

**CARTAGENA PROTOCOL ON BIOSAFETY:
Existing Documentation System for Contained Use and Environmental Release is Working**

A survey conducted by the GIC and the International Seed Federation (ISF) shows that shipments to and from Parties and non-Parties under Article 18.2(b) and (c) using the existing guidance provided by the Parties are working well, and no incidents or concerns have been reported to date. Therefore, Parties continue to accept shipments of living modified organisms (LMOs) for contained use and intentional introduction into the environment that are accompanied by existing documentation in conformity with existing guidance from the Parties. Current efforts should focus on clarifying national requirements for import by posting clear information on the Biosafety Clearing House.

A. Experience to Date in Implementation of Article 18.2(b) and (c)

- Detailed guidance on implementing documentation and identification requirements for LMO shipments destined for contained use or for intentional introduction into the environment using existing commercial and other standard shipping forms (e.g. invoices or bills of lading) does not require further attention at this time.
- Decisions taken by the Parties at their first meeting provided guidance on how the above requirements could be met using existing documentation systems. The private sector has been using this guidance since this time, and applying it on existing documentation to ensure that its shipments are in compliance with the Protocol.¹ Shipments are taking place to a large number of Parties and non-Parties using this guidance, and no incidents or concerns have been reported.
- To ensure that existing systems are working without incidents, GIC and ISF surveyed their members that are currently shipping LMOs that fall under Article 18.2(b) and (c) to/from the following 39 countries: Argentina, Australia, Belgium, Brazil, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Denmark, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Israel, Italy, Japan, Mexico, the Netherlands, New Zealand, Pakistan, Panama, the Philippines, Puerto Rico, Republic of Korea, Romania, South Africa, Spain, Thailand, Turkey, Venezuela, United Kingdom, the United States and Uruguay. Most of these countries are Parties to the Protocol (32 out of 39), and none have reported any concerns with the use of the GIC's guidance language on existing documentation. No problems have occurred to date and GIC and ISF members report that shipments of LMOs that fall under Article 18.2(b) and (c) are taking place regularly and without incident.
- The survey clearly demonstrates that the guidance language provided by the GIC and based on the decision by the Parties is working well in identifying shipments of LMOs under Article 18.2(b) and (c), in conjunction with other country-specific information when needed. In order for such shipments to continue to move across boundaries in a practical and problem-free manner, the private sector suggests that countries continue to apply this simple but effective implementation of Article 18 documentation requirements by adding the required language to existing shipping documentation.

¹ See www.croplife.org, Biosafety Protocol, Documentation requirements, for the detailed guidance provided by the GIC on how to include the language required by Article 18.2(b) and (c) in existing shipping documentation.

The Global Industry Coalition (GIC) for the Cartagena Protocol on Biosafety receives input and direction from trade associations representing thousands of companies from all over the world. Participants include associations representing and companies engaged in a variety of industrial sectors such as plant science, seeds, agricultural biotechnology, food production, animal agriculture, human and animal health care, and the environment.

B. Elements of a Draft Decision on Article 18.2(b) and (c)

- Survey data collected by the GIC and the International Seed Federation (ISF) shows that shipments to and from Parties and non-Parties under Article 18.2(b) and (c) using the existing guidance provided by the Parties are working well, and no incidents or concerns have been reported to date. Therefore, Parties continue to accept shipments of living modified organisms (LMOs) for contained use and intentional introduction into the environment that are accompanied by existing documentation in conformity with existing guidance from the Parties. Current efforts should focus on clarifying national requirements for import by posting clear information on the Biosafety Clearing House, rather than on developing a stand-alone document or new requirements for Article 18.2(b) and (c).
- Given the experience outlined above, Parties should therefore focus on further outreach efforts to communicate on the language required for Article 18 shipments, including through the training of customs officials, and defer any further discussion by the Parties until further implementation experience is gained. To this end, the GIC supports the proposals in the Special Voluntary Trust Fund in the draft budget for 2009-2010 to hold sub-regional training workshops on the application of Article 18 in accordance with the decisions of MOP-4 and four sub-regional training workshops of customs officials on Article 18.2 activities.
- In addition, to avoid disruption of shipments of LMOs, the GIC recommends that Parties:
 - Continue to accept shipments of LMOs with existing commercial or other standard documentation that includes the additional requirements of Article 18.2(b) and (c) in conformity with the guidance provided by the Parties at their first meeting;
 - Indicate on the BCH when their current import rules apply (for AIA procedures);
 - Post information on how to obtain an AIA on the BCH;
 - Clarify on the BCH that an existing approval for experimental release or commercial use of an LMO in the importing country means that no additional clearance or AIA is required; and
 - Engage in outreach and education efforts, particularly with customs officials, to ensure awareness of and compliance with Protocol documentation and identification requirements by public research institutes, universities, local companies and others less involved with the Protocol.

Background:

Article 18 of the Biosafety Protocol requires that LMOs shipped to another country that is a Party to the Protocol for contained use or for intentional introduction into the environment be identified in a specified way in accompanying documentation.

Article 18.2(b) requires that documentation accompanying shipments of LMOs destined for contained use clearly identifies the shipment as living modified organisms; and specifies any requirements for the safe handling, storage, transport and use, and the contact point for further information (including the name and address of the consignee).

Article 18.2(c) requires that documentation accompanying shipments of LMOs intended for intentional introduction into the environment of the Party of import clearly identifies the shipment as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, and the contact point for further information (including, as appropriate, the name and address of the importer and exporter); and contains a declaration that the movement is in conformity with the requirements of the Protocol applicable to the exporter.