



XI Conference of Parties
CONVENTION ON BIOLOGICAL DIVERSITY
HYDERABAD INDIA 2012

Press Brief - Protocol on Biosafety

Assessment and Review

Background

The Protocol requires the COP-MOP to undertake an evaluation of the effectiveness of the Cartagena Protocol on Biosafety, including an assessment of its procedures and annexes, at least every five years.

What has been done?

At the fourth meeting, the COP-MOP conducted the first evaluation of the effectiveness of the Protocol. It was noted, based on the analysis of the first national reports and the responses of Parties to a questionnaire that there was limited experience gained by Parties in the implementation of the Protocol. The COP-MOP recognised that the lack of operational experience did not provide a good basis for effective assessment and review of the Protocol.

At the fifth meeting, the COP-MOP decided that the scope of the second assessment and review is to focus primarily on evaluating the status of implementation of core elements of the Protocol and that the evaluation be based on information gathered through the second national reports and other sources. The Secretariat was requested to collect and compile the information on the implementation of the Protocol and commission the analysis of the information with a view to facilitating the second assessment and review of the effectiveness of the Protocol. The COP-MOP also established a regionally balanced expert group to review the analysis of information.

At their fifth meeting, Parties also adopted a Strategic Plan of the Protocol (2011–2020) and decided that, among other things, the third assessment and review takes place in conjunction with the midterm review of the implementation of the Strategic Plan at COP-MOP 8, using, among other things, information collected through the third national reports.

What is expected at COP-MOP 6?

At its current meeting the COP-MOP is expected to:

- Review the recommendations of the regionally balanced expert group on the second assessment and review of the Protocol and establish a baseline of the status of implementation of the Protocol
- Evaluate the effectiveness of the Protocol as facilitated through the recommendations of the regionally balanced expert group on second assessment and review
- Establish a process towards conducting the midterm evaluation of the strategic plan of the Protocol in conjunction with the third assessment and review of effectiveness with the third assessment and review of effectiveness.



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Biosafety Clearing-House

Background

The Protocol established the Biosafety Clearing-House (BCH) as a mechanism to facilitate the exchange of information on, and experience with, Living Modified Organisms (LMOs) and to assist Parties to implement the provisions of the Protocol. The BCH is accessible at: <http://bch.cbd.int/>.

What has been done?

Since its first meeting, the Conference of the Parties Serving as the Meeting of the Parties to the Biosafety Protocol (COP-MOP) identified the BCH as a core mechanism for the functioning and implementation of the Cartagena Protocol on Biosafety. It adopted the Modalities of Operation of the BCH which describe its core roles and characteristics, its administration and technical oversight (including the responsibilities of the Secretariat, BCH National Focal Points and relevant organizations) and the modalities for periodic reporting and review of the BCH's operations.

In subsequent meetings, the COP-MOP also adopted a Multi-year Programme of Work for the operation of the BCH; reviewed its implementation of the work programme and took additional decisions to improve the operations of the BCH. At its last meeting in Nagoya, Japan, the COP-MOP adopted a Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020 in which information sharing and capacity-building regarding the BCH are set out as strategic objectives with defined expected outcomes and measurable indicators aimed at monitoring the progress toward the established objectives.

Today, the BCH is widely used all around the world as the main repository of information on living modified organisms (LMOs). It is translated into the six official UN languages and makes available information received by Parties, other Governments, International Organizations and other stakeholders groups on LMOs, decisions, risk assessments, national legislation, public participation, capacity building and scientific literature on biosafety. The BCH also provides tools for the analysis and graphic representation of its data. As of May 2012, the BCH housed more than 3,000 records officially submitted by Governments and approximately 11,000 records submitted by general BCH users.

The BCH is also a resource that facilitates the debate on LMOs. Since the last COP-MOP, twenty-seven online discussion groups, on eight different thematic areas of the Protocol, and eight real-time conferences, on two of these thematic areas, were launched and coordinated by the Secretariat. The discussion groups and real-time conferences were attended by a total of 1243 participants from all of the global regions. Some of the discussion groups and real-time conferences were conducted in official United Nations languages other than English. In addition to the forums, interaction among stakeholder groups on specific thematic areas is also facilitated by the 12 collaborative online portals that are currently active on the BCH.

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On the basis of the information contained in (a) the BCH, (b) the Second National Reports and (c) the preliminary assessment of the BCH using indicators of the Strategic Plan (COP-MOP/6/INF/22), relevant progress on the use of the BCH in recent years is quite evident. In particular, in comparison to the data reported to the previous COP-MOP, the total number of records, the percentage of decisions that are supported by an accompanying risk assessment summary and the total amount of traffic generated by the BCH, from both developed and developing countries, have all increased significantly.

Similarly, an unrefined comparison of the BCH's data with that from the database maintained by the Biotechnology Industry Organization (BIO) also reveals positive results in terms of the completeness of records registered in the BCH. As of May 2012, the total number of decisions on LMOs transboundary movements officially registered by Parties represented 93% of the total number of events registered in the BIO database.

Less positively, as of May 2012, 22% of the decisions on LMOs transboundary movements registered by Parties are still missing the required risk assessment summaries. However, in 2010 this figure was 46% and there has been therefore a significant improvement.

What is expected at COP-MOP 6?

At its sixth meeting, the COP-MOP is expected, among other things, to consider the progress report on the programme of work for the operation of the BCH and to provide further guidance on the operation and activities of the BCH, which might include decisions for enhancing capacity-building in the use of the BCH.

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Capacity-Building

Background

Parties are required to cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety for the purpose of the effective implementation of the Protocol, taking into account the needs of developing country Parties and Parties with economies in transition for financial resources and access to technology and know-how.

What has been done?

At its first meeting, the COP-MOP adopted an Action Plan on capacity-building and established a coordination mechanism for implementation of the Action Plan. It also adopted guidelines for the Roster of Biosafety Experts and for the Voluntary Fund for the Roster, established by the COP to provide support, upon request, to developing country Parties and Parties with economies in transition.

At its third meeting, the COP-MOP adopted an updated version of the Action Plan and decided to conduct comprehensive reviews of the Action Plan every five years, based on an independent evaluation of the of the initiatives underpinning its implementation.

At its fifth meeting, the COP-MOP adopted terms of reference for the comprehensive review of the Action Plan for Building Capacities for the effective Implementation of the Protocol to be considered at COP-MOP 6. The COP-MOP requested the Secretariat to commission an independent evaluation of the Action Plan and to prepare a working document to facilitate the comprehensive review of the Action Plan.

What is expected at COP-MOP 6?

At the sixth meeting, it is anticipated that the COP-MOP will, among other things:

Adopt a Framework and Action Plan⁰ for Capacity-Building for the Effective Implementation of the Protocol to replace the current updated Action Plan.

Consider and adopt strategic approaches aimed at improving the design, delivery, effectiveness, impact and sustainability of biosafety capacity-building initiatives.

Adopt measures to streamline and improve the implementation of the Coordination Mechanism.

Consider current status and operations of the roster of experts and adopt measures to maximize its use, including requesting experts on the roster to serve on relevant bodies under the Protocol such as Ad Hoc Technical Expert Groups (AHTEGs) and Informal Advisory Committees (IACs).



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Compliance

Background

The compliance procedures and mechanisms under the Cartagena Protocol on Biosafety were adopted at the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) in accordance with Article 34 of the Protocol. The procedures are cooperative in nature aiming to assisting instead of coercing Parties to comply with the Protocol. The major compliance mechanism is the Compliance Committee which was established to promote compliance with the provisions of the Protocol, and to address cases of non-compliance by Parties and to provide advice or assistance, where appropriate. The Compliance Committee is consisted of 15 members nominated by Parties and elected by the COP-MOP on the basis of three members from each of the five United Nations regional groups, to perform various functions in their personal capacity.

What has been done since the last meeting of the Parties?

The Compliance Committee has held nine meetings to date and submitted numerous recommendations to the COP-MOP. Most of the recommendations of the Committee have been well received by the COP-MOP. The Committee held its eighth and ninth meetings after the last COP-MOP meeting in October 2010 in Nagoya.

Following the decision of the fifth meeting of the COP-MOP to improve the supportive role of the Compliance Committee by expanding the grounds upon which the Committee may consider taking compliance measures, the Committee had been more active, in the past two years in its review of issues of compliance. Subsequent to its decision at its ninth meeting, the Committee sent a letter to six Parties to the Protocol that have not submitted any national report by that time advising them that they need to fulfil their reporting obligation. The Committee has forwarded its report and recommendations to the sixth meeting of the COP-MOP.

What is expected at COP-MOP 6?

The COP-MOP is expected to consider the recommendations of the Compliance Committee and take appropriate action. It is also expected to elect two nominees from each UN region for membership in the Compliance Committee to replace those members of the Committee whose term is due to end by the end of the year.



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Financial Mechanism and Resources

Background

The Cartagena Protocol on Biosafety provides that the financial mechanism of the Convention on Biological Diversity shall also be the financial mechanism for the Protocol. In 1994, the Conference of the Parties to the Convention (COP) designated the Global Environment Facility (GEF) as the institutional structure entrusted with the operation of the financial mechanism. The Protocol also encourages developed countries to provide additional financial and technological resources for the implementation of the provisions of the Protocol through bilateral, regional and multilateral channels.

What has been done?

At its previous meetings, the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) has adopted a number of decisions on matters related to the financial mechanism and resources and has made recommendations to the COP regarding further guidance to the financial mechanism (GEF) with respect to biosafety. At its fifth meeting the COP-MOP advised the COP to urge the GEF to continue to implement all previous guidance and provide support to eligible Parties for specific activities including capacity-building for effective participation in the Biosafety Clearing-House (BCH) and the preparation of the second national reports on the implementation of the Protocol.

The report submitted by the GEF Council to the eleventh meeting of the COP and the document prepared by the Secretariat for this item provide details on the status of GEF's support to date for the implementation of the Protocol.

What is expected at COP-MOP 6?

At the sixth meeting, it is expected that the COP-MOP will:

- Consider the current status and recommend to the COP measures to improve the level of GEF's support for the implementation of the Protocol, for incorporation into its further guidance to the GEF.
- Advise the COP to request the GEF to set aside a provisional eligibility criterion that was adopted at the first of the Parties to the Protocol allowing Parties to the Convention that are not yet Parties to the Protocol to receive GEF funding for certain capacity-building activities to enable them become Parties to the Protocol after providing a clear political commitment to do so.
- Recommend to the COP programme priorities and funding requirements for biosafety during the sixth GEF replenishment period 2014-2018 (GEF-6) for incorporation into its further guidance to the GEF.
- Adopt means of mobilizing additional financial resources for the implementation of the Protocol.



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Handling, Transport, Packaging and Identification of Living Modified Organisms

Background

The Cartagena Protocol on Biosafety requires Parties to take measures to ensure that living modified organisms (LMOs) being moved from one country to another are safely transported, handled and packaged.

The Protocol and some decisions of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) set specific requirements for the identification of LMOs in shipments moved between countries. The Protocol also requires the COP-MOP to consider whether to develop standards on the identification, handling, packaging and transport of LMOs.

What has been done?

At previous meetings, the Parties have elaborated requirements for documentation accompanying shipments of LMOs intended for direct use as food or feed, or for processing; LMOs for contained use; and LMOs for introduction into the environment. They have also considered whether to adopt a stand-alone document that would accompany shipments of LMOs and identify them as such.

The Secretariat has convened a series of regional workshops for customs officers on the identification and documentation of LMOs. The Secretariat is also a partner in the Green Customs Initiative, a network of international organizations that cooperates to enhance the capacity of customs and other relevant enforcement personnel to monitor and facilitate the legal trade and detect and prevent illegal trade in those environmentally-sensitive goods or substances covered by the partner organizations.

Discussions relating to scientific methods for detecting and identifying LMOs have also been convened online through the Biosafety Clearing-House.

What is expected at COP-MOP 6?

At their sixth meeting, the Parties will consider a study on existing standards relevant to the handling, transport, packaging and identification of LMOs as well as information from the second national reports on experience with the documentation requirements for LMOs for contained use and LMOs for introduction into the environment.

On the basis of this information, the Parties may decide, among other things:

- That the identification requirements for shipments of LMOs for contained and LMOs for introduction into the environment should be fulfilled through the use of existing documentation systems.
- To request cooperation with other international bodies such as the World Trade Organisation and the Organisation for Economic Co-operation and Development regarding standards on the handling, transport, packaging and identification of LMOs.



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Monitoring and Reporting

Background

The Protocol requires Parties to monitor implementation of their obligations under the Protocol and to report to the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) on measures taken to implement the Protocol.

What has been done?

At its first meeting, held in 2004, the COP-MOP requested Parties to submit their national reports on the implementation of the Protocol every four years. Since then one interim report and two regular national reports have been submitted by Parties to the attention of the COP-MOP. The Second Regular National Report is being considered at the current meeting.

In its last decision on monitoring and reporting, the COP-MOP adopted a new reporting format and requested Parties to use the reporting format for the preparation of their Second National Reports. The COP-MOP also encouraged Parties to respond to all questions in the reporting format, including questions that do not necessarily represent obligations under the Protocol, with a view to gathering information that facilitates the establishment of a baseline for subsequent assessment and review of the effectiveness of the Protocol, as well as to measure progress in the implementation of the Protocol.

In recognizing the need for financial resources to enable developing country Parties and Parties with economies in transition to fulfil their obligations under the Protocol, the COP-MOP also asked the Global Environment Facility (GEF) to make available financial resources to eligible Parties to facilitate the preparation of their reports.

As of 31 December 2011, the Secretariat had received Second National Reports from 143 of the 161 Parties to the Protocol. This represents 89% of the Parties. The number of Second National Reports submitted by Parties has greatly increased due to the financial resources made available by the GEF to eligible Parties. Since the deadline of 31 December 2011, three additional Parties have submitted their Second National Reports bringing the percentage of submission up to more than 90% of the Parties.

An evaluation of the status of implementation of core elements of the Protocol is foreseen under item 18 (Assessment and review) of the Preliminary Agenda.

What is expected at COP-MOP 6?

At the sixth meeting, it is expected that the COP-MOP might, among other things:

- Recognize that the information gathered from the Second National Reports establishes baselines for subsequent assessment and review processes of the effectiveness of the Protocol as well as for measuring the implementation and achievement of the Strategic Plan of the Protocol.
- Request the Secretariat to update the reporting format and submit the updated format to COP-MOP 7.
- Request Parties that have not yet submitted their national report to do so at the earliest opportunity.



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Press Brief - Protocol on Biosafety

Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety

Background

The Cartagena Protocol on Biosafety mandated the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP) to adopt, at its first meeting, a process for the elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of LMOs. After more than six years of negotiations, Parties finalized the negotiation of a new treaty known as "Nagoya – Kuala Lumpur Supplementary Protocol on Liability and Redress. The Supplementary Protocol was adopted on 15 October 2010 by COP-MOP at its fifth meeting held in Nagoya, Japan.

The Nagoya—Kuala Lumpur Supplementary Protocol on Liability and Redress is a treaty intended to supplement the Cartagena Protocol on Biosafety by providing international rules and procedures on liability and redress for damage to biodiversity resulting from living modified organisms (LMOs). The Supplementary Protocol provides for administrative procedures and requirements regarding response measures that need to be taken in the event of damage by LMOs that adversely affect the conservation and sustainable use of biological diversity, taking also into account risks to human health.

What has been done?

The Supplementary Protocol was open for signature at the UN Headquarters in New York from 7 March 2011 to 6 March 2012. By the closing date the Supplementary Protocol was signed by 51 Parties to the Cartagena Protocol on Biosafety. To date two countries have deposited their instrument of ratification of the Supplementary Protocol. The Supplementary Protocol will enter into force on the 90th day after the date of deposit of the 40th instrument of ratification, acceptance, approval or accession.

In the past two years, the Secretariat has carried out various activities in order to promote signature and ratification and subsequent implementation of the Supplementary Protocol. It has also made available various publications on the subject of liability and redress for environmental damage in general and damage to biological diversity resulting from living modified organisms in particular.

What is expected at COP-MOP 6?

The sixth meeting of the COP-MOP is expected to:

- Take note of the status of the Supplementary Protocol in terms of the number of signature and ratification it has received so far.
- Encourages Parties to the Cartagena Protocol on Biosafety to expedite their domestic ratification or accession processes so that the Supplementary Protocol will enter into force as soon as possible
- Calls upon Parties and organizations to make financial resources available to support activities intended to promote the ratification or accession and implementation of the Supplementary Protocol.



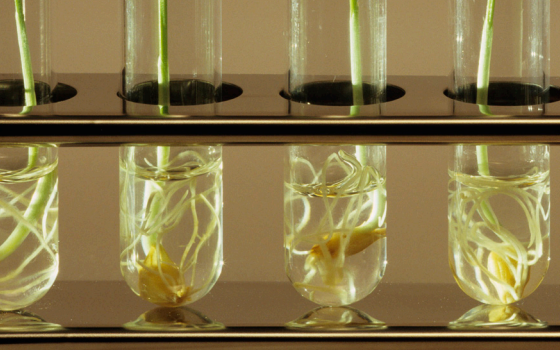
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Risk Assessment and Risk Management

Background

Parties to the Protocol are required to make decisions on the import of Living Modified Organisms (LMOs) for intentional introduction into the environment in accordance with scientifically sound risk assessments. They are also required to adopt measures for managing risks identified during risk assessments.

What has been done?

At its fourth meeting, the Conference of the Parties serving as the meeting of the Parties to the Biosafety Protocol (COP-MOP) established an Open-ended Online Expert Forum and Ad Hoc Technical Expert Group (AHTEG) on Risk Assessment and Risk Management to develop guidance on specific aspects of risk assessment. As part of the preparation for the work of the AHTEG, a number of ad hoc online discussion groups and regional real-time online conferences were held as part of the Online Forum. At their fifth meeting, the Parties welcomed the Guidance and decided to extend the work of the online forum and AHTEG for further revision, testing and elaboration of further guidance on new specific topics of risk assessment.

As a result, a document entitled "Guidance on Risk Assessment of LMOs" was developed and is under consideration by the current meeting: Part I of the document, "Roadmap for Risk Assessment of LMOs," elaborates the technical and scientific process of environmental risk assessment in accordance with Annex III to the Protocol and provides background material and links to relevant references. Part II: "Specific Types of LMOs and Traits" provides guidance on the risk assessment of LMOs with stacked genes or traits, living modified plants with improved tolerance to abiotic stress, living modified trees and living modified mosquitoes. Part III contains guidance on the "Monitoring of Living Modified Organisms released into the environment".

In response to a request made at the fourth meeting, the Secretariat, in collaboration with other relevant UN bodies and international organizations, developed a draft training manual entitled "Risk Assessment of LMOs" and carried on several training activities at the sub-regional level which were attended by national experts from developing countries.

The training manual has been revised and improved on the basis of recommendations made by participants nominated by the Parties during capacity-building activities. At the request of the Parties, and with a view to delivering training on risk assessment in a more cost-effective manner, the Secretariat has also developed an initial concept for an e-training tool based on the revised training manual. Both the manual and the e-training tool are available through the Biosafety-Clearing House.

What is expected at COP-MOP 6?

At its sixth meeting, it is anticipated that the COP-MOP might take a decision to:

- Endorse the Guidance and encourage the use and testing of the Guidance in actual cases of risk assessment.
- Develop an advanced educational package that integrates the Roadmap into the training manual.
- Continue the online forum and AHTEG process with new membership or request the Secretariat to end the current online forum and establish a new open-ended online forum.
- Request the Secretariat to further convene training courses and international, regional and/or sub-regional workshops on risk assessment.



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Socio-Economic Considerations

Background

The Cartagena Protocol on Biosafety establishes the right of Parties to take into account socio-economic considerations arising from the impact of living modified organisms (LMOs) in reaching a decision on whether to import LMOs, especially with regard to the value of biological diversity to indigenous and local communities. However, when Parties are taking into account such considerations, they are at the same time required to ensure that the decision is consistent with their other international obligations. The Protocol also encourages Parties to cooperate on research and information exchange on any socio-economic impacts of LMOs, especially on indigenous and local communities.

What is being done?

At their fifth meeting (held in 2010), the Parties adopted the Strategic Plan for the Protocol for the period 2011-2020. Operational objective 1.7 of the Strategic Plan addresses socio-economic considerations and is "to, on the basis of research and information exchange, provide relevant guidance on socio-economic considerations that may be taken into account in reaching decisions on the import of LMOs".

Also at their fifth meeting, the Parties requested the Secretariat to carry out a number of activities on socio-economic considerations. The Secretariat thus organized online dialogues on the issue as well as a workshop on capacity-building for research and information exchange on socio-economic impacts of LMOs. The workshop was hosted by the Government of India and was held in New Delhi in November 2011.

The Parties also provided information on their experience with socio-economic considerations in their second national reports on the implementation of the Protocol, which were submitted in 2011.

What is expected at COP-MOP 6?

At their sixth meeting, the Parties will consider the outcomes of the online discussions and workshop on socio-economic considerations as well as the information reported by Parties in their second national reports.

The Parties may decide to, among other things:

- Encourage Parties, other Governments and relevant organizations to undertake further research on the socio-economic impacts of LMOs and to share the outcomes of their research.
- Establish an experts group to continue the work on socio-economic considerations by undertaking specific tasks.
- Request the Secretariat to undertake a stock-taking exercise of a number of aspects of socio-economic considerations to assist in the work of the experts group.



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