

## COP/MOP 6 HIGHLIGHTS: WEDNESDAY, 3 OCTOBER 2012

On Wednesday, WG I considered draft decisions on: HTPI of LMOs; notification requirements; subsidiary bodies; and unintentional transboundary movements. WG II discussed draft decisions on: capacity building; financial mechanism and resources; the BCH; and risk assessment and risk management.

Plenary met in the afternoon to take stock of progress and address a draft decision on cooperation with other organizations, conventions and initiatives. The budget group met at lunch time. Contact groups on socio-economic considerations and risk assessment met in the evening and into the night.

### WORKING GROUP I

**HTPI:** While discussing unique identifiers for LMOs destined for different uses, MEXICO and others expressed concern that the text broadened the scope of the draft decision, to also include HTPI for LMO-FFPs (Article 18.2(a)) rather than only for LMOs destined for contained use or for intentional release (Articles 18.2(b) and (c)). MALAYSIA explained that LMO-FFPs should be included to preserve the integrity of an earlier COP/MOP Decision. COLOMBIA noted that HTPI for LMO-FFPs will be addressed at COP/MOP 7 and suggested reflecting in the draft decision's title which uses of LMOs are covered. Delegates eventually decided to delete the reference after clarifying that the application of identifier codes is sufficiently covered elsewhere.

BRAZIL, NEW ZEALAND and others requested deletion of preambular text recognizing that different aspects of Article 18 are "increasingly connected." On documentation, BOLIVIA, opposed by PARAGUAY, the EU and BRAZIL, suggested adding "independent documentation" to a list of acceptable types of documentation. BRAZIL, BOLIVIA and others reiterated their opposition to a reference to using the LMO quick-link tool; the AFRICAN GROUP suggested keeping it, but adding the words "as appropriate."

The EU proposed deleting reference to reviewing the implementation of requirements under Article 18.2(b) and (c). NEW ZEALAND and PARAGUAY agreed, noting it was premature. Delegates agreed to a Brazilian proposal to "invite" rather than "request" parties to support the CBD application for observer status in the WTO SPS Committee. On analyzing the need for new identifier codes, delegates agreed to delete language regarding codes for LMOs and their different intended uses as this would expand beyond the scope of the current decision.

On examining gaps in HTPI standards, PARAGUAY, ECUADOR and others requested deleting reference to the COP/MOP providing advice to the UN Subcommittee of Experts on the Transport of Dangerous Goods. Delegates agreed to the deletion, with COLOMBIA and BOLIVIA noting the value of recognizing ongoing work on model regulations relevant to LMO transport.

**NOTIFICATION REQUIREMENTS:** Chair Verleye asked an informal group to resolve outstanding issues with regard to references to the quick-link tool in the draft decisions on notification requirements and HTPI.

**SUBSIDIARY BODIES:** NAMIBIA questioned whether the reference "subject to availability of funds" had to be included in the provision on the continued use of AHTEGs. The EU explained this would signal that AHTEG funding should come from voluntary contributions and delegates agreed to retain the reference.

Delegates then approved the draft decision.

**UNINTENTIONAL TRANSBOUNDARY MOVEMENTS AND EMERGENCY MEASURES (ARTICLE 17):** After lengthy debate on including reference to the Supplementary Protocol given that it has not entered into force, delegates decided not to include it.

The EU proposed, and delegates agreed, to specify that the listed instruments to assist with the implementation of Article 17 are to serve "as guidance." They further agreed to keep the reference to the guidance on risk assessment bracketed, pending discussions in WG II. The EU, opposed by JAPAN, asked to delete a reference to the scope and elements of possible guidance on unintentional release of LMOs. Delegates agreed to retain the reference. BRAZIL asked that parties not just report on challenges, but also share their experiences, which was included.

### WORKING GROUP II

**CAPACITY BUILDING: Biosafety Roster of Experts:** BOLIVIA with INDIA, MALAYSIA, NIGERIA, SUDAN and TANZANIA, opposed by BENIN, CAMBODIA, the EU, MEXICO, CEE and the PHILIPPINES, suggested deleting text on expanding the mandate of the experts on the roster to support the work of the Secretariat. This matter was further discussed in an informal group.

**FINANCIAL MECHANISM AND RESOURCES:** On defining specific quotas for biosafety for each country during the GEF-6 programming period, EGYPT, supported by the PHILIPPINES, BRAZIL and MOLDOVA, said parties should decide on the proportion to be allocated for biosafety



and suggested instead that parties should “give priority to the national biosafety project under the GEF System for Transparent Allocation of Resources (STAR).” ZAMBIA and others argued that many African parties would be disadvantaged since biosafety is not a priority in African countries. NIGERIA and the EU said the quota should consider specific requirements by parties. In informal consultations, delegates considered proposed text encouraging parties “to give priority to national biosafety plans and projects under the GEF STAR,” and a new paragraph requesting the Secretariat to consult with the GEF regarding a special programme window for implementation of the Protocol. The EU said they could not accept the latter addition.

On programming resources under the biodiversity focal area, the EU said a notional vocation of US\$ 102 million is excessive since only 7% of available funding for biosafety has been used, suggesting to make an allocation “which improves the biosafety share of the biodiversity focal area.” Delegates agreed to delete text on rechanneling fees and fines that may be levied on processing LMO imports and violating biosafety laws towards supporting national biosafety activities.

**BCH:** Many parties favored deleting the text requesting that the BCH’s functionality be extended to further promote and facilitate public awareness, education and participation, citing a lack of clarity. BOLIVIA with COLOMBIA, GRENADA and others urged keeping the text, with BOLIVIA noting that the proposed text is in line with the Protocol. Discussions continued informally.

On risk assessment summaries, Chair Thomas requested BRAZIL, BOLIVIA, PARAGUAY and others to find a compromise on text regarding field trials that may be subject to transboundary movements. In informal consultations, delegates discussed two options: to delete the paragraph on field trials that may be subject to transboundary movements; or to revert to language used in the COP/MOP 5 decision on the same issue.

Regarding extending the GEF-UNEP BCH II Global project, the EU and SOUTH AFRICA clarified that the project should “provide further support to all eligible parties” for capacity building on use of the BCH “based on experiences or lessons learned.”

#### **RISK ASSESSMENT AND RISK MANAGEMENT:**

**Guidance:** PARAGUAY, INDIA, JAPAN, NEW ZEALAND and the PHILIPPINES, opposed by the EU, called for deleting text that endorses the guidance on risk assessment of LMOs. A number of parties proposed deleting a reference to the use of the guidance, as it could imply use before testing, which was also opposed by some. Others emphasized that testing of the Guidance be conducted by parties.

On requesting the Executive Secretary to gather and analyze feedback from parties, NEW ZEALAND suggested adding “to ensure the guidance’s consistency with the Protocol and sound science. He also proposed deleting text on, *inter alia*: extending the mandate of the AHTEG and the open-ended online forum; and requesting the Executive Secretary to select experts for the AHTEG. NIGERIA, NORWAY, the PHILIPPINES and BOLIVIA favored keeping the text. NORWAY further called for emphasizing that the AHTEG should be party-driven.

**Capacity-building:** UGANDA suggested that risk management be included in all references to risk assessment. The EU said the open-ended online forum should be included in developing the advanced educational package. BRAZIL cautioned against prejudging the renewal of the AHTEG mandates.

**LMOs not likely to have adverse effects:** NORWAY and PARAGUAY requested clarification of the paragraph on information on LMOs that may not have or that are not likely to have adverse effects. BRAZIL said it should be drafted in line with decisions made at COP/MOP 5.

Chair Thomas established a contact group co-chaired by Helmut Gaugitsch (Austria) and Eliana Frantz (Brazil) to resolve outstanding issues on risk assessment and risk management.

#### **CONTACT GROUPS**

**BUDGET:** Delegates discussed, among other issues: what scale to use to calculate assessments going forward; whether COP/MOP 7 should be held for one or two weeks; and the possibility of the CBD COP 12 occurring in 2015, which would require a three-year budget.

Discussion will resume on Thursday.

**SOCIO-ECONOMIC CONSIDERATIONS:** Many delegates welcomed the non-paper prepared by the Co-Chairs, setting out the different activities to be undertaken and the possible bodies to undertake them. Some developed countries called for a step-by-step approach to be reflected by sequencing the different activities, whereas a number of developing countries insisted that the activities should be undertaken in parallel, with the goal of ensuring implementation of Article 26 (Socio-Economic Considerations). Delegates also discussed whether the proposed activities of compiling information and stock-taking could be integrated. Some wanted to keep them separate, noting that one activity is based on information that has already been collected, whereas the other aims at analyzing which activities are being undertaken and whether they are successful.

Deliberations continued into the night.

**RISK ASSESSMENT:** Delegates resumed their discussions on further guidance on specific aspects of risk assessment, with delegates providing reasoning. All parties agreed there had been significant improvement in the guidance, and that testing needs to take place. One developing country suggested that an online forum for feedback and analysis of test results and refinement would be sufficient. Another said that an AHTEG with new members would be necessary. Others urged inclusion of original AHTEG members going forward. On whether or not to “endorse” the guidance, Chair Gaugitsch proposed as a compromise to “commend” rather than endorse it.

Deliberations continued into the night.

#### **IN THE CORRIDORS**

Mid-way through COP/MOP 6 delegates’ enthusiasm was visibly waning as they employed “pragmatic” approaches towards addressing outstanding issues. One such approach mostly applied in WG I, was to simply delete text rather than attempting to find common ground. One slightly disappointed delegate noted that this resulted in missed opportunities to make linkages to valuable work being undertaken in other fora.

Another approach, more popular in WG II, was to revert to text from earlier decisions, thus forgoing the effort to wordsmith texts that would be acceptable to all and constitute progress on the issue at stake. Musing over the benefits and costs of this approach one delegate noted “this might get us home early, but with no real solution on the risks associated with LMO field trials.”

As delegates filed into the evening contact groups another issue surfaced: stimulated by the report of the budget group, delegates began discussing the prospects of holding future COP/MOPs once every three years. Some felt that the longer wait between meetings might inspire the use of less “pragmatic” but more fruitful negotiating techniques.