29 January 2016

**CBD Notification 2015-139 - Peer review of the outcomes of the process in response to decision XII/24 on synthetic biology**

**Comments of Germany**

**General**

*The report of the meeting of the* ***Ad Hoc Technical Expert Group (AHTEG) on synthetic biology*** *serves as a valuable contribution to shape the discussion in a science based and balanced manner.*

**1. The AHTEG recommendation to establish a monitoring process**

 *A continuous monitoring process suggested by the AHTEG is supported in general. Details still have to be considered including feasibility and cost-efficiency.*

**2. The AHTEG noted that living modified organisms developed through applications of synthetic biology are similar to living modified organisms (LMOs) as defined in the Cartagena Protocol. In addition, the AHTEG pointed out that it is not clear at the current stage whether or not some organisms of synthetic biology which are currently in the early stages of research and development, would fall under the definition of LMOs under the Cartagena Protocol**

 *This statement is supported in general.* M*ost organisms produced through synthetic biology applications are to be considered as LMOs as defined in the Cartagena Protocol. Most organisms can therefore be assessed with risk assessment methodologies* as for example in the EU *already in place for LMOs.* However it should be noted that future applications may not be covered and that the examination whether it is necessary to amend risks assessment regimes in parallel to the development should be continued.

3. *Regarding other important issues such as the AHTEG’s broad operational definition of synthetic biology and potential gaps in oversight under the Convention and its Protocols with regard to components and products of synthetic biology, Germany has a general scrutiny reservation.*