

Submission by the EU and its Member States to CBD Notification 2019-027

Overview of the post-2020 process for the Cartagena Protocol on Biosafety

Introduction

The EU and its Member States would like to provide their initial views on the post-2020 process for the Cartagena Protocol on Biosafety in response to the SCBD Notification 2019-027.

Decision 9/7 stresses the necessity of developing a specific Implementation Plan as a follow-up to the Strategic Plan for the Cartagena Protocol on Biosafety and the importance of including biosafety in the post-2020 global biodiversity framework. According to the aforementioned decision, the Implementation Plan should be anchored in and complementary to the post-2020 global biodiversity framework.

Implementation Plan

Additionally, it decides that the Implementation Plan will “(a) be developed as an implementation tool; (b) reflect the elements of the Strategic Plan for the Cartagena for the period 2011-2020 that are still relevant; (c) include new elements reflecting lessons learned and new developments relevant to biosafety; (d) ensure sufficient flexibility to account for developments during the implementation period; and (e) comprise indicators that are simple and easily measurable to facilitate the review of progress in the implementation of the Protocol”.

The vision and mission embedded in the Strategic Plan for the Cartagena Protocol on Biosafety for the Period 2011-2020 remain valid. However, it needs to be discussed if they are appropriate in an implementation plan. General outlining elements such as the context and the assumptions should be kept, yet modifications will be necessary after the drafting of the concrete elements of the Implementation Plan.

We propose a new structure, as the Implementation Plan needs to focus on the main challenges Parties are facing and there are still open aspects in the implementation of the Protocol. As restructuring model, we suggest splitting the Implementation Plan into three main areas:

- Implementation: Regulatory and policy, Monitoring and reporting, Compliance, Liability and redress, Biosafety Clearing-House, Unintentional transboundary movements, etc.;
- Technical aspects: Risk assessment and risk management, Socio-economic considerations, Detection and identification, etc.;
- Enabling instruments: Capacity-building, Cooperation, Public awareness, education and participation, etc.

The above restructuring model is open for discussions. All aspects of the Protocol need to be considered. The general elements from the current Strategic Plan are still valid, yet they will need to be updated after we have a clearer understanding of the new Implementation Plan.

In order to keep the flexibility, it might be useful to allow for deletion or inclusion of elements into the Implementation Plan, e.g. as an outcome of a mid-term review.

The review and evaluation processes are important. Besides defining long term targets, it might be useful to also define short term milestones (5 years).

Vis-à-vis the overarching goals and indicators of the Plan based on the provisions of the Protocol, these five-year milestones are intended to reflect more specific issues of the period under consideration, taking into account its context. As such, it is important that the COP-MOP has the possibility, at any time, to define new milestones if necessary. It would be regrettable to see proposals for relevant milestones rejected on the grounds that they were not initially included in the Implementation Plan.

Such milestones could also be relevant in application of decisions that will be made at subsequent COP-MOPs, and their adoption should not be blocked by the fact that they would not initially be included in the Implementation Plan. It must be clarified that if the Plan is to guide the work of the Protocol over the next ten years, this framework can evolve in a way to allow, if the COP-MOP so decides, to launch additional activities.

The reporting format for the national reports needs to reflect the defined indicators and those indicators need to be designed to measure progress by an evaluation of the national reports.

A careful analysis on how to update the content is necessary, including what has been achieved, where the emphasis should be placed for the next 5-10 years, what should be the level of detail, the number of indicators, etc.

Some priorities for capacity-building were identified by the Liaison Group on Capacity-building for Biosafety at its 12th meeting, either for the remaining period or as topics for a follow-up: development of national biosafety legislation, risk assessment, detection and identification of living modified organisms, and public awareness, education and participation, liability and redress, biosafety mainstreaming and information sharing, socio-economic considerations.

These should form the core of the Implementation Plan. However, other issues relevant or necessary for a full implementation of the Protocol also need to be kept: unintentional transboundary movements, transit and contained use, etc.

Considering the renewed structure proposal, the following examples could be helpful:

Example 1:

Overarching goal: “Full implementation of the Cartagena Protocol on Biosafety by all Parties”

Target 1: All Parties have national Biosafety Frameworks or dedicated biosafety legislation/regulations in place and operational.

Target 2: All Parties have dedicated national competent authorities and have nominated national focal points for the Cartagena Protocol and the BCH.

Target 3 (or 2.1): All Parties post the information on their biosafety legislation and decision taken under this legislation on the BCH.

Target XYZ

Enabling tools:

Indicators:

Related to target 1:

Number of Parties having a National Biosafety Framework in place

Number of Parties having implementing legislation in place.

Related to target 2:

Number of Parties having dedicated national authorities.

Number of Parties having nominated National focal points for the Cartagena Protocol and the BCH (and kept them up-to date)

Example 2:

Overarching goal: “All Parties carry out risk assessments of LMOs in line with the requirements of the Protocol”

Target 1: Risk assessment guidance and training manuals are available to Parties.

Target 2: All Parties carry out risk assessments of LMOs following the guidance or national requirements in line with the Protocol

Target 3 (or 2.1): All Parties post the information and outcomes of the risk assessments on the BCH.

Target XYZ

Enabling tools:

Indicators:

Related to target 1:

Number of documents published on the CBD website

Related to target 2:

Number of Parties carrying out risk assessments in line with the Protocol

Related to target 3 (or 2.1):

Number of Parties posing information on their risk assessment a) requirements and b) outcomes on the BCH

Example 3

Overarching goal: “Dedicated capacity building activities are carried out to assist Parties to establish and/or implement the National Biosafety Frameworks”

Target 1: Training sessions are organized.

Target 2: Financing is made available.

Target XYZ

Enabling tools:

Indicators:

Related to target 1:

Number of training sessions, number of participants

Capacity-building Action Plan

The specific action plan has to reflect the content and development of the long-term strategic framework for capacity-building beyond 2020. However, the Cartagena Protocol specific issues need to be kept in the specific action plan (e.g. objectives, updated focal areas for capacity building, resources, monitoring and evaluation).

The operational part of the Capacity Building Action Plan needs to reflect the goals of the Implementation Plan. This also means that the structure needs to be aligned.

Some general aspects of the current Framework and Action Plan need to be kept (i.e. 3.2 Objectives, 3.4 Focal areas for capacity-building - revised, 4.3 Resources for implementation, 4.4 Monitoring and evaluation). Others can be moved to the general strategic framework for capacity building. However, if they are not reflected there, they need to be kept in the Action Plan under the Cartagena Protocol on Biosafety: 3.3 Guiding principles, 3.5 Strategic actions, 3.6 Strategic approaches to capacity building, 3.7 Sustainability strategies and measures.

As in the current Action Plan, it is necessary to define the desired outcomes (general) and more specific results/outputs. In addition, it is necessary to specify possible activities which could lead to these results/outputs.

However, we believe that it is not necessary to define indicators in the capacity building action plan because they are already defined in the Implementation Plan. As capacity building is to be understood as an enabling instrument for the Implementation Plan and the two documents should be read together, there is no need for duplication.

Biosafety component in the Post-2020 Global Biodiversity Framework

We consider that it is vital to have a biosafety component in the post-2020 biodiversity framework. It has to be noted that at the current stage of discussion, where the structure and nature of the new goals and/or targets is still under discussion, it remains challenging to formulate a concrete target on biosafety. Nevertheless, we provide a suggestion open for discussion below.

In order to be acceptable for all CBD Parties, the text should reflect the text of the Convention on Biological Diversity.

More specifically, the component could be built around the language of the Article 8 (g) of the Convention, which, referring to in-situ conservation, states that each contracting Party shall, as far as possible and as appropriate:

“Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health.”

Our preliminary suggestion for consideration is the following, remembering that it has to reflect the development of the structure and the specific text of the post-2020 global biodiversity framework:

Goal/target: By 2030 all Parties have in place means to regulate, manage or control the risks associated with the use and release of LMOs which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health. This can be achieved by implementing different approaches and modalities, one of them being important is the Cartagena Protocol on Biosafety and its specific Implementation Plan.
