

**STATEMENT BY THE REPRESENTATIVE OF UNEP ON BEHALF OF THE
SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY
TO THE COMMITTEE ON TRADE AND ENVIRONMENT IN SPECIAL SESSION AT ITS
MEETING OF 6-7 JULY 2006**

1. On behalf of the Secretariat of the Convention on Biological Diversity, I wish to thank you for the invitation to attend this meeting. I was requested by the Executive Secretary to the Convention to convey his regrets for not being able to send a representative of the Secretariat. On behalf of the Executive Secretary of the Convention, I am pleased to deliver the following statement, which shall brief you on recent developments with regard to the Convention on Biological Diversity and its Cartagena Protocol on Biosafety that are of relevance to the work of this Committee.
2. As you know, the eighth meeting of the Conference of the Parties to the Convention (COP-8) was held in Curitiba, Brazil, from 20 to 31 March 2006. The third meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP/3) took place from 13 to 17 March 2006, also in Curitiba.

COP-8 has been a landmark event in the life of the Convention. For the first time, the Ministerial Segment held during the meeting brought together over 120 Ministers and Heads of delegations in an interactive dialogue which facilitated the adoption of thirty-four decisions. I am pleased to note that the video message by WTO Director-General Pascal Lamy to the Ministerial Segment, as well as the active participation of Deputy Director-General Dr. Harsha V. Singh contributed substantially to the success of the meeting by sending a strong message to Ministers that international environmental and trade law must be mutually supportive in order to achieve the common goal of sustainable development.

Access and Benefit sharing (ABS)

3. One of the most significant achievements of COP-8 of relevance to your work was the adoption of a structured framework and a time-frame for the further elaboration and negotiation of an international regime on access to genetic resources and benefit-sharing.
4. You will recall that, following a call of the World Summit on Sustainable Development, negotiations were launched by COP-7, in February 2004, for the establishment of an international regime on access to genetic resources and benefit-sharing. The existing Ad-hoc Open-ended Working Group on Access and Benefit-sharing, mandated to negotiate the international regime, convened twice in the intersessional period before COP-8 and, as part of its terms of reference, considered the nature, scope and possible elements for inclusion in the international regime. It is worth noting that the disclosure of origin/source/legal provenance of genetic resources and associated traditional knowledge in applications for intellectual property rights is being considered as one of the potential elements of such an international regime.

5. COP-8 welcomed the progress made and instructed the Working Group to complete its work at the earliest possible time before the tenth meeting of the Conference of the Parties (COP-10) to be held in 2010.

Invasive Alien Species

6. The decision on invasive alien species is also relevant to your work. In its recent work on invasive alien species, the COP identified and analyzed gaps and inconsistencies in the international regulatory framework in relation to invasive alien species. An Ad Hoc Technical Expert Group met in New Zealand in May 2005 and identified a lack of formal standards set at the international level to deal with some pathways for invasive alien species. Further to the report of the expert meeting, COP-8 requested the Executive Secretary to consult with relevant international bodies and instruments, including the World Trade Organization, regarding potential ways to address the lack of international standards covering invasive alien species, in particular animals, that are not pests of plants under the International Plant Protection Convention, and to report back on the results of these consultations.

7. I am pleased to report that the Secretariat of the Convention is currently consulting with the WTO Secretariat on this matter.

Cooperation

8. The decision made by COP-8 regarding cooperation with other conventions and international organizations and initiatives is also of relevance to your work, in particular in the context of paragraph 31(ii) of the Doha Work Programme. In this decision, the Executive Secretary of the Convention was requested to liaise with the Secretariat of the World Trade Organization on relevant issues, including trade-related intellectual property rights, sanitary and phytosanitary measures, and environmental goods and services, *inter alia*, with a view to identifying options for closer collaboration, including developing a memorandum of cooperation to promote the three objectives of the Convention.

9. I am pleased to report that, further to this request, a meeting took place on 29 May 2006 between the Executive Secretary to the CBD, Dr. Ahmed Djoghlaf, and the WTO Director-General, Mr. Pascal Lamy, with a view to advance the good working relationship between the two secretariats by exploring further opportunities for cooperation.

The Biosafety Protocol

10. Let me now turn to the Cartagena Protocol on Biosafety. As of 20 June 2006, there were 133 Parties to the Protocol. As you know, the Protocol aims to ensure an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms (LMOs).

11. The third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP-MOP/3) achieved a major breakthrough regarding the issue of detailed requirements for documentation accompanying shipments of living modified organisms intended for direct use as food or feed, or for processing – the so-called LMOs-FFP. You will recall that Article 18 of the Protocol requires each Party to take measures to identify LMOs subject to transboundary movement in accompanying documentation. With regard to LMOs-FFP, Article 18.2 (a) requires that the accompanying documentation clearly identifies that they “may contain” LMOs and are not intended for intentional introduction, as well as a contact point for further information. However, these documentation requirements were not fully resolved during the negotiations of the Protocol.

12. Under the agreement reached so far, Parties to the Protocol are requested, and other Governments are urged, to take measures to ensure that documentation accompanying LMOs-FFP is in compliance with the requirements of the country of import, and clearly provides a number of statements specified in paragraph 4 of decision BS-III/10. Transboundary shipments of LMOs-FFP need to be accompanied with documentation which, *inter alia*, clearly states that the shipment (i) contains LMOs, where the identity of the LMOs is known through means such as identity preservation systems, and (ii) may contain LMOs, where the identity of the LMOs is not known through means such as identity preservation systems.

13. Parties to the Protocol also noted that, in accordance with Article 24 of the Protocol, transboundary movements of living modified organisms between Parties and non-Parties shall be consistent with the objective of the Protocol, and further noted that the specific requirements set out in paragraph 4 of decision BS-III/10 do not apply to such movements.

14. You may also be interested to note that the Parties to the Protocol took the first steps towards the consideration of the need for and modalities for developing standards with regard to identification, handling, packaging and transport of LMOs. On this issue, Parties, other Governments and relevant international organizations were invited to submit to the Executive Secretary views and information on the adequacy of existing rules and standards, and any existing gaps that may justify a need to develop new rules and standards, or to call upon relevant international bodies to modify or expand existing ones.

Observer status

15. As regards cooperation, COP-MOP/3 commended the Executive Secretary on the recent efforts he made towards strengthening cooperation in particular with the WTO, and requested the Executive Secretary to intensify efforts to gain observer status in the Sanitary and Phytosanitary (SPS) and the Technical Barriers to Trade (TBT) Committees.

16. I wish to inform you that, further to this request, as well as a similar request by COP-8, the Executive Secretary of the Convention recently renewed its request for observer status in several relevant WTO Committees, in particular the TRIPS Council, and the SPS and TBT Committees. It is believed that a positive consideration of these requests would contribute to strengthening cooperation and understanding between the two regimes, thus providing a better basis for further enhancing the mutual supportiveness between trade and environment agreements.
