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## Public Researchers participating in MOP4 and COP9

### *Summary report*

The Public Research and Regulation Initiative (PRRI) offers public researchers involved in modern biotechnology a forum through which they are informed about and can participate in relevant international discussions, such as the Meetings of the Parties (MOPs) to the Cartagena Protocol on Biosafety (CPB).

PRRI participated with over 40 public sector scientists in the fourth Meeting of the Parties to the Cartagena Protocol on Biosafety (MOP4) and with 10 scientists in the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity (COP9), both held in May 2008, in Bonn, Germany. The researchers followed the negotiations, made formal interventions and provided information to delegates at informal meetings and side events. A detailed report of PRRI's participation in MOP4 and COP9 is available on the PRRI website. This report summarises the main conclusions and decisions of MOP4 and COP9 relevant to public research.

### MOP4

#### *Review and assessment of the functioning of the Protocol*

The CPB is important for public research in biotechnology because it gives countries that do not yet have biosafety regulations in place a tool to make informed (AIA) decisions on transboundary movements of living modified organisms (LMOs). The CPB also strengthens international harmonisation on and international information exchange through the BCH. Proper functioning of the CPB is therefore essential to international collaboration and exchange in modern biotechnology.

PRRI believes that the process of review and assessment should address to what extent the CPB has fulfilled its main functions. Five years after being in force, there are no AIA decisions on imports of LMOs published on the BCH. This suggests that the key function of the CPB has not yet been used.

MOP4 concluded that the lack of operational experience does not provide a good basis for an effective assessment, and requested to develop a sound methodological approach for assessment and review and criteria or effectiveness indicators to be discussed at MOP5.

PRRI suggests that the following topics be taken into account in that methodology: the number of decisions taken under CPB procedure; level harmonisation of national regulations with the CPB; the impact of the CPB on international collaboration in research; possible mechanisms for differentiated procedures.

#### *Capacity Building and the Roster of Experts*

Key to a proper functioning of the CPB is the capacity of countries to implement it. Adequate capacity building and good use of the Roster of Experts is therefore in the direct interest of biotechnology.

PRRI concurs with the conclusion of a recent UN University report, that the vast majority of developing countries is still unable to execute their biosafety systems or the system of the CPB. In addition, the Roster of Experts does not function. PRRI concurs with the conclusion of MOP4 that there is a need for adequate funding, assessment of the effectiveness of previous capacity building projects, more coordination among the different capacity building initiatives, and the need to develop core expertise through the implementation of long term biosafety education programmes in collaboration with academic institutions. PRRI also welcomes with the decision to implement further criteria and requirements for the Roster of Experts. PRRI also advises that the work of these experts be placed on the BCH.



### ***Biosafety Clearing House (BCH)***

The BCH is important for public research, because it is intended to be the entry point for researchers who need information about the rules and the competent authorities of countries, and risk assessments already conducted.

PRRI acknowledges that recent changes to the BCH have improved its clarity and usefulness, yet it is unfortunate that many Parties still have not complied with their obligation to place relevant, up to date information on the BCH. This lack of information is a serious hindrance to public research. PRRI urges Parties and non-arties to enter in the BCH up to date, clear, and accurate information about their regulations, competent authorities, decisions and risk assessments.

### ***Risk assessment and risk management***

Another important function of the CPB is that it contains internationally agreed principles and methodology of risk assessment. Scientifically sound risk assessment is key to the proper functioning of the CPB and of any national or regional biosafety regulation.

MOP4 decided that, while the risk assessment methodology as described in the CPB is adequate and applies to all LMOs, it will be helpful to make available further guidance on how to apply the methodology in specific cases when dealing with specific types of LMOs, traits, and receiving environments. For this purpose, MOP4 established an ad hoc Technical Expert Group.

PRRI welcomes this decision, and recommends that the consultations also include identifying LMOs that are not likely to have an adverse effect on the conservation of biological diversity.

### ***Socio-economic considerations***

The CPB describes which socio-economic considerations can be taken into account when making a decision on the import of an LMO. MOP4 called for further research on this issue.

PRRI is of the view that when considering the socio-economic impacts of LMOs, positive as well as negative impacts should both be taken into account, in comparison with an appropriate non-modified organism that is used in current agricultural practise.

### ***Public awareness and participation***

MOP4 decided to develop a programme of work on public awareness, education and participation concerning the safe transfer, handling and use of LMOs.

PRRI is of the view that this programme of work should not only focus on the safe handling, transfer and use of LMOs, but also on the socio-economic benefits. Information in these programs should be science based, and efforts should be made to engage public sector scientists with recognized credentials.

### ***Handling, transport, packaging and identification of LMOs (HTPI)***

MOP4 requested the Parties to submit their experiences based on existing mechanisms.

PRRI believes that the existing documentation systems are sufficient and offers it support to assist this evaluation and provide advise on possible modalities in case any deficiencies are identified.



### *Liability and redress*

The CPB requires the MOP to adopt a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of LMOs.

PRRI is of the view that central in the debate on damage to biodiversity should be speedy and adequate remediation of damage. This goal is best achieved by a so-called ‘administrative system’ that empowers national competent authorities to require remediation or undertake remediation of damage and claim the costs from the responsible operator.

This highly complex issue has been discussed over the last years by a working group, which reported back to MOP4. After long debate, there was a ‘compromise in the making’ with an instrument based on the administrative approach with guidelines. Finalizing the instrument at MOP4 was not possible and MOP4 agreed to (re)establish in a Friends of the Co-Chairs’ Group, which will meet once or twice prior to MOP5.

PRRI welcomes the progress on this issue, and urges the negotiators to remember that strict liability, funds and mandatory insurance are typically applied in cases of activities that carry inherent risks, such as transport of hazardous chemicals. Modern biotechnology and LMOs do not carry inherent risks. On the contrary, modern biotechnology has great potential for human well-being and the environment. Strict liability will have a negative effect on biotechnology transfer, because research institutes will become very hesitant to make research material available. Mandatory insurance will also have an immediate negative effect on public research, because insurance is either non-existent or only available at premiums that are so high that public research institutes could not afford it.

### COP9

#### ***GM Trees***

The outcome of the debate on GM Trees during COP9 confirms again that research and development of GM trees is important and can be conducted safely and adequately within the context of existing regulatory frameworks and on the basis of science based risk assessment. PRRI welcomes the call for further exchange of information on the potential positive and negative impacts of GM Trees.

### MOP5 and COP10

In preparation for MOP5 and COP10, PRRI will organise several regional meetings around the world to discuss with public researchers the outcome of the previous meetings and their views on the agenda items of the upcoming meetings. The PRRI regional preparatory meetings are to the extent possible co-organised with regional organisations and in conjunction with existing meetings.

In addition, PRRI will to the extent possible participate in intersessional meetings organized by the CBD Secretariat on specific subjects. PRRI plans to actively participate in these meetings when subjects relevant for public research are to be discussed. A list of previous and upcoming meetings can be found on the PRRI website ([www.pubresreg.org](http://www.pubresreg.org))