

Committee on Sanitary and Phytosanitary Measures

APPLICANTS FOR OBSERVER STATUS

Note by the Secretariat*

Addendum

An application for observer status in the SPS Committee was received on 29 May 2002 from the Convention on Biological Diversity (CBD) with respect to the Cartagena Protocol on Biosafety. Information provided by the CBD is summarized below.

I. CONVENTION ON BIOLOGICAL DIVERSITY (CBD) AND ITS CARTAGENA PROTOCOL ON BIOSAFETY

1. Membership

The CBD is an intergovernmental body with 183 parties. The Cartagena Protocol on Biosafety (hereafter the "Cartagena Protocol") was negotiated under the CBD and adopted in January 2000. To date, the Cartagena Protocol has been signed by 103 states and regional economic integration organizations and 20 signatories have deposited instruments of ratification or accession. The Cartagena Protocol will enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, accession, approval or acceptance.

2. Mandate, Scope and Area of Work

The Cartagena Protocol, which is derived from the CBD, applies to the transboundary movement, transit, handling and use of living modified organisms (LMOs) that may have adverse effects on the conservation and sustainable use of biological diversity. The Cartagena Protocol sets out procedures for notification and decision-making on import and export of LMOs, which include, among other provisions, an advance information procedure, risk assessment and management, and socio-economic considerations. The Cartagena Protocol generally endorses the precautionary approach, with the aim of ensuring an adequate level of protection in regard to the conservation and sustainable use of biological diversity, taking into account risks to human health. The Cartagena Protocol also contains requirements on safe handling, transport, packaging and identification of LMOs.

To ensure its effective implementation, the Cartagena Protocol includes provisions for capacity building for developing-country parties to strengthen their biosafety-related human resources and institutional capacities. A Biosafety Clearing-House is established to facilitate exchange of information. A compliance mechanism is being developed to promote compliance and address cases of non-compliance.

* This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

3. Contribution to the Work of the SPS Committee

The CBD wishes to establish a close collaboration with the SPS Committee, as the development of operational rules for the Cartagena Protocol and the implementation of the Cartagena Protocol may have potential implications for the work of the SPS Committee and vice versa.

The Conference of the Parties to the CBD, in its decision VI/20 on cooperation with other organizations, initiatives and conventions, recognized the importance of cooperation with the WTO with regard to matters that are relevant to the Cartagena Protocol on Biosafety and in preparing for the implementation of the Cartagena Protocol. It emphasized the need to ensure mutual supportiveness with the relevant WTO agreements, in particular the SPS and TBT Agreements, with a view to achieving sustainable development, and requested the Executive Secretary to apply for observer status to represent the CBD in the meetings of the SPS Committee.

An Intergovernmental Committee for the Cartagena Protocol (ICCP) has been established to undertake preparations for the first meeting of the parties to the Cartagena Protocol during the interim period, including the elaboration of operational rules for the implementation of the Cartagena Protocol. The ICCP recognizes the importance of cooperation with other organizations. For instance, close cooperation with the International Plant Protection Convention is well underway. The primary aim of this cooperation is to ensure that the objective and all relevant requirements of the Cartagena Protocol are in harmony with the international standards on phytosanitary measures regarding plant pests that are LMOs. To date, the ICCP has held three meetings.

The CBD is an observer in the Committee on Trade and Environment, and has also requested observer status in the Committee on Technical Barriers to Trade, the Committee on Agriculture and the Council for Trade-Related Aspects of Intellectual Property Rights.

4. Reciprocity

The WTO Secretariat has observer status in the CBD and actively participates in the Conference of the Parties and in the ICCP.
