating to the fourth reporting cycle was compared with related information from the baseline. A matrix with the source of information used for each indicator is available online.⁴

11. The analysis is based on data of those Parties that submitted their fourth national report by 15 January 2020 and that had also provided corresponding data at the baseline. This approach is intended to enable a consistent and comparable review of progress over time and follows the approach taken for the third assessment and review of the Protocol and mid-term evaluation of the Strategic Plan.⁵

12. Further information on methodological aspects is provided in CBD/SBI/3/3/Add.1, section II.

B. Input by the Compliance Committee

13. The Compliance Committee, at its sixteenth meeting, held from 29 to 31 May 2019, agreed that the scope of its input to the fourth assessment and review of the Protocol and final evaluation of the Strategic

¹ Measured at the end of the fourth reporting cycle.

² The analysis that formed the baseline was made using second national reports received by 31 December 2011 (UNEP/CBD/BS/COP-MOP/6/17/Add.1). The survey was carried out in 2013 and the results are available at <http://bch.cbd.int/database/reports/surveyonindicators.shtml>.

³ The report analyser tool is available at <http://bch.cbd.int/database/reports/analyzer>. The tool facilitates a comparison of information provided in the fourth, third and second national reports as well as in the survey.

⁴ The matrix can be found at http://bch.cbd.int/protocol/issues/final_evaluation.shtml.

⁵ The comparative analysis of information for the third assessment and review of the Protocol and mid-term evaluation of the Strategic Plan was based on a total number of 105 third national reports (see UNEP/CBD/SBI/1/4).

Plan would focus on operational objective 3.1 of the Strategic Plan and the experience the Committee had gained in implementing its supportive role of assisting Parties in complying with their obligations.

14. At its seventeenth meeting, held from 15 to 17 April 2020, the Compliance Committee considered the information on the implementation of the Protocol concerning operational objective 3.1 of the Strategic Plan, i.e. the operational objective related to compliance. The Committee had before it a note (CBD/CP/CC/17/3) providing a summary of progress made towards achieving operational objective 3.1 and also had access to the full analysis of information for the fourth assessment and review of the Protocol and final evaluation of the Strategic Plan (CBD/CP/CC/17/INF/1).

15. The Committee developed its conclusions and requested the Executive Secretary to transmit them to the Subsidiary Body on Implementation for consideration at its third meeting. The conclusions by the Compliance Committee are contained in the report of the Committee's seventeenth meeting (CBD/CP/CC/17/6) and are reproduced in annex I to the present note.

16. In addition, the Committee agreed to recommendations concerning the fourth assessment and review of the Protocol and final evaluation of the Strategic Plan for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its tenth meeting, which have contributed to the development of the draft recommendation in section IV of the present document.⁶

C. Input by the Liaison Group on the Cartagena Protocol

17. At its fourteenth meeting, held from 20 to 23 April 2020, the Liaison Group considered the information on the implementation of the Protocol. The Liaison Group had before it a note (CBD/CP/LG/2020/1/2) providing a summary of progress made towards achieving the operational objectives of the Strategic Plan on the basis of information from the fourth national reports as a primary source, the Biosafety Clearing-House, and experience from capacity-building projects. The Liaison Group also had access to the full analysis of information for the fourth assessment and review of the Protocol and final evaluation of the Strategic Plan (CBD/CP/LG/2020/1/INF/1).

18. The Liaison Group developed its conclusions and requested the Executive Secretary to transmit them to the Subsidiary Body on Implementation, for consideration at its third meeting. The conclusions by the Liaison Group are contained in the report of the Liaison Group's fourteenth meeting (CBD/CP/LG/2020/1/4) and are reproduced in annex II to the present note.

19. Furthermore, both the Compliance Committee and the Liaison Group noted that the analysis for the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan was based on a limited number of national reports received by 15 January 2020 and that an update to the analysis might be necessary at a later stage.

III. SUMMARY OF PROGRESS UNDER THE THEMATIC AREAS OF THE STRATEGIC PLAN FOR THE CARTAGENA PROTOCOL ON BIOSAFETY

20. Document CBD/SBI/3/3/Add.1 presents the analysis of information to inform the assessment and review of the Protocol and the final evaluation of the Strategic Plan. As described above, the analysis is organized according to the twelve thematic areas in the Strategic Plan. Based on the analysis, a brief summary of progress under each of these areas is provided below.

A. National biosafety frameworks (operational objectives 1.1 and 2.1)

21. Just over half of the Parties (55 per cent) reported having fully taken the necessary measures to implement the Protocol, which constitutes an increase of 8 per cent since the baseline. At the regional level, a minority of Parties reported having fully introduced the measures necessary for the implementation of the Protocol in the Latin American and Caribbean Group (GRULAC) (8 per cent) and the African (30 per cent)

⁶ The recommendations are presented in the consolidated report of the work of the Committee from its sixteenth and seventeenth meetings which will be made available to the Conference of the Parties serving as the meeting of the Parties to the Protocol at its tenth meeting.

regions. However, advances made since the baseline in this respect are particularly notable in the African region (+10 per cent). When also including Parties that reported having partially taken the measures necessary to implement the Protocol (38 per cent), the overall percentage increases to 94 per cent. A number of Parties indicated that legal instruments are being developed or are pending adoption.

22. A large majority of Parties reported having administrative rules and procedures for handling notifications and requests for approval of imports of LMOs intended for direct use as food or feed, or for processing; contained use and for introduction into the environment. In this context, Parties reported highest in having adopted administrative rules and procedures for imports of LMOs-FFP (83 per cent), for which the increase from the baseline has also been the largest (+13 per cent).

23. The percentage of Parties reporting having received a notification regarding the intentional transboundary movements of LMOs for intentional introduction into the environment has decreased by 13 per cent to 21 per cent (19 Parties). Similarly, the percentage of Parties that reported having made import decisions in accordance with Article 10 of the Protocol or the appropriate domestic legislation decreased by 14 per cent to 19 per cent of the Parties (15 Parties).

24. Progress has been reported in rendering administrative arrangements functional. Almost all Parties reported having permanent staff to administer biosafety functions, with substantive increases in certain regions, in particular in Africa. However, only approximately half of the Parties indicated that the staffing levels are adequate. The percentage of Parties that reported having adequate institutional capacity remains moderate (65 per cent), although it has increased substantially (+19 per cent) since the baseline. More Parties reported having at least to some extent a mechanism for budgetary allocations towards biosafety (81 per cent of Parties), with increases reported in Africa, Asia and the Pacific, and Central and Eastern Europe (CEE).

B. Coordination and support (operational objective 1.2)

25. A few indicators related to operational objective 1.2 show very limited overall progress since the baseline. This is for example the case for the indicators related to the number of Parties having met their capacity-building needs, or the number of Parties having developed a national biosafety capacity-building action plan. On some indicators, overall changes since the baseline show decreases, for example of Parties that report having in place a national coordination mechanism for capacity-building, having access to additional financial resources, and having assessed their capacity-building needs. The indicator related to the number of Parties that have predictable and reliable funding for strengthening the capacities for implementing the Protocol is one of the few indicators which showed an increase, albeit modest, in total numbers. Many Parties indicated that national funding is often insufficient and in view of the decrease in the number of Parties that accessed new and additional resources, and in the amounts received, the lack of sufficient funding from national budget allocations seems to be a challenge.

26. Importantly, at the regional level there is considerable variation in changes reported since the baseline (both in terms of increases and decreases) and in overall numbers. For especially the Asia-Pacific and African regions, consistent progress was reported on a large number of the indicators, in particular on those related to the assessment of capacity-building needs, development of a national biosafety capacity-building action plan, the establishment of a national capacity-building coordination mechanism, and access to predictable and reliable funding for strengthening their capacity for implementing the Protocol.

C. Risk assessment and risk management (operational objectives 1.3 and 2.2)

27. Almost two-thirds of Parties reported having undertaken risk assessment of LMOs pursuant to the Protocol in the current reporting period, which represents a notable increase from the baseline. The ratio between risk assessment reports and the number of decisions on LMOs⁷ in the BCH has increased considerably to 96 per cent. There was an increase of Parties that are using guidance documents for the

⁷ For this purpose, the decisions by Parties regarding transboundary movement of LMOs for intentional introduction into the environment (under Article 10 of the Protocol) and those related to import or domestic use of LMOs for direct use as food or feed, or for processing (under Article 11 of the Protocol, or under the domestic framework) were considered. For each of these decisions it was verified whether a corresponding risk assessment report had been submitted to the BCH.

purpose of conducting risk assessment and risk management, including the “Guidance on Risk Assessment of LMOs” (developed by the Online Forum and the Ad Hoc Technical Expert Group on Risk Assessment and Risk Management). A similar increase has been reported in the number of Parties that are adopting common approaches to risk assessment and risk management. In relation to capacity-building activities to enable Parties to evaluate, apply, share and carry out risk assessments, a substantial number of Parties reported having trained people in this regard. In their written contributions, several Parties mentioned that they still need support for strengthening capacities on risk assessment and risk management, including on the use of available guidance documents.

D. LMOs or traits that may have adverse effects (operational objective 1.4)

28. The majority of Parties to the Protocol have the capacity to detect, identify, assess and monitor LMOs with potential adverse effects. While some more Parties than at the baseline reported having monitoring capacities in this area, a decrease was reported in the percentage of Parties with the capacity to identify such LMOs. There are important regional differences, with the vast majority of Parties in the Western European and Others Group (WEOG), CEE and Asia-Pacific regions reporting to have the capacities in this regard. In their written contributions, a number of Parties indicated that they require access to laboratory facilities as well as support in strengthening their capacities in detection, identification and monitoring of LMOs.

E. Liability and redress (operational objectives 1.5 and 2.4)

29. The entry into force of the Supplementary Protocol represented a major step towards achieving the related operational objective of the Strategic Plan for the Cartagena Protocol on Biosafety and towards the conservation and sustainable use of biodiversity. This is a positive development and many Parties to the Supplementary Protocol have put in place the necessary measures for its implementation, with more than half of the Parties reporting that measures for the implementation of the Supplementary Protocol are now fully in place. At the same time, however, less than a third of Parties to the Cartagena Protocol have ratified the Supplementary Protocol and 43 per cent of the Parties (43 Parties) to the Cartagena Protocol that have not yet ratified the Supplementary Protocol reported that there is no national process in place towards becoming a Party to the Supplementary Protocol.

F. Handling, transport, packaging and identification (operational objectives 1.6 and 2.3)

30. Parties have reported progress in terms of training of laboratory personnel and, although less pronounced, in training of customs officers in the detection of LMOs. Almost all Parties (96 per cent) reported that laboratory personnel have been trained in the detection of LMOs, while the majority of Parties (59 per cent) reported that customs officers have been trained in LMO detection. Increases were also reported by Parties in having reliable access to laboratory facilities, with most Parties (87 per cent) now reporting to have reliable access. A total of 68 per cent of Parties reported that at least one laboratory in their country is certified for LMO detection, almost all of which are operational. A number of Parties reported in their written contributions that they are unable to undertake detection and identification of LMOs, for a variety of reasons including lack of facilities, equipment, personnel and overall lack of capacity in this regard.

G. Socioeconomic considerations (operational objective 1.7)

31. About a third of Parties reported that they had used peer-reviewed materials for the purpose of elaborating or determining national actions with regard to socioeconomic considerations, which represents a decrease from the baseline. About half of the Parties reported having specific approaches or requirements that facilitate how socioeconomic considerations should be taken into account in LMO decision-making, which is an increase from the baseline. The percentage of Parties that reported having always, or in some cases, taken into account socioeconomic considerations in their decision-making on LMOs increased by 14 per cent, bringing the total to about a third of Parties.

32. In their written contributions Parties reported on different ways in which they take socioeconomic considerations into account. In terms of challenges, Parties highlighted in their written contributions the scarcity of data as a big issue, emphasized the need for local studies to be conducted and for more research

to be done so that a methodological framework can be built-up to define appropriate socioeconomic indicators and rules for data collection.

H. Transit, contained use, unintentional transboundary movements and emergency measures (operational objective 1.8)

33. Most Parties have measures in place to regulate contained use and the transit of LMOs and some progress since the baseline was reported in this regard, particularly in relation to regulating transit. In their written contributions, a number of Parties listed relevant laws, legislation, regulations and training programmes. Some Parties also detailed procedures for registering LMOs for transit and/or contained use. Other Parties reported that they did not have a biosafety law, or that draft legislation was pending finalization or adoption. The need for further capacity-building on transit and contained use was also mentioned.

34. Important differences are reported by Parties on their capacity for taking response measures in case of unintentional transboundary movements, although overall totals show that most Parties (70 per cent) have the capacity to respond to unintentional transboundary movements. In their comments, many Parties shared their laws, regulations and national or emergency response measures for unintentional transboundary movements. Other Parties noted a lack of legal provisions in this area. Furthermore, some Parties cited the inability to detect and identify LMOs, and thus transboundary movements, as a concern. A few Parties mentioned that legislation and emergency response plans were under development.

I. Information-sharing (operational objectives 2.6, 4.1 and 4.2)

35. The analysis showed a positive trend in the operational objectives related to the BCH and to information-sharing. The number of submissions to the BCH has seen a large increase and more than doubled since the baseline, which is attributable to both developing country Parties and Parties with economies in transition, as well as developed country Parties. Furthermore, increases were reported in the amount of traffic to the BCH since the baseline. An increase of 64 per cent was reported in the number of visits and 75 per cent in the number of unique visitors from developing countries and countries with economies in transition. When also including users from developed countries, the increases since the baseline were 24 per cent in visits and 28 per cent in unique visitors. Furthermore, the number of referrals from social networks to the BCH increased by 160 per cent from the baseline, attributable mainly to Facebook.

36. The number of decisions⁸ published in the BCH increased by 177 per cent since the baseline. In terms of completeness of information, the ratio of decisions versus risk assessment reports remained very high (96 per cent), showing an increase of 17 per cent from the baseline.

37. The number of countries that had published biosafety-related laws or regulations in the BCH increased by 4 per cent (with 163 countries having submitted biosafety laws or regulations). The number of countries having registered national focal points for the Protocol and national focal points for the BCH increased to almost 100 per cent. A notable increase in the number of countries having registered their point of contact for receiving notifications under Article 17 was reported (+31 per cent). More information on the experience from the activities in reviewing completeness of mandatory information on the BCH is provided under indicator 3.1.5.

38. The BCH has become a more widely used tool for online discussions, which was visible both by an increase in the number of online forums established on the BCH (relating to the post-2020 implementation plan; public participation, education and awareness; and synthetic biology), the number of Parties having registered participants to online forums and the number of participants in online forums.

⁸ These decisions concern transboundary movement of LMOs for intentional introduction into the environment (under Article 10 of the Protocol) and decisions related to import or domestic use of LMOs for direct use as food or feed, or for processing (under Article 11 of the Protocol, or under the domestic framework).

J. Compliance and review (operational objective 3.1 and 3.2)

39. Progress has been reported on most indicators related to operational objective 3.1, although for a number of key obligations, the overall level of compliance remains modest. Just over half of Parties (55 per cent) reported having fully taken the necessary measures to implement the Protocol, which constitutes an increase of 8 per cent since the baseline. At the regional level, a minority of Parties reported having fully introduced the measures necessary for the implementation of the Protocol in the GRULAC region and in Africa, although advances have been made since the baseline in this regard, in particularly in the African region (+10 per cent). Furthermore, a decrease as compared to the baseline has been reported in the number of Parties having introduced only temporary or draft measures, or no measures at all. A number of Parties indicated that legal instruments are being developed or are pending adoption.

40. Compliance with the designation of focal points remains high, and important advances have been made in particular in the designation of contact points for receiving notifications under Article 17. Compliance with the obligation to make certain information available to the BCH has improved, notably for: legislation; decisions; bilateral, regional and multilateral agreements and arrangements; and summaries of risk assessments. A decrease is reported in the percentage of Parties submitting information concerning cases of illegal transboundary movements to the BCH. The submission rate of fourth national reports is low as compared to the submission rate of second national reports, although it is similar to the submission rate of third national reports at a comparable point in time. As with the third national reports, the number of fourth national reports submitted is expected to continue to increase.

41. The Compliance Committee has reviewed compliance by Parties with their obligations under the Protocol, focusing in particular on the obligation to submit national reports; to adopt the measures necessary for the implementation of the Protocol; and to make information available to the BCH. The Committee has taken incremental measures to address compliance issues and the Committee's role in contributing to progress reported by Parties in this regard has been welcomed by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

K. Public awareness and participation, biosafety education and training (operational objectives 2.5, 2.7 and 4.3)

42. Progress towards operational objective 2.5 has been modest. An increasing (+5 per cent) number of Parties reported that a mechanism is in place for consulting the public in decision-making, with more than three-quarters of Parties reporting to have at least to some extent established such a mechanism. However, a decreasing number (-5 per cent) of Parties reported having informed the public of existing modalities for participation. The number of Parties reporting to have a national biosafety website decreased slightly; with about two-thirds of Parties reporting to have a national biosafety website. Some Parties indicated that a lack of resources prevents them from having a national biosafety website.

43. Progress has been reported towards operational objective 2.7. The number of Parties that reported that academic institutions in their country offer biosafety education and training courses and programmes has increased by 11 per cent, with a total of over two-thirds of the Parties now reporting accordingly. Increases are also reported in availability of and access to educational materials and or online modules on biosafety, with about three-quarters of Parties reporting so.

44. The progress towards operational objective 4.3 has been modest. That said, for a number of indicators the overall status of implementation is quite good, for example the overall percentage of Parties that report having organized biosafety-related events was already very high at the baseline and is now 92 per cent. The number of Parties having published biosafety-related publications decreased slightly, with about three quarters of Parties reporting having done so.

L. Outreach and cooperation (operational objectives 5.1, 5.2, and 5.3)

45. Progress on operational objective 5.3 is minimal, with the exception of the number of Parties reporting that educational materials or online modules are available to the public. Only about half of the Parties report having a national communication strategy on biosafety or a national awareness and outreach programme.

Slightly more Parties, approximately two thirds, reported having a national biosafety website. The number of Parties that reported having made available awareness and educational materials on biosafety has increased to about three quarters.

IV. SUGGESTED ELEMENTS FOR A RECOMMENDATION

46. The Conference of the Parties serving as the meeting of the Parties to the Protocol requested the Subsidiary Body on Implementation, at its third meeting, to consider the information provided and conclusions reached by the Liaison Group and the Compliance Committee and to submit its findings and recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol, at its tenth meeting.

47. Based on the conclusions reached by the Compliance Committee and the Liaison Group on the Cartagena Protocol, the Subsidiary Body on Implementation may wish:

(a) To take 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 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;

(b) To welcome the input to the fourth assessment and review of the Cartagena Protocol and final evaluation of the Strategic Plan for the Cartagena Protocol for the period 2011-2020 provided by the Compliance Committee at its seventeenth meeting and the Liaison Group on the Cartagena Protocol at its fourteenth meeting, presented in annexes I and II below;

(c) To request the Executive Secretary, as appropriate, to provide an update to the analysis, considering also additional fourth national reports that may be received, and make this update available to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol at its tenth meeting.

48. The Subsidiary Body on Implementation may also wish to recommend that the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol 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 2011-2020 in supporting national implementation;

2. *Also recognizes* that the post-2020 global biodiversity framework can 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 for the period 2011-2020, and *requests* 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* 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 allocate the necessary resources for the operation of their biosafety institutions, given the crucial role of these institutions in implementing the Protocol;

6. *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 the limited progress in this regard since the mid-term evaluation of the Strategic Plan;

7. *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;

B. Coordination and support

8. *Recognizes* the importance of coordination among relevant authorities and at various levels and of mainstreaming biosafety for advancing implementation of the Protocol;

9. *Notes with concern* the lack of progress in meeting capacity-building needs in most regions;

10. *Underlines* the ongoing need for developing and strengthening the capacities of Parties to implement the Protocol and *recognizes* the facilitative role the post-2020 capacity-building action plan for the Protocol can play in this regard;

11. *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;

12. *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 Biosafety, *invite* 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; and liability and redress;

13. *Urges* Parties and *invites* other Governments and donors to make resources available to support Parties in their efforts to strengthen capacities and enhance implementation of the Cartagena Protocol in the priority areas referred to in paragraph 12;

C. Risk assessment and risk management

14. *Welcomes* the progress 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;

15. *Also welcomes* the progress by Parties in adopting common approaches to risk assessment and risk management and in adopting or using guidance documents for the purpose of conducting risk assessments or evaluating risk assessment summary reports submitted by notifiers;

16. *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 and adequate technical infrastructure;

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

17. *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;

18. *Recognizes*, however, that further support is needed for strengthening human resource capacities, and for facilitating access to adequate technical infrastructure for detecting, identifying, assessing and monitoring living modified organisms;

E. Liability and redress

19. *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;

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

21. *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 who are facing challenges in this regard;

F. Handling, transport, packaging and identification

22. *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;

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

G. Socio-economic considerations

24. *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;

25. *Encourages* Parties to exchange research and information on socio-economic considerations to support Parties in taking into account socio-economic considerations, in accordance with Article 26, paragraph 1, of the Protocol;

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

26. *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;

27. *Also welcomes* 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;

I. Information-sharing

28. *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;

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

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

31. *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);

32. *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 it has entered, and; (f) information concerning illegal transboundary movements of living modified organisms;

J. Compliance and review

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

34. *Welcomes* 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;

35. *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;

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

37. *Welcomes* the 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;

38. *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

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

40. *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;

41. *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

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

Annex I

**CONCLUSION BY THE COMPLIANCE COMMITTEE AT ITS SEVENTEENTH MEETING
CONCERNING THE FOURTH ASSESSMENT AND REVIEW OF THE PROTOCOL AND FINAL
EVALUATION OF THE STRATEGIC PLAN FOR THE CARTAGENA PROTOCOL**

Area J – Compliance and review (operational objectives 3.1 and 3.2)

1. The Committee reviewed the information presented in the working document, including the summary of progress made towards the indicators related to operational objective 3.1 of the Strategic Plan for the Cartagena Protocol. It noted considerable variations in progress on indicators related to Parties' compliance with key obligations under the Protocol. It recognized the progress made by Parties in making certain information available to the Biosafety-Clearing House (for example on decisions on the importation of living modified organisms (LMOs) for intentional introduction into the environment), and in designating national focal points and competent national authorities. It also recognized, however, that limited progress had been reported in other areas, for example in relation to compliance with the obligation to take the necessary legal, administrative and other measures to implement the Protocol, and in relation to the obligation to submit a national report in a timely manner. The Committee discussed the need for Parties to have in place monitoring and enforcement systems for the implementation of the Protocol and that further efforts in that regard might be needed.
2. The Committee recognized that the Strategic Plan had enabled it to review in a systematic way the progress Parties had made on a number of key obligations under the Protocol and to consider the Committee's role in supporting Parties in this regard.
3. The Committee recognized that its work had contributed to the progress made towards achieving operational objective 3.1. It noted that its activities had focused mainly on a number of key obligations under the Protocol, in particular on: (a) compliance with the obligation to submit national reports; (b) the obligation to adopt the measures necessary for the implementation of the Protocol; (c) the obligation to designate focal points; and (d) the obligation to make mandatory information available to the BCH. The Committee recalled that, since the adoption of decision BS-V/1,⁹ it had taken incremental measures to address compliance in these areas, and that the Committee's role in contributing to progress reported by Parties had been welcomed by the Conference of the Parties serving as the meeting of the Parties to the Protocol. The Committee noted the importance of communicating the background of its recommendations to the Conference of the Parties serving as the meeting of the Parties to the Protocol.
4. The Committee noted with regret that, although the availability of financial resources for the implementation of the Protocol was an ongoing challenge for many Parties, the Committee's recommendations to invite Parties and donors to provide funding to support Parties in addressing their compliance issues had not resulted in the availability of funding for this purpose. The Committee also recognized that there might be other challenges that Parties face in complying with their obligations under the Protocol and that there is a need to analyse these challenges, following the conclusion of the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan for the Cartagena Protocol. The Committee recalled its past discussions in this regard, in particular concerning a previous survey, conducted in 2018, on challenges Parties faced in taking the necessary legal, administrative and other measures to implement the Protocol.¹⁰
5. The Committee recognized that lack of priority accorded to biosafety is an important challenge. In this context, the Committee recalled decision CP-9/7 and reiterated the importance of addressing biosafety in the post-2020 global biodiversity framework and suggested that this could contribute to mainstreaming

⁹ Decision BS-V/1 enabled the Committee to consider taking certain measures under section VI of the procedures and mechanisms on compliance (decision BS-1/7, annex), if a Party fails to submit a national report or information has been received through a national report or the Secretariat, based on information from the BCH, that shows that the Party concerned is faced with difficulties complying with its obligations under the Protocol.

¹⁰ CBD/CP/CC/15/4.

biosafety and to raising awareness on biosafety. The Committee was also of the view that a reference to the Implementation Plan for the Cartagena Protocol and the Capacity-Building Action Plan should be included in the post-2020 global biodiversity framework, recognizing that the Protocol can be relevant to the achievement of the three objectives of the Convention on Biological Diversity.

6. The Committee noted that the analysis for the fourth assessment and review of the Protocol and the final evaluation of the Strategic Plan was based on a limited number of national reports received by 15 January 2020 and that an update to the analysis might be necessary at a later stage.

Annex II

**CONCLUSION BY THE LIAISON GROUP ON THE CARTAGENA PROTOCOL AT ITS
FOURTEENTH MEETING CONCERNING THE FOURTH ASSESSMENT AND REVIEW OF
THE PROTOCOL AND FINAL EVALUATION OF THE STRATEGIC PLAN FOR THE
CARTAGENA PROTOCOL**

A. National biosafety framework (operational objectives 1.1 and 2.1)

1. The Liaison Group noted with concern that just over half of the Parties (55%) reported having fully introduced the necessary legal, administrative and other measures to implement their obligations under the Protocol. The Liaison Group was of the view that support should be made available to Parties to address this issue. The Liaison Group noted the ongoing work of the Compliance Committee in that regard and recognized the importance of further reviewing the challenges that Parties face in this area.
2. The Liaison Group underlined that further support and resources are needed to ensure that all Parties have effective biosafety institutions, given their crucial role in implementing the Protocol. It recognized that mainstreaming biosafety as well as inter-institutional collaboration, including at the regional level, could be useful. The Liaison Group also recognized the progress reported in establishing functional administrative arrangements, noting that almost all Parties (94%) reported having permanent staff to administer the functions related to biosafety.

B. Coordination and support (operational objectives 1.2)

3. The Liaison Group noted that limited progress had been achieved regarding operational objective 1.2 on coordination and support.
4. The Liaison Group noted with concern that there had been little or no progress in four regions as regards meeting the capacity-building needs of Parties, and observed that in some of these regions, none of the Parties reported that their capacity building needs had been met. The Liaison Group stressed the importance of strengthening the capacities of Parties for the implementation of the Protocol, also considering that the rapid advancements in biotechnology would require ongoing capacity development.
5. The Liaison Group recognized the importance of coordination among relevant authorities and at various levels and was of the view that mainstreaming biosafety could be useful for advancing implementation.
6. The Liaison Group noted with concern that a diminishing number of Parties reported having access to additional financial resources beyond their national budgets.

C. Risk Assessment and risk management (operational objectives 1.3 and 2.2)

7. The Liaison Group noted the progress by Parties in carrying out risk assessments pursuant to the Protocol. It welcomed that nearly all decisions¹¹ published on the Biosafety Clearing-House had a corresponding risk assessment summary report (96%) and considered that this was particularly notable in view of the increased number of decisions published in the BCH.
8. The Liaison Group welcomed the progress reported by Parties in adopting common approaches to risk assessment and risk management and in adopting or using guidance documents for the purpose of conducting risk assessments or evaluating risk assessment summary reports submitted by notifiers.
9. The Liaison Group recognized the need for further support in this area, including by strengthening human resource capacities and by facilitating access to sufficient financial resources and adequate technical infrastructure.

¹¹ For this purpose, the decisions regarding transboundary movement of LMOs for intentional introduction into the environment (under Article 10 of the Protocol) and those related to import or domestic use of LMOs for direct use as food or feed, or for processing (under Article 11 of the Protocol, or under the domestic framework) were considered.

D. LMOs or traits that may have adverse effects (operational objective 1.4)

10. The Liaison Group noted with appreciation that Parties generally reported having the capacities to detect (79%), identify (77%), assess (77%) and monitor (71%) LMOs or traits that may have adverse effects on the conservation and sustainable use of biological diversity. It noted with concern, however, that, in some regions, capacities in these areas are limited and that further support is needed to address this issue.

E. Liability and redress (operational objectives 1.5 and 2.4)

11. The Liaison Group noted with regret that only 47 Parties to the Cartagena Protocol on Biosafety had ratified the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress. It recognized that more awareness-raising on the Supplementary Protocol was needed to support ratification efforts.

12. The Liaison Group welcomed the fact that a majority of the Parties to the Supplementary Protocol (60%) had fully introduced measures to implement the Supplementary Protocol, but recognized that support should be provided to Parties facing challenges.

F. Handling, transport, packaging and identification (operational objectives 1.6 and 2.3)

13. The Liaison Group welcomed the fact that almost all Parties (96%) reported some laboratory personnel having been trained in LMO detection, but noted with concern that about half of these Parties indicated that more training would be required. The Liaison Group also noted that most Parties reported having reliable access to laboratory facilities (87%). It noted with concern, however, that Parties continued to face challenges and that support is needed in that regard, including through cooperation on transboundary movement of LMOs at the regional level.

G. Socio-economic considerations (operational objective 1.7)

14. The Liaison Group noted that about half of the Parties (52%) had reported having specific approaches or requirements that facilitate how socio-economic considerations should be taken into account in LMO decision-making.

15. The Liaison Group suggested that it would be useful to exchange research and information on socio-economic considerations to support Parties in this area.

H. Transit, contained use, unintentional transboundary movements and emergency measures (operational objective 1.8)

16. The Liaison Group welcomed the fact that most Parties reported having measures in place to regulate contained use of LMOs (80%) and LMOs in transit (70%).

17. The Liaison Group also welcomed the fact that most Parties (70%) reported having the capacity to take appropriate measures in case of unintentional transboundary movements of LMOs. The Liaison Group recognized the importance of supporting the remaining Parties in adopting the necessary measures and developing their capacities in that regard.

I. Information sharing (operational objectives 2.6, 4.1 and 4.2)

18. The Liaison Group noted 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. It also noted the importance of ensuring that records remain up-to-date.

19. The Liaison Group welcomed that almost all Parties had designated their national focal point for the Cartagena Protocol (92%) and their national focal point for the BCH (97%). The Liaison Group noted 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), but recognized that approximately one third of Parties (32%) had not yet done so and that this remained an issue that required attention.

J. Compliance and review (operational objectives 3.1 and 3.2)

20. The Liaison Group recalled that the Compliance Committee had reviewed progress on operational objective 3.1 and in this context, had reviewed the trends in the submission of national reports over the different reporting cycles since the baseline.

21. The Liaison Group noted with regret the limited number of fourth national reports that had been submitted by the cut-off date for the analysis for the fourth assessment and review of the Protocol (99 reports) and the final evaluation of the Strategic Plan and that this may have affected the status and trends identified. It suggested that an update to the analysis might be necessary at a later stage.

22. The Liaison Group recognized that there may be a number of reasons for the low level of submission of fourth national reports and recognized the ongoing work of the Compliance Committee in this regard. The Liaison Group noted the importance of timely access to funding to support eligible Parties in the preparation of their national reports. It stressed the need for eligible Parties to submit letters of commitment to UNEP in a timely manner. The Liaison Group suggested that, for future reporting cycles, a firm deadline for the submission of letters of commitment be set and that project proposals be submitted for approval by GEF expeditiously thereafter.

K. Public awareness and participation, biosafety education and training (operational objectives 2.5, 2.7 and 4.3)

23. The Liaison Group noted the progress on some indicators in this area and acknowledged the importance of public awareness, education and participation for the implementation of the Protocol. It recognized that more support in this area was needed.

24. The Liaison Group noted that Parties had made some progress in having in place fully functional mechanisms for public participation in decision-making on LMOs and suggested that further efforts in this area should be made.

25. The Liaison Group was of the view that national websites and searchable databases could be useful to promote and facilitate public awareness.

26. The Liaison Group welcomed the high number of Parties (86%) that reported having academic institutions offering biosafety education and training programmes. The Group suggested that Parties should be encouraged to share educational and other materials through the Biosafety Clearing-House.

L. Outreach and cooperation (operational objectives 5.1, 5.2 and 5.3)

27. The Liaison Group noted the importance of cooperation among Parties in addition to cooperation among intergovernmental organizations.
