

24 January 2020

Submission by the EU and its Member States to CBD Notification 2019-110
Review of post-2020 Implementation Plan and Capacity-building Action Plan
(Cartagena Protocol on Biosafety)

Introduction

The EU and its Member States would like to thank the Secretariat for the preparation of the current draft of the Implementation Plan for the Cartagena Protocol and the Capacity-Building Action Plan (2021-2030) as annexed to the Notification 2019-110. After the first steps of the envisaged consultative process, the current draft constitutes a very good basis for the next steps towards its final adoption at the 10th Conference of the Parties serving as Meeting of the Parties to the Protocol (COP-MOP 10) in Kunming.

According to the Decision CP 9/7 we would like to reiterate the importance of inclusion of the biosafety component into the post-2020 global biodiversity framework and the need to develop the Implementation Plan as a follow-up of the Strategic Plan of the Cartagena Protocol on Biosafety for the period 2011-2020, to be anchored in and complementary to the post-2020 global biodiversity framework.

Also, having in mind Decision CP 9/3 we stress the importance of the specific Action Plan for Capacity-Building for implementation of the Cartagena Protocol and its Supplementary Protocol that is aligned with the Implementation Plan as a follow-up of the Strategic Plan for the Cartagena Protocol on Biosafety and complementary to the long-term strategic framework for capacity-building beyond 2020.

Having in mind the above mentioned, the EU and its Member States would like to provide general and specific comments on the proposed text of the Implementation Plan and Capacity-Building Action Plan (2021-2030). Details are given in the Annex in the template for comments provided by the CBD Secretariat.

The EU and its Member States reserve their right to provide additional information with regard to the issues covered in the notification in the future, if necessary.

Annex

Comments by EU and its Member States on the draft Implementation Plan for the Cartagena Protocol and Capacity-Building Action Plan (2021-2030)

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Comments on the text and Appendix		
Page #	Line in text or Element in Appendix	Comment
0	0	<p>General comments:</p> <p>1) We believe that Implementation Plan and Capacity-Building Action Plan should remain separate documents on the following grounds:</p> <ul style="list-style-type: none"> - they are based on different COP/MOP decisions, - they serve a different purpose, - they have different links to two processes under the CBD, namely the post 2020 biodiversity framework and the strategic framework for capacity building - they have different target groups (e.g. for the Implementation Plan the target group are Parties and for the Capacity-Building Action Plan the target audience is broader as it involves wide range of stakeholders) - they undergo separate mid-term reviews.

		<p>We propose to continue the work on one document as already suggested by the Secretariat with elements of both the Implementation Plan (columns 1-4) and the Capacity-Building Action Plan (columns 5-6), based on the understanding that there will be two separate documents adopted at the COP MOP as well as two separate decisions.</p> <p>2) Several points raised in our submission related to the previous CBD Notification 2019-027 regarding the Capacity Building Action Plan, are not reflected in the introductory/explanatory text. Namely, there is no introductory text which would provide the context for the Capacity Building Action Plan and its clear linkage with the long-term strategic framework for capacity-building beyond 2020 that will be developed in near future. As long as the strategic framework for capacity building under the CBD is not available, it remains open which of the general capacity building issues currently reflected in the strategic framework and action plan for capacity building under the Cartagena Protocol will be taken up in one of the documents. Some of these issues reflect on crucial aspects for capacity building and should not be omitted in the final Capacity-Building Action Plan document. As mentioned in our submission to CBD Notification 2019-027 in April 2019 aspects of the current Framework and Action Plan for Capacity Building under the Cartagena Protocol 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).</p> <p>3) The functions of the CBD Secretariat have not been included. We agree that the main responsibility with the implementation of CP lies with the Parties. However, the Secretariat supports Parties in fulfilling their obligations under the Protocol and resulting from COP-MOP decisions. It hosts and maintains the Biosafety Clearing-House as the core instrument of the Protocol for effective and efficient information exchange. Furthermore, the Secretariat has a very important role in the process of implementation of the CP, as well as in the capacity building. Therefore, we think the obligations and the expected activities of the Secretariat, including but not limited to enhancing synergies among CBD, CP and NKLSP as well as with other MEAs dealing with biosafety, should be outlined preferably as a separate section in the general introduction to the two plans.</p>
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2	47-50	See general comments. It needs to be seen, which of the general aspects are reflected in the strategic framework and how they relate to capacity building under the Cartagena Protocol.
3	85-89	In the capacity-building action plan, only the areas can be identified. The focus and or priorities need to be defined by the Parties (as laid down in the current strategic framework).

5	Objective A.1.2	Objective A.1.2 (Parties have mainstreamed biosafety in national strategies, action plans, programmes, policies or legislation) fits better to part B of the Implementation Plan. Mainstreaming is not essential for the effective implementation of CP, but it creates enabling environment. This objective can be either objective to Goal B.4 (Parties enhance cooperation on biosafety issues at the national, regional and international levels) or a separate goal in Part B.
5	A.1 CB activity (i)	Please consider adding: “of competent national authorities” after “training”.
5	A.1 CB activity (ii)	Please consider adding: “and share it on the BCH”, at the end of the sentence.
6	Goal A.2. Indicator (c)	Indicator (c) <i>Level of activity by users of the BCH</i> is not clear enough. Please clarify and rephrase accordingly.
6	Objective A.2.1.	The title of objective A.2.1 (Parties provide accurate and complete information in the BCH in accordance with their obligations under the Protocol) should also include “timely” in addition to accurate and complete.
6	A.2 Outcome	Add the following: “BCH facilitates the availability and exchange of biosafety information for all the stakeholders and ...”
6	A.2. Key areas and CB Activities	It is not clear why the key areas and activities are linked to both goals (A2 and A3), as two key areas (1 and 2) and three capacity building activities are relevant for goal A2 only. It should be considered to move capacity building activity (iv) to goal A3 and objective A.3.1.
6	A.2. CB Activity (i)	We would prefer to change the order and place this capacity building activity last instead of first in the group of three BCH related activities. The main tool for Goal A.2 would be to have a user interface for the BCH that is as user-friendly as possible and to have user manual and support tools, while training would come in a later stage.
6	A.2. CB activity (ii)	Consider changing the wording to “Develop, maintain and update, as appropriate, interactive support tools, following the migration of the BCH to the new platform and make them available through the BCH”
6	A.2. CB Activity (iii)	Considering that capacity-building resources might be limited, the focus should be on the use of the central portal of the BCH first and foremost, hence we would prefer to delete this activity

6	A.2. CB activity (iv)	Please clarify: Provide training to establish and strengthen collaboration of whom? (e. g.: “among/within Parties” or “among/within target groups”
6	Goal A.3.	Goal A.3 (Full information on the implementation of the Protocol is made available by Parties) at present consists of a single objective A.3.1 (Parties submit complete national reports within the established deadline). The timely submission of complete national reports is an issue of compliance and it is also a key source for compliance information in general. For this reason we propose that objective A.3.1. becomes an objective under Goal 4 (Parties are in full compliance with the requirements of the Protocol). In this regard we also propose an additional indicator that reads: “The percentage of eligible Parties that have used GEF funding for preparation of their national reports”. The capacity building activity (iv) can be relevant for objective A.3.1.. In relation to goal A.3. see also the comment above on A.2. <i>Key areas and CB Activities.</i>
6-7	Goal A.4	Structurally Goal A.4 should be before Goal A.2.
6	A.4. indicator (a)	The wording of this indicator is misleading: “...obligations, as identified by the Compliance Committee. It needs to be stated that the CC does not identify obligations, as they are laid down in the Protocol.
6	A.4. outcome	Singular should be used in “compliance mechanism” as there is only one in the Cartagena Protocol.
6	A.4. key areas	The main area for capacity building is compliance as such and not the response to the Compliance Committee’s requests.
6-7	A.4 CB activity (i)	As this CB activity is written now it cannot be understood as capacity building activity. It appears to be rather a support mandate of the Compliance Committee. Please clarify.
7	A.4. Indicator (b)	We propose Indicator (b) to read: “Percentage of non-compliance issues identified by the Compliance Committee that have been resolved”
7	Objective A.5.1.	Modify the Objective A.5.1 to read: “Parties apply scientifically sound and appropriate risk assessment and risk management procedures on LMOs, in accordance with Annex III of the Protocol.”
7	Objective A.5.2.	Modify the Objective A.5.2. to read: “ Parties develop, have access to and use appropriate guidance materials for carrying out scientifically sound risk assessment and risk management, including guidance materials on new developments in modern biotechnology“

7	A.5. Indicator (d)	We propose indicator (d) to read: “(d) Percentage of Parties carrying out risk assessments considering other available scientific evidence as referred to in Article 15, including that coming from traditional knowledge of IPLCs.”
7	A.5. Outcome	We propose to change the wording to “Parties identify...” (delete “are able to”)
7	A.5. Key area (1)	We propose to change the wording to “Conduct and reviewing scientifically sound risk assessments and regulate, manage and control identified risks”
7	A.5. Key area (2)	We propose to change Key area (2) to read: “Access to institutional infrastructure and technical expertise for risk assessment and risk management.”
7	A.5. Key area (4)	LMO monitoring is not mentioned in the text of the implementation plan. Though it is recognized that this is an important issue, the current presentation (one document for both plans), is not adequate, as there is no justification for CB in this area if there is no related objective or indicator (see also general comments).
7	A.5 CB activity (i)	We propose to add words: “and share it on the BCH” at the end of the sentence, so the A.5 CB activity (i) would read: “(i) Develop, update and disseminate training materials on risk assessment and risk management and share it on the BCH.”
7	A.5. CB activity (ii)	We propose the A.5. CB activity (ii) to read: “Training relevant national authorities on conducting and reviewing risk assessments, including access to and use of guidance documents and the gathering and analysis of scientific information.”
7	A.5. CB activity (iii)	We propose to change the wording to “Strengthen institutional infrastructure and facilitate technical expertise for risk assessment and risk management.” The EU and its MS think that considering this activity as capacity building activity might cause confusion. Therefore we request the Secretariat to consider moving it to part B on 'enabling environment'.
7	A.5. CB activity (iv)	It seems questionable whether the conduct of scientific research is a capacity-building activity. If this activity shall be maintained, consider changing the wording to: “Train relevant national scientists on how to conduct scientific biosafety research relating to LMOs, including to review and acquire data on biodiversity for specific ecological areas relevant to risk assessment and risk management”

8	A.5. CB activity (vi)	Consider changing the wording to “Training relevant stakeholders on the development of LMO monitoring, frameworks and programmes, where there is uncertainty.”, or, alternatively to “Facilitate the development of LMO monitoring...” (add “facilitate”)
8 and 9	Goals A.6., A.7. and A.8.	The order needs to be changed the current A6 should be last of the three, as detection and identification is a tool serving several purposes, among them those reflected under A.7. and A.8.
8	A.6.3.	The logical order would be to put this objective first.
8 and 9	A.6., 7. and 8. Key areas and activities	<p>With the exception of key area (1) all other areas and activities deal with sampling, detection and identification.</p> <p>The objectives under A.7. and A.8. do require different and more activities, e.g. related to management, border control, etc. This is not reflected.</p> <p>Also, it might be relevant to come up with Key areas for CB and CB activities specific to handling, transport, and packaging of LMOs (under Goal A.8), which are not sufficiently covered in the current document. For example, one of the CB activities could be “Provide training on LMO transport and packaging.”</p>
8	A.6. Key area (2)	Note that a comprehensive Training Manual on detection and identification of LMOs is currently almost finalized. It may need supplementation or updating, but we consider it unlikely that an entirely new document will be needed before 2030. This ought to be reflected in the wording.
8	A.6 CB activity (iii)	Modify the wording to read: “(iii) Develop and/or update as necessary, disseminate and provide training on methodologies and protocols for sampling, detection and identification of LMOs, and publish the methodologies and protocols as well as the training material on the BCH”.
8	A.6. CB activity (iv)	Consider changing the wording to “Train national scientists and laboratory technicians in sampling and LMO detection and analysis” (replace “local” with “national”, add “sampling and”)
8	A.6 CB activity (v)	<p>Modify wording to read: “(v) Enable technical infrastructure for detection and identification of LMOs, including accredited laboratories, certified reference materials and consumables.”</p> <p>The EU and its MS think that considering this activity as capacity building activity might cause confusion. Therefore we request the Secretariat to consider moving it to part B on 'enabling environment'.</p>

10	A.9. Key area (1)	Consider changing the wording to "...with Article 26, for Parties that choose to do so." (add "for Parties that choose to do so.")
10	Goal A.9	Modify wording to read: "A.9. Parties that choose to do so, voluntarily take into account socio-economic considerations when making decisions on the import of LMOs and cooperate on research and information exchange in accordance with Article 26 of the Protocol."
10	A.9. Outcome	Consider changing the wording to: "Parties that choose to do so, are able to take into account socio-economic considerations in accordance with Article 26". The outcome as it is phrased now is unclear and we would appreciate the wording from the last version of the draft Implementation plan.
10	A.9. Key area (1)	Please consider adding the following text after wording on "Article 26": "for Parties that choose to do so."
10	A.9 CB activity (i)	Modify the wording to read: "Train relevant national authorities to take into account socio-economic considerations, including use of guidance documents."
10	A.9 CB activity (ii)	Please consider adding at the end of the sentence: "and make them available on the BCH."
10	A.9 CB activity (iii)	Please consider adding at the end of the sentence: "among others by sharing them as best practices on the BCH."
11	A.10. Key area (5)	<p>Modify the wording to read: "Identify the appropriate baselines of the status of biodiversity."</p> <p>The issue of development of baselines is more appropriately addressed under the Convention than in the Cartagena Protocol. Therefore, it should not be considered an area for Capacity Building under the Protocol. But identification of baseline of the status of biodiversity should be considered since the baselines have a particular purpose, which is to serve for the assessment of damage to biodiversity caused by the dissemination of LMOs.</p>
11	A.10. indicator (c)	It should read "Percentage of Parties to the Supplementary Protocol..."
11	A.10 CB activity (i)	Modify the wording to read: "Raise Awareness of Parties on the Supplementary Protocol to support ratification and implementation."
11	A.10 CB activity (v)	Modify the wording to read: "Provide training to competent authorities of Parties to the Supplementary Protocol to strengthen scientific and technical capacities to evaluate damage, establish causal links and determine appropriate response measures."

11	A.10 CB activity (vi)	Modify the wording to read: “(vi) Identify databases and knowledge management systems relevant to baselines in order to monitor the status of biodiversity.”
11	A.10 CB activity (vii)	Modify the wording to read: “Provide training to national competent authorities to undertake an administrative or judicial review of decisions on response measures in accordance with Article 5(6) of the Supplementary Protocol.”
13	Objective B.1.4	Modify the wording to read: “Parties cooperate to strengthen other Parties’ capacities for the implementation of the Protocol”.
13	B.1 Indicator (d)	Modify the wording to read: “(d) Percentage of Parties that cooperate to strengthen other Parties’ capacities for the implementation of the Protocol.”
12	B.1. CB activity (i)	Modify the wording to read: “Provide assistance to, and carry out a capacity-building needs assessment”
12	B.1 CB activity (ii)	<p>This should be decided and linked to the post 2020 capacity building long-term strategy.</p> <p>It should be clear who would implement this activity. If the Parties should implement this it would be helpful to mention this clearly. If the Secretariat is intended to do this, we would propose rephrasing and use the wording ‘to facilitate’ in most cases.</p>
12	B.1 CB activity (iii)	<p>It should be clear who would implement this activity. The Secretariat can develop and disseminate most. However, the Parties should be responsible for implementing this in the local languages.</p> <p>Please also consider adding: “among others by posting them on the BCH”</p>
13	B.2 CB activity (i-iii)	It should be clear who would implement these activities. See our general comments under point 7.
14	B.3 CB activity (i-vii)	It should be clear who would implement these activities. See our general comments under point 7.
15	B.4 CB activity (i-ii)	It should be clear who would implement this activities. See our general comments under point 7.