



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/BS/COP-MOP4/
Bur/2008/1/3
1 December 2008

ORIGINAL: ENGLISH

BUREAU 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
Berlin, Germany, 28 November 2008

MINUTES OF THE FIRST MEETING OF THE BUREAU 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 HELD IN BERLIN, GERMANY, ON FRIDAY, 28 NOVEMBER 2008

INTRODUCTION

1. The First meeting of the Bureau 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 (COP-MOP) was held on 28 November 2008 in Berlin, Germany, at the Paul Löbe Haus from 10:00-13:00. The meeting was chaired by Mr. Wolfgang Koehler, Head of Unit, Biotechnology and Genetic Engineering, Federal Ministry of Food, Agriculture and Consumer Protection, representing the President of the 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. The following Bureau members attended the meeting:

Present:

- Ms. Somaly Chan (Cambodia)
- Mr. Ricardo Torres Carrasco (Colombia)
- Ms. Snezana Prokic (Serbia)
- Dr. Abdelbagi Mukhtar Ali (Sudan)
- Mr. Robert Lamb (Switzerland)
- Mr. Deon Stewart (Bahamas), substituting for Haiti on the COP Bureau

In Attendance:

- Mr. Volker Matzeit, German Federal Ministry of Food, Agriculture and Consumer Protection
- Mr. Kazuaki Hoshino, Ministry of Environment, Japan, ex-officio member
- Ms. Ai Gonda, Embassy of Japan, Berlin, Germany, ex-officio member
- Ms. Elizabeth Mrema, representative of the Executive Director, UNEP
- Dr. Ahmed Djoghlaf, Executive Secretary, SCBD
- Mr. Charles Gbedemah, Head, Biosafety Division, SCBD
- Ms Dominique Kayser, Secretary of the Governing Bodies, SCBD
- Ms Nandhini Krishna, SCBD Liaison officer, New York

Ms. Åsa Norrman (Sweden) and Dr. Volodymyr Domashlinets (Ukraine) were not able to attend due to unforeseen circumstances. The process for substituting Parties for Cook Islands and Malawi had not been finalized thus their inability to attend the meeting.

ITEM 1 OPENING OF THE MEETING

2. The meeting was opened by Mr. Koehler who welcomed the Bureau members.
3. The Chair then moved to the agenda items for consideration.

ITEM 2 ADOPTION OF THE AGENDA

4. The Bureau, having considered the proposed provisional agenda which had been prepared by the Executive Secretary, in consultation with the President, adopted it as follows in its structure and content:

1. Opening of the meeting
2. Adoption of the agenda
3. Draft Biosafety Programme of Work 2009-2010
4. Proposed Provisional Agenda for the COP-MOP/5, Nagoya, Japan
5. Review of the questions for the online conference on the identification of the relevant standards with regard to handling, transport, packaging and identification of living modified organisms, the existing gaps and possible modalities for filling the gaps
6. Preparations towards the meeting of the Group of the Friends of the Co-Chairs of Legal and Technical Experts on Liability and Redress
7. Date and venue of the second and third meetings of the COP-MOP/4 Bureau
8. Other matters
9. Closure of the meeting

ITEM 3 DRAFT BIOSAFETY PROGRAMME OF WORK 2009-2010

5. The Chair invited the Secretariat to brief the Bureau members on the main issues for consideration under this agenda item.

6. The Secretariat informed the Bureau that the Programme of Work, 2009-2010, before them was derived from the 16 decisions taken by COP-MOP/4 in May 2008, with the aim of operationalizing the decisions. The Secretariat further noted that some work under this programme has already begun. It was noted that the recent meetings of the Informal Advisory Committee (IAC) of the BCH, held in Montreal, Canada on 17 and 18 November, 2008 and the meeting of the Compliance Committee, held in Kuala Lumpur, Malaysia, from 19-21 November 2008, are all activities under the POW. The Secretariat informed the Bureau that the BCH IAC meeting had involved the participation of new members, a transition that had brought renewed energy to the Committee. The Compliance Committee had also seen the departure of some members, with a new set of members set to join as of January 2009.

7. The Secretariat also informed members that, as decided by the COP-MOP, the online conference on capacity-building in environmental risk assessment and post-release monitoring of LMOs, originally planned to last for two weeks, had been launched on BCH. The online conference had 173 registered participants but had, to date, received only 50 postings from 21 of those participants. It was noted that the conference was extended for two week due to the low participation in the first two weeks. Underlining the low percentage of participation (12%), the Secretariat invited Bureau members to encourage their constituents to participate actively in the online conferences.

8. The meeting was further informed that, concurrently, the Open-ended Online Expert Forum on Risk Assessment and Risk Management, which is part of a continuous process established in decision BS-IV/11 and that comprises the following events: i) the establishment of an open-ended online forum, ii) discussion groups on specific topics, iii) two series of sub-regional real time conferences, and iv) two meetings of the Ad Hoc Technical Expert Group (AHTEG), has also been launched. The outcomes of the online discussion groups and real-time conferences will serve as one

of the inputs to the deliberations of the first meeting of the Ad Hoc Technical Experts Group (AHTEG) on Risk Assessment scheduled for April 2009. This ongoing online conference has to date had 168 registered participants, comprising 134 nominated national experts and 34 observers. It was further noted that, to date, only 30 postings had been received.

9. The meeting was also provided with a list of national experts in the open-ended online forum, their regional representations and distribution as at 20 November 2008.

10. Bureau members were informed that the 15 national representatives and 5 observers who would be recommended for participation in the April 2009 AHTEG would be drawn from those who have actively participated in the online forum, ensuring geographical distribution, and contingent upon approval of the Bureau.

11. In response to a request from the representative of Japan regarding the status of preparations for the AHTEG, the Secretariat indicated that the main challenge would be funding for the second AHTEG for risk assessment. The Secretariat reminded Bureau members that the decision to organise an AHTEG relied on funding from voluntary contributions, not the core budget. The Secretariat explained that a notification requesting overall voluntary contribution for biosafety activities, as approved in decision BS-IV/7, had been issued in June, 2008 but that to date, no firm pledges had been received, although negotiations were ongoing with the European Union for some of the component of the contributions.

12. In response to the circulation of the list of experts in the online conference, the representative from Serbia requested that participants from the CEE region be clearly identified in the Europe group so that statistics could more easily be assessed.

13. The representative of Switzerland asked for an explanation regarding the criteria used in selecting experts to participate in the online conference. The Secretariat explained that registered experts had been nominated by national focal points based on their recognised expertise in risk assessment. The Secretariat underscored the fact that if an expert was not nominated to participate in the forerunner online discussions, they would not in future be considered for participation in the face-to-face AHTEG.

14. The representative of Cambodia asked whether participation was limited to one expert per country, and queried how the selection criteria for participation in the online forum had been developed. On a related point, the representative of Japan queried the open-ended nature of the process. In response, the Secretariat informed members that there was no limit to the number of experts that may participate per country, and that the selection criteria was based on criteria designed and approved by the COP-MOP for nominating experts to the roster of experts. He further indicated that the online forum was open to all those interested, but underlined the fact that the AHTEG would not be open-ended.

15. The Chair requested clarification on the difference between 'advisors', as used in the Group of the Friends of the Co-Chairs, and the general term 'observers', as used in the online discussion fora. The Secretariat explained that 'observers' were from non-Parties and other relevant organisations while 'advisors' are essentially Parties who are helping Parties in the negotiation process.

16. The representative from the Sudan, remarking on the low participation rate from Francophone Africa, underlined to members the importance of the process and encouraged his colleagues to reach out to their regions to encourage participation, as well as to ensure balanced geographical representation. In response to the issue of low participation from French Africa and a concern regarding language barriers, the Secretariat informed the Bureau that, assuming strong interest and participation from francophone countries, a dedicated online discussion forum would be conducted in French and chaired by a francophone.

17. Bureau members noted the fact that there was no representation from the Pacific Island Countries.

18. In response to a query from the representative from Colombia requesting clarification as to how the ultimate selection process for the AHTEG would proceed, the Secretariat underlined two key criteria: active participation in the online conference, and regional balance and geographical

distribution, followed by the endorsement of the Bureau. It was also recommended that in order to encourage greater participation, the Secretariat should continue receiving nominations concurrently with the process until 31 December 2008.

19. In concluding discussion on this item under the POW, the Secretariat reiterated that the final composition of the AHTEG will be the decision of the Bureau. The Chair thanked the Secretariat for preparation of the POW and proposed that the Bureau review the remainder of the activities contained in the POW by moving through it decision by decision. This was agreed upon.

20. In response to a question from the representative of Colombia regarding how pending decisions from COP-MOP/3 had been addressed, the Secretariat informed members that pending decisions had been aligned with relevant COP-MOP/4 decisions.

21. With respect to BS IV/3 on capacity-building, paragraph 11, which welcomes the offer by the Government of Japan to organise and host the third international meeting of academic institutions and other organisation involved in biosafety education and training, the representative of Japan informed the Bureau that Tsukuba University has begun to prepare itself to host the meeting in cooperation with the Ministry of Environment of Japan. The calendar of events indicated that the meeting was to be held in April 2010. The representative of Japan queried whether the meeting may be re-scheduled, at the latest to March 2010, in order to be aligned with the Government of Japan's 2009 budget cycle. The Secretariat indicated that this would not pose a problem and the Bureau agreed that the timing of the meeting would change.

22. On a question pertaining to decision BS IV/5 raised by the Chair on the Financial Mechanism and Resources as to whether there had been any results in launching a discussion with the GE, the Secretariat informed the Bureau that the Secretariat had officially informed the GEF of all the decisions of the COP-MOP through the COP. The GEF CEO had requested that Secretariat focal points be identified to ensure close liaison. In preparation for the GEF 5 funding cycle, members were assured that the GEF had indicated its intent to take into account COP-MOP guidance. On collaboration with the GEF, the meeting was informed that the Biosafety Unit worked with the GEF Evaluation Unit in evaluating the Resource Allocation Framework (RAF). The members were also informed that the Executive Director of UNEP had sent a letter to the CEO requesting extension of the BCH project. UNEP, as an implementing agency of the GEF, is currently preparing the project documents for submission to GEF.

23. The representative of the Sudan asked whether the Secretariat could anticipate how long it would take before additional funds could be expected from the GEF for biosafety activities. In response, the Executive Secretary informed the Bureau during the current GEF phase, additional resources can be available to eligible Parties through their respective GEF's Resource Allocation Framework (RAF) country allocation process. Additional funds for regional and multi-country projects will depend on the outcomes of the negotiation on the replenishment of the GEF V.

24. In relation to decision BS IV/10, point 4, regarding the handling, transport, packaging and identification of LMOs, the Chair requested information on the status of the online conference on HTPI standards. The Secretariat responded that the process for organising the online discussions was under development and that the questions for the online forum discussions were to be considered and approved by the Bureau at this meeting.

25. On the question of the general funding for the activities, the Secretariat noted that the highest cost elements of the voluntary contributions budget of US\$ 1,791,300 is the budget for the development of training modules for risk assessment and its training workshops, with a costing US\$584,200. It was however hoped that smaller budgets, such as that for Assessment and Review of US \$25,000, would be quickly mobilised so as to quickly address the issues.

26. At this juncture, the representative of Switzerland, addressing the issue of resource mobilization for voluntary contributions in support of approved activities, informed the Bureau of the COP-9 Bureau decision to facilitate resource mobilization for underfunded COP decisions. He noted that the activities were first prioritised, following which the Bureau agreed that a letter from the Presidency be sent to donors, enumerating the priority underfunded activities for their funding. He encouraged members to follow the same process with respect to the Cartagena Protocol.

no need currently for the development of a subsidiary scientific body in the COP-MOP process and that the issue was addressed presently under decision BS IV/13 on Subsidiary Bodies..

34. The representative of Japan indicated to the Bureau that he had instructions from his capital that it was premature at this Bureau meeting to take a final decision on the provisional agenda and that the Bureau should have rights of approval on the final draft.

35. The Chair explained that the Bureau would indeed give final approval to the provisional agenda and remarked that at this stage, approval of the document would merely facilitate planning within the Secretariat. The Bureau therefore, agreed that the proposed provisional agenda, contained in Annex , should serve as the basis for the Secretariat to continue its work towards Nagoya.

ITEM 5 REVIEW OF THE QUESTIONS FOR THE ONLINE CONFERENCE ON THE IDENTIFICATION OF THE RELEVANT STANDARDS WITH REGARD TO HANDLING, TRANSPORT, PACKAGING AND IDENTIFICATION OF LIVING MODIFIED ORGANISMS, THE EXISTING GAPS AND POSSIBLE MODALITIES FOR FILLING THE GAPS

36. The Secretariat informed the Bureau that, as requested in decision BS-IV/10, the Secretariat would organise an online conference to: (i) identify the relevant standards with regard to handling, transport, packaging and identification of living modified organisms (LMOs); (ii) identify where gaps exist; and (iii) suggest possible modalities to fill the gaps (paragraph 3 of Article 18). Members were informed that a notification had been issued by the Executive Secretary to Parties and stakeholders provide guiding questions for the conference, and in consultation with the Bureau would finalise the list of questions. It was further noted that, to date, guiding questions had been received from only the EU and the Global Industry Coalition (GIC). Based on these submissions, the questions had been prepared for the consideration of the Bureau. Further, the Secretariat had requested that due to the low response rate from Parties and stakeholders, the Secretariat needed some flexibility to add additional questions should other Parties submit proposals thereafter. The Bureau approved the questions prepared to date, as well as the Secretariat's request for flexibility to include additional questions, as appropriate.

ITEM 6 PREPARATIONS TOWARDS THE MEETING OF THE GROUP OF THE FRIENDS OF THE CO-CHAIRS OF LEGAL AND TECHNICAL EXPERTS ON LIABILITY AND REDRESS

37. The Secretariat informed the Bureau that the first meeting of the Friends of the Co-Chairs (FoCC) of Legal and Technical Experts on Liability and Redress would be held in Mexico City from 23-27 February 2009. It was noted that since the negotiations were at a critical stage, the selection for participation of the 'friends' of the Co-Chairs would be based on nominations by Parties, participation in earlier meetings and in consultation with the Co-Chairs. Further to a question raised, it was confirmed that the Co-chairs, as designated in decision BS-IV/12 and mandated by the COP-MOP, remain the same.

38. The representative of Japan asked whether there were any thoughts to share regarding how the discussions would evolve. In response, the Chair informed members that the focus of the meeting would be to eliminate the brackets contained in the document that had been submitted to the COP-MOP.

ITEM 7 DATE AND VENUE OF THE SECOND AND THIRD MEETINGS OF THE COP-MOP/4 BUREAU

39. The Bureau was informed that its second meeting is proposed to be held in Paris in late March/early April 2009 on the margins of the 7th meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (WGABS-9), immediately following the meeting of the COP-9 Bureau. The third meeting of the Bureau would be held in Kuala Lumpur, back-to-back with the COP-9 Bureau meeting at the margins of the 8th meeting of the WGABS in November 2009. The Bureau agreed.

ITEMS 8 and 9 OTHER MATTERS AND CLOSURE OF THE MEETING

40. As there were no other matters, the meeting was called to a close at 12.30.

ANNEX



CBD

DRAFT
**Convention on
Biological Diversity**
Distr.
GENERALUNEP/CBD/BS/COP-MOP/5/1
31 October 2008

ORIGINAL: ENGLISH

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

Fifth meeting

Nagoya , Japan, 11 - 15 October 2010

PROVISIONAL AGENDA**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 fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

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.

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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

10. Handling, transport, packaging and identification of living modified organisms (Article 18):
 - 10.1 Article 18, paragraph 2(a);
 - 10.2 Article 18, paragraph 3.
11. Rights and/or obligations of Parties of transit of living modified organisms.
12. Liability and redress (Article 27).
13. Risk assessment and risk management (Articles 15 and 16).
14. Public awareness and participation (paragraph 1, Article 23).
15. Monitoring and reporting (Article 33).
16. Assessment and review (Article 35).
17. Strategic plan of the Protocol and programme of work of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

IV. FINAL MATTERS

18. Other matters.
19. Date and venue of the sixth meeting.
20. Adoption of the report.
21. Closure of the meeting.
