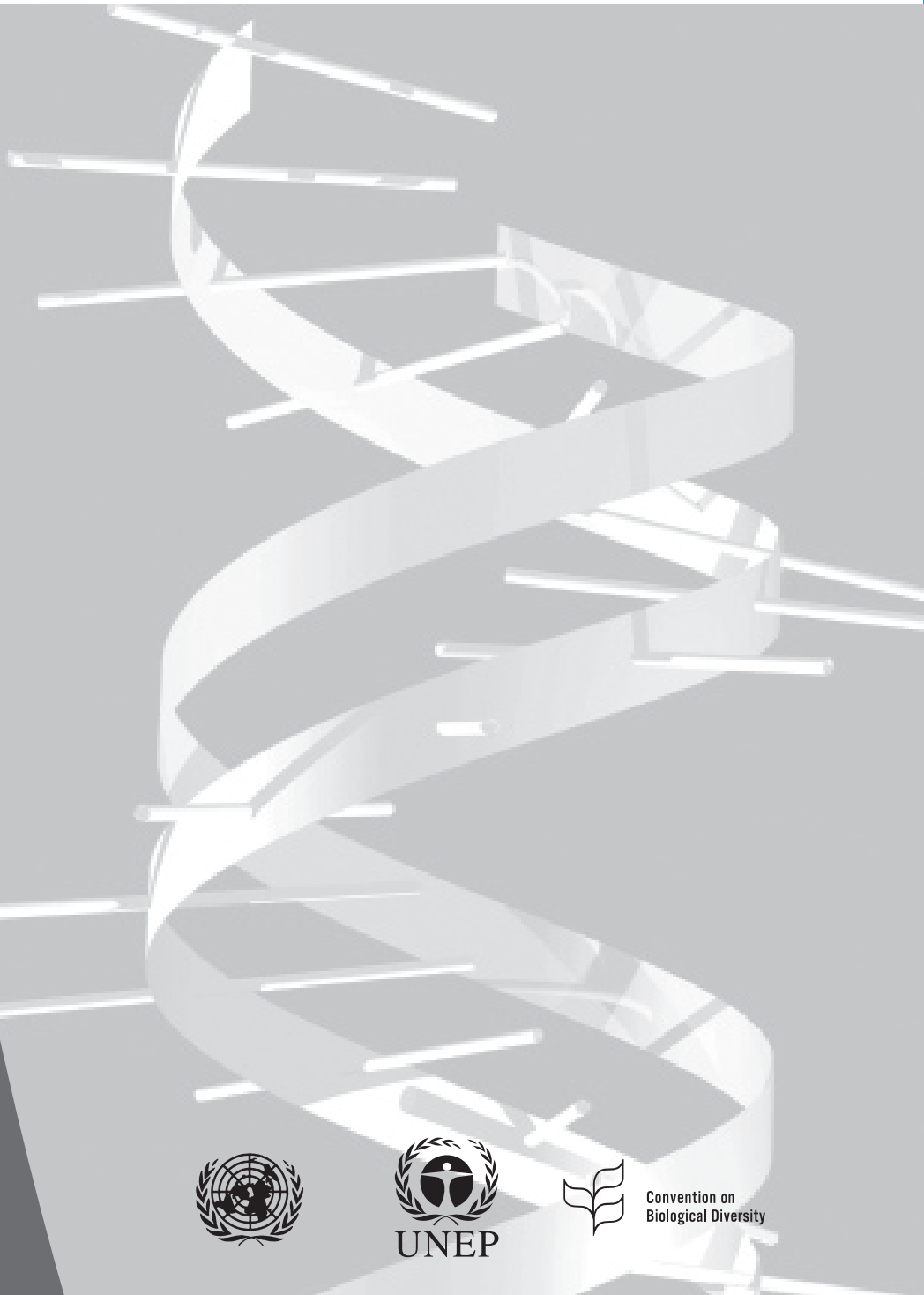


Rules, Procedures and Mechanisms Applicable to Processes under the Cartagena Protocol on Biosafety



Convention on
Biological Diversity



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Biological Diversity

**Rules, Procedures and Mechanisms
Applicable to Processes under the
Cartagena Protocol on Biosafety**

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1. RULES OF PROCEDURE FOR THE MEETINGS OF THE CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES

According to Article 29, paragraph 5 of the Cartagena Protocol on Biosafety, the rules of procedure of the Conference of the Parties to the Convention on Biological Diversity apply, mutatis mutandis, to the Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to the Protocol,

The rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity (Annex to Decision I/1, as amended by Decision V/20) are reproduced below:

PURPOSES

Rule 1

These rules of procedure apply to any meeting of the Conference of the Parties to the Convention on Biological Diversity convened in accordance with article 23 of the Convention.

DEFINITIONS

Rule 2

For the purposes of these rules:

(a) “Convention” means the Convention on Biological Diversity adopted in Nairobi on 22 May 1992 and opened for signature in Rio de Janeiro on 5 June 1992;

(b) “Parties” means Parties to the Convention;

(c) “Conference of the Parties” means the Conference of the Parties established in accordance with article 23 of the Convention;

(d) “Meeting” means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with article 23 of the Convention;

(e) “Regional economic integration organization” has the same meaning as that assigned to it in article 2 of the Convention;

(f) “President” means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

(g) “Secretariat” means the Secretariat established under article 24 of the Convention;

(h) “Subsidiary bodies” includes committees and working groups.

PLACE OF MEETINGS

Rule 3

The meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the Secretariat in consultation with the Parties.

DATES OF MEETINGS

Rule 4

1. Ordinary meetings of the Conference of the Parties shall be held every two years. The Conference of the Parties shall from time to time review the periodicity of its ordinary meetings in the light of the progress achieved in the implementation of the Convention.

2. At each ordinary meeting, the Conference of the Parties shall decide on the date and duration of the next ordinary meeting.

3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The Secretariat shall notify all Parties of the dates and venue of a meeting at least two months before the meeting is due to commence.

OBSERVERS

Rule 6

1. The Secretariat shall notify the United Nations, its specialized agencies and the International Atomic Energy Agency as well as any State not Party to the Convention of meetings of the Conference of the Parties so that they may be represented as observers.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting unless at least one third of the Parties present at the meeting object.

Rule 7

1. The Secretariat shall notify any body or agency, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented, of meetings of the Conference of the Parties so that they may be represented as observers unless at least one third of the Parties present at the meeting object.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the meeting object.

AGENDA

Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

Rule 9

The provisional agenda of each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in article 23 of the Convention;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items referred to in rule 15 of the present rules of procedure;
- (d) Any item proposed by a Party and received by the Secretariat before the provisional agenda is produced;
- (e) The proposed budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed in the official languages by the Secretariat to the Parties at least six weeks before the opening of the meeting.

Rule 11

The Secretariat shall, in agreement with the President, include any item which is proposed by a Party and has been received by the Secretariat after the provisional agenda has been produced, but before the opening of the meeting, in a supplementary provisional agenda.

Rule 12

The Conference of the Parties shall examine the provisional agenda together with any supplementary provisional agenda. When adopting the agenda, it may add, delete, defer or amend items. Only items which are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

Rule 14

The Secretariat shall report to the Conference of the Parties on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such item shall be considered until at least forty-eight hours after the Conference of the Parties has received the Secretariat's report on the administrative and financial implications.

Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

REPRESENTATION AND CREDENTIALS

Rule 16

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 17

A representative may be designated as an alternate head of delegation. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Conference of the Parties or the representative of the Executive Secretary if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary or the representative of the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision.

Rule 20

Pending a decision of the Conference of the Parties upon their credentials, representatives shall be entitled to participate provisionally in the meeting.

OFFICERS

Rule 21

1. At the commencement of the first session of each ordinary meeting a President and ten Vice-Presidents, one of whom shall act as Rapporteur, are to be elected from among the representatives of the Parties. They shall serve as the bureau of the Conference of the Parties.

The term of office of the President shall commence straight away and the terms of office of the Vice-Presidents shall commence upon the closure of the meeting at which they are elected. In electing its Bureau, the Conference of the Parties shall have due regard to the principle of equitable geographical representation of the Small Island Developing States. The offices of President and Rapporteur of the meeting of the Conference of the Parties shall normally be subject to rotation among the five groups of States referred to in section I, paragraph 1, of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which the United Nations Environment Programme was established.

2. The President shall remain in office until a new President is elected at the commencement of the next ordinary meeting and the Vice-Presidents shall remain in office until the closure of the next ordinary meeting. They shall serve as the bureau of any extraordinary meeting held during their term of office and provide guidance to the Secretariat with regard to preparations for, and conduct of, meetings of the Conference of the Parties. No officer may be re-elected for a third consecutive term.

3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

Rule 22

1. In addition to exercising the powers conferred upon the President elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Rule 23

The President, if temporarily absent from a session or any part thereof, shall designate a Vice-President to act as President. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 24

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's mandate.

Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in the absence of the President, a Vice-President, shall preside until the Conference of the Parties has elected a new President.

SUBSIDIARY BODIES

Rule 26

1. In addition to the subsidiary body on scientific, technical and technological advice established under article 25 of the Convention, the Conference of the Parties may establish other subsidiary bodies. It may also establish committees and working groups if it deems it necessary for the implementation of the Convention. Where appropriate, meetings of subsidiary bodies shall be held in conjunction with meetings of the Conference of the Parties.

2. The Conference of the Parties may decide that any such subsidiary bodies may meet in the period between ordinary meetings.

3. Unless otherwise decided by the Conference of the Parties, the chairperson for each such subsidiary body shall be elected by the Conference of the Parties. The Conference of the Parties shall determine the matters to be considered by each such subsidiary body and may authorize the President, upon the request of the chairperson of a subsidiary body, to make adjustments to the allocation of work.

4. Subject to paragraph 3 of this rule, each subsidiary body shall elect its own officers.

5. Unless otherwise decided by the Conference of the Parties, these rules shall apply *mutatis mutandis* to the proceedings of subsidiary bodies, except that:

(a) A majority of the Parties designated by the Conference of the Parties to take part in the subsidiary body shall constitute a quorum, but in the event of the subsidiary body being opened, one quarter of the Parties shall constitute a quorum;

(b) The chairperson of a subsidiary body may exercise the right to vote; and

(c) Decisions of subsidiary bodies shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

SECRETARIAT

Rule 27

1. The head of the Secretariat of the Convention shall be the Executive Secretary of the Conference of the Parties. The Executive Secretary or the representative of the Executive Secretary shall act in that capacity in all meetings of the Conference of the Parties and of subsidiary bodies.

2. The Executive Secretary shall provide and direct the staff required by the Conference of the Parties or subsidiary bodies.

Rule 28

The Secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting; and
- (f) Generally perform all other work that the Conference of the Parties may require.

CONDUCT OF BUSINESS

Rule 29

1. Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

2. Sessions of subsidiary bodies shall be held in public unless the subsidiary body concerned decides otherwise.

Rule 30

The President may declare a session of the meeting open and permit the debate to proceed if at least one third of the Parties to the Convention are present and have any decisions taken when representatives of at least two thirds of the Parties are present.

Rule 31

1. No one may speak at a session of the Conference of the Parties without having previously obtained the permission of the President. Subject to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Rule 32

The chairperson or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 34

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it, translated into the official languages of the Conference of the Parties, have been circulated to delegations not later than the day preceding the session. Nevertheless, the President may, in exceptional circumstances and in cases of urgency, permit the discussion and consideration of proposals, amendments to proposals or of procedural motions even though these proposals, amendments or motions have not been circulated or have been circulated only the same day or have not been translated into all the official languages of the Conference of the Parties.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Rule 40

[1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision [, except a decision under paragraph 1 or 2 of article 21 of the Convention] shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, the financial rules referred to in paragraph 3 of article 23 of the Convention, or the present rules of procedure. [Decisions of the Parties under paragraphs 1 and 2 of article 21 of the Convention shall be taken by consensus.]]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

Rule 41

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 42

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall be put immediately to the vote.

Rule 43

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

Rule 44

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 45

If two or more amendments are moved to a proposal, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Rule 46

Voting, except for election, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 47

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

Rule 48

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit proposers of proposals or of amendments to proposals to explain their vote on their own proposals or amendments, except if they have been amended.

Rule 49

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Rule 50

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two can-

didates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 51

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

LANGUAGES

Rule 52

The official and working languages of the Conference of the Parties shall be those of the United Nations Organization.

Rule 53

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language, if the Party provides for interpretation into one such official language.

Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

SOUND RECORDS OF THE MEETINGS

Rule 55

Sound records of the meetings of the Conference of the Parties, and whenever possible of its subsidiary bodies, shall be kept by the Secretariat in accordance with the practice of the United Nations.

AMENDMENTS TO RULES OF PROCEDURE

Rule 56

These rules of procedure may be amended by consensus by the Conference of the Parties.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 57

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

Decision BS -I/1: Rules of procedures for meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety,

Noting that, according to Article 29, paragraph 5, of the Protocol, the rules of procedure of the Conference of the Parties to the Convention shall be applied, *mutatis mutandis*, under the Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recognizing that, when the rules of procedure of the Conference of the Parties to the Convention are applied *mutatis mutandis* under the Protocol, Articles 29, 30 and 31 of the Protocol, in particular, will affect the application of the rules of procedure to the Conference of the Parties serving as meeting of the Parties to the Protocol,

Decides by consensus that:

a) When rule 21 of the rules of the procedure for meetings of the Conference of the Parties to the Convention is applied to the Conference of the Parties serving as the meeting of the Parties to the Protocol, this rule shall be supplemented by the following paragraph:

“Where a member of the Bureau of the Conference of the Parties to the Convention representing a Party to the Convention but, at that time, not a Party to the Protocol, is substituted by a member elected by and from among the Parties to the Protocol, the term of office of the substitute member shall expire at the same time as the term of office of the member of the Bureau he or she substitutes.”

b) When the rules of procedure of the Conference of the Parties of the Convention are amended by the Conference of the Parties to the Convention, those amendments shall not apply to the Conference of the Parties serving as the meeting of the Parties to the Protocol, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol.

2. FINANCIAL RULES FOR THE ADMINISTRATION OF THE TRUST FUND FOR THE CONVENTION ON BIOLOGICAL DIVERSITY (ANNEX I TO DECISION I/6, AS AMENDED BY DECISION III/1)

According to Article 29, paragraph 5 of the Protocol, the financial rules of the Convention apply, mutatis mutandis, to the Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to the Protocol,

The financial rules for the Administration of the Trust Fund for the Convention on Biological Diversity (Annex I to Decision I/6, as amended by Decision III/1) are reproduced below:

1. The Conference of the Parties to the Convention shall designate an organization (hereinafter referred to as the Trustee) which shall establish and manage the Trust Fund for the Convention on Biological Diversity (hereinafter referred to as the Trust Fund) in accordance with these rules.

2. The Trust Fund shall be used for funding the administration of the Convention, including the functions of the Secretariat.

3. The Trust Fund shall be financed from:

(a) Contributions made by Parties to the Convention based on the scale set forth in the appendix to the budget;

(b) Additional contributions made by such Parties;

(c) Contributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, and other sources.

4. It is for the Conference of the Parties to determine the scale referred to in paragraph 3 (a) above. The scale is to be based on the United Nations scale of assessments for the apportionment of the expenses of the United Nations [adjusted to provide that no developing country Party shall be required to pay more than any developed country Party]. This scale of assessments shall apply unless amended by the Conference of the Parties. The contributions referred to in paragraph 3 (a) shall be due on 1 January of each calendar year.

5. All contributions shall be paid in United States dollars or their equivalent in a convertible currency and into a bank account to be specified by the Trustee. In conversion of currencies into United States dollars, the United Nations operational rate of exchange shall be used.

6. Accounting records shall be kept in such currency or currencies as the Trustee deems necessary.

7. (a) Budget proposals expressed in United States dollars covering the expenditure and income from contributions referred to in paragraph 3 (a) above shall be prepared by the head of the Secretariat (hereinafter referred to as the Executive Secretary) for periods of two calendar years at the minimum. At least 90 days before the date fixed for the opening of each ordinary meeting of the Conference of the Parties, these budget proposals shall be dispatched by the Executive Secretary to all Parties to the Convention.

(b) The budget shall, in accordance with rule 16, be approved by the Conference of the Parties and, if necessary, be revised at an ordinary or extraordinary meeting of the Parties.

8. Contributions referred to in paragraphs 3 (b) and (c) shall be used in accordance with any terms and conditions agreed between the Executive Secretary and the respective contributor. At each ordinary

meeting of the Conference of the Parties, the Executive Secretary shall present a report on contributions received and expected as well as their sources, amounts, purposes and conditions.

9. The Executive Secretary may commit resources against the Trust Fund only if such commitments are covered by contributions already received. In the event that the Trustee anticipates that there might be a shortfall in resources over the financial period as a whole, it shall notify the Executive Secretary, who shall adjust the budget so that expenditures are at all times fully covered by contributions received.

10. The Trustee, on the advice of the Executive Secretary, may make transfers from one budget line to another within the budget in accordance with the Financial Regulations and Rules of the United Nations.

11. Contributions referred to in paragraph 3 (a) above from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

12. Contributions not immediately required for the purposes of the Trust Fund shall be invested, and any interest so earned shall be credited to the Trust Fund.

13. It is for the Conference of the Parties and the Trustee to agree on an administrative support charge to be paid to the Trustee.

14. At the end of each calendar year, the Trustee shall transfer any balance to the following calendar year and submit to the Conference of the Parties, through the Executive Secretary, the certified and audited accounts for that year as soon as practicable. The Trust Fund shall be subjected to the internal and external auditing procedure of the United Nations as laid down in the Financial Regulations and Rules of the United Nations.

15. In the event that the Conference of the Parties decides to terminate the Trust Fund, a notification to that effect shall be presented to the Trustee at least six months before the date of termination selected by the Conference of the Parties. The Conference of the Parties shall decide, in consultation with the Trustee, on the distribution on any unspent balance after all liquidation expenses have been met.

[16A. The Parties shall reach agreement by consensus on:

(a) The scale and any subsequent revision to it;

(b) The budget.]

[16B. The Parties shall make every effort to reach agreement on the budget by consensus. If all efforts to reach consensus on the budget have been exhausted and no agreement has been reached, the budget shall, as a last resort, be adopted by a [two-thirds] [four-fifths] majority vote of the Parties present and voting representing a [two-thirds] [four-fifths] majority vote of the developing country Parties present and voting and a [two-thirds] [four-fifths] majority vote of the other Parties present and voting.]

17. Any amendments to these rules shall be adopted by the Conference of the Parties by consensus.

1. As contained in Annex II of decision II/20 and amended by the present decision.

3. PROCEDURES AND MECHANISMS ON COMPLIANCE UNDER THE CARTAGENA PROTOCOL ON BIOSAFETY (DECISION BS-I/7)

The following procedures and mechanisms are developed in accordance with Article 34 of the Cartagena Protocol on Biosafety and are separate from, and without prejudice to, the dispute settlement procedures and mechanisms established by Article 27 of the Convention on Biological Diversity.

I. OBJECTIVE, NATURE AND UNDERLYING PRINCIPLE

1. The objective of the compliance procedures and mechanisms shall be to promote compliance with the provisions of the Protocol, to address cases of non-compliance by Parties, and to provide advice or assistance, where appropriate.

2. The compliance procedures and mechanisms shall be simple, facilitative, non-adversarial and cooperative in nature.

3. The operation of the compliance procedures and mechanisms shall be guided by the principles of transparency, fairness, expedition and predictability. It shall pay particular attention to the special needs of developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, and take into full consideration the difficulties they face in the implementation of the Protocol.

II. INSTITUTIONAL MECHANISMS

1. A Compliance Committee, hereinafter referred to as “the Committee”, is hereby established pursuant to Article 34 of the Cartagena Protocol on Biosafety to carry out the functions specified herein.

2. The Committee shall consist of 15 members nominated by Parties and elected by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety on the basis of three members from each of the five regional groups of the United Nations.

3. Members of the Committee shall have recognized competence in the field of biosafety or other relevant fields, including legal or technical expertise, and serve objectively and in a personal capacity.

4. Members shall be elected by the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety for a period of four years, this being a full term. At its first meeting, the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety shall elect five members, one from each region, for half a term, and ten members for a full term. Each time thereafter, the Conference of the Parties to the serving as the meeting of the Parties to the Cartagena Protocol on Biosafety shall elect for a full term, new members to replace those whose term has expired. Members shall not serve for more than two consecutive terms.

5. The Committee shall meet twice a year, unless it decides otherwise. The Secretariat shall service the meetings of the Committee.

6. The Committee shall submit its reports including recommendations with regard to the discharge of its functions to the next meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and appropriate action.

7. The Committee shall develop and submit its rules of procedure to the Conference of the Parties serving as the meeting of the Parties for its consideration and approval.

III. FUNCTIONS OF THE COMMITTEE

1. The Committee shall, with a view to promoting compliance and addressing cases of non-compliance, and under the overall guidance of the Conference of the Parties serving as the meeting of the Parties to the Protocol, have the following functions:

(a) Identify the specific circumstances and possible causes of individual cases of non-compliance referred to it;

(b) Consider information submitted to it regarding matters relating to compliance and cases of non-compliance;

(c) Provide advice and/or assistance, as appropriate, to the concerned Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the Protocol;

(d) Review general issues of compliance by Parties with their obligations under the Protocol, taking into account the information provided in the national reports communicated in accordance with Article 33 of the Protocol and also through the Biosafety Clearing-House;

(e) Take measures, as appropriate, or make recommendations, to the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(f) Carry out any other functions as may be assigned to it by the Conference of the Parties serving as the meeting of the Parties to the Protocol

IV. PROCEDURES

1. The Committee shall receive, through the Secretariat, any submissions relating to compliance from:

(a) Any Party with respect to itself;

(b) Any Party, which is affected or likely to be affected, with respect to another Party.

The Committee may reject to consider any submission made pursuant to paragraph 1(b) of this section that is de minimis or ill-founded, bearing in mind the objectives of the Protocol.

2. The Secretariat shall, within fifteen days of receipt of submissions under paragraph 1 (b) above, make the submissions available to the Party concerned, and once it has received a response and information from the concerned Party, it shall transmit the submission, the response and information to the Committee.

3. A Party that has received a submission regarding its compliance with the provisions of the Protocol should respond and, with recourse to the Committee for assistance if required, provide the necessary information preferably within three months and in any event not later than six months. This period of time shall commence on the date of the receipt of the submission as certified by the Secretariat. In the case where the Secretariat has not received any response or information from the concerned Party within the six months as referred to above, it shall transmit the submission to the Committee.

4. A Party, in respect of which a submission is made or which makes a submission, is entitled to participate in the deliberations of the Committee. This Party shall not participate in the elaboration and adoption of a recommendation of the Committee.

V. INFORMATION AND CONSULTATION

1. The Committee shall consider relevant information from:

(b) The Party concerned;

(c) The Party that has made a submission with respect to another Party in accordance with paragraph 1(b) of section IV.

2. The Committee may seek or receive and consider relevant information from sources, such as:

(a) The Biosafety Clearing-House, the Conference of the Parties to the Convention, the Conference of the Parties serving as the meeting of the Parties to the Protocol, and subsidiary bodies of the Convention on Biological Diversity and the Protocol;

(b) Relevant international organizations.

3. The Committee may seek expert advice from the biosafety roster of experts.

4. The Committee, in undertaking all of its functions and activities, shall maintain the confidentiality of any information that is confidential under Article 21 of the Protocol.

VI. MEASURES TO PROMOTE COMPLIANCE AND ADDRESS CASES OF NON-COMPLIANCE

1. The Committee may take one or more of the following measures with a view to promoting compliance and addressing cases of non-compliance, taking into account the capacity of the Party concerned, especially developing country Parties, in particular the least developed and small island developing States amongst them, and Parties with economies in transition, to comply, and such factors as the cause, type, degree and frequency of non-compliance:

(d) Provide advice or assistance to the Party concerned, as appropriate;

(e) Make recommendations to the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol regarding the provision of financial and technical assistance, technology transfer, training and other capacity-building measures;

(f) Request or assist, as appropriate, the Party concerned to develop a compliance action plan regarding the achievement of compliance with the Protocol within a timeframe to be agreed upon between the Committee and the Party concerned; and

(g) Invite the Party concerned to submit progress reports to the Committee on the efforts it is making to comply with its obligations under the Protocol;

(h) Pursuant to paragraph 1(c) and (d) above, report to the Conference of the Parties serving as the meeting of the Parties on efforts made by Parties in non-compliance to return to compliance and maintain this as an agenda item of the Committee until adequately resolved.

2. The Conference of the Parties serving as the meeting of the Parties may, upon the recommendations of the Committee, taking into account the capacity of the Party concerned, especially developing country Parties, in particular the least developed and small island developing States amongst them, and Parties

with economies in transition, to comply, and such factors as the cause, type, degree and frequency of non-compliance, also decide upon one or more of the following measures:

(a) Provide financial and technical assistance, technology transfer, training and other capacity-building measures;

(b) Issue a caution to the concerned Party;

(c) Request the Executive Secretary to publish cases of non-compliance in the Biosafety Clearing-House;

(d) In cases of repeated non-compliance, take such measures as may be decided by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its third meeting, and thereafter in accordance with Article 35 of the Protocol, within the framework of the review process provided for in Section VII below.

VII. REVIEW OF THE PROCEDURES AND MECHANISMS

The Conference of the Parties serving as the meeting of the Parties to the Protocol shall, at its third meeting and thereafter, in line with Article 35 of the Protocol, review the effectiveness of these procedures and mechanisms, address repeated cases of non-compliance and take appropriate action.

4. RULES OF PROCEDURE FOR MEETINGS OF THE COMPLIANCE COMMITTEE (DECISION BS-II/1)

I. PURPOSES

Rule 1

These rules of procedure shall apply to any meeting of the Compliance Committee under the Cartagena Protocol on Biosafety and shall be read together with and in furtherance of the procedures and mechanisms set out in decision BS-I/7 of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.

Rule 2

The rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity, as applied, *mutatis mutandis*, to the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, shall apply, *mutatis mutandis*, to any meeting of the Compliance Committee under the Cartagena Protocol on Biosafety, except as otherwise provided in the rules set out herein and in decision BS-I/7, and provided that rules 16 to 20, on representation and credentials of the rules of procedure for the meetings of the Conference of the Parties to the Convention on Biological Diversity shall not apply.

II. DEFINITIONS

Rule 3

For the purposes of these rules:

(a) “Protocol” means the Cartagena Protocol on Biosafety to the Convention on Biological Diversity adopted in Montreal on 29 January 2000;

(b) “Party” means a Party to the Protocol;

(c) “Conference of the Parties serving as the meeting of the Parties to the Protocol” means the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety as provided for under Article 29 of the Protocol;

(d) “Committee” means the Compliance Committee established by decision BS-I/7 of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

(e) “Chair” and “Vice-Chair” mean, respectively, the chairperson and the vice chairperson elected in accordance with rule 12 of the present rules of procedure;

(f) “Member” means a member of the Committee elected in accordance with paragraph 2 of section II of the compliance procedures or a replacement appointed in accordance with paragraph 2 of rule 10 of the present rules of procedure;

(g) “Secretariat” means the Secretariat referred to in Article 31 of the Protocol.

(h) “The Compliance Procedures” means the procedures and mechanisms on compliance under the Cartagena Protocol on Biosafety adopted by the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol and set out in the annex to decision BS-I/7.

III. DATES AND NOTICE OF MEETINGS

Rule 4

The Committee shall decide on the dates and duration of its meetings.

Rule 5

The Secretariat shall notify all members of the Committee of the dates and venue of a meeting at least six weeks before the meeting is due to commence.

IV. AGENDA

Rule 6

The agenda of the Committee shall include items arising from its functions as specified in section III of the Compliance Procedures and other matters related thereto.

Rule 7

To the extent possible, the provisional agenda, together with supporting documents, shall be distributed by the Secretariat to all members of the Committee at least four weeks before the opening of the meeting.

V. DISTRIBUTION AND CONSIDERATION OF INFORMATION

Rule 8

1. Members of the Committee shall be informed immediately by the Secretariat that a submission has been received under paragraph 1 of section IV of the compliance procedures.

2. A submission received in accordance with paragraph 1 (a) of section IV of the Compliance Procedures shall be transmitted by the Secretariat to the members of the Committee as soon as possible but no later than ninety days of receipt of the submission. A submission received in accordance with paragraph 1 (b) and any response and information received under paragraph 3 of section IV of the Compliance Procedures shall be transmitted by the Secretariat to the members of the Committee as soon as practicable.

3. The information received in accordance with paragraph 2 of section V of the Compliance Procedures shall be transmitted by the Secretariat to the members of the Committee within fifteen days of receipt of such information. The Committee shall determine the relevance of the information before placing it on the agenda. Any such information that will be considered by the Committee shall, as soon as practicable, be made available to the Party concerned.

VI. PUBLICATION OF DOCUMENTS AND INFORMATION

Rule 9

The provisional agenda, reports of meetings, official documents and, subject to rule 8 above and paragraph 4 of section V of the Compliance Procedures, any other relevant documents shall be made available to the public.

VII. MEMBERS

Rule 10

1. The term of office of a member shall commence on 1 January of the calendar year immediately following his or her election and end on 31 December, two or four years thereafter, as applicable.

2. If a member of the Committee resigns or is unable to complete his or her term of office or to perform his or her functions, the Bureau of the Conference of the Parties serving as the meeting of the Parties to the Protocol shall, in consultation with the appropriate regional group, appoint a replacement to serve the remainder of that member's term of office.

Rule 11

Each member of the Committee shall, with respect to any matter that is under consideration by the Committee, avoid direct or indirect conflicts of interest. Where a member finds himself or herself faced with a direct or indirect conflict of interest, that member shall bring the issue to the attention of the Committee before consideration of that particular matter. The concerned member shall not participate in the elaboration and adoption of a recommendation of the Committee in relation to that matter.

VIII. OFFICERS

Rule 12

1. The Committee shall elect a Chair and a Vice-Chair for a term of two years. Subject to rule 10 of the present rules of procedure, they shall serve in those capacities until their successors take office.

2. No officer shall serve for more than two consecutive terms.

IX. PARTICIPATION IN PROCEEDINGS OF THE COMMITTEE

Rule 13

A Party in respect of which a submission is made or which makes a submission as referred to in paragraph 1 of section IV of the Compliance Procedures shall be invited to participate in the deliberations of the Committee. The Party concerned shall be given an opportunity to comment in writing on any recommendation of the Committee. Any such comments shall be forwarded with the report of the Committee to the Conference of the Parties serving as the meeting of the Parties to the Protocol.

X. CONDUCT OF BUSINESS

Rule 14

1. The Committee shall decide on whether it will meet in open or closed sessions. Such decisions, including reasoning, shall be reflected in the reports of the Committee.

2. The Party concerned is entitled to participate in the meetings of the Committee pursuant to paragraph 4 of section IV of the compliance procedures.

3. Any person invited by the Committee may attend the meetings of the Committee.

Rule 15

Electronic means of communication may be used by the members of the Committee for the purpose of conducting informal consultations on issues under consideration. Electronic means of communication shall not be used for making decisions on matters of substance.

Rule 16

Ten members of the Committee shall constitute a quorum.

XI. VOTING

Rule 17

Each member of the Committee shall have one vote.

Rule 18

[1. The Committee shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, any decision shall, as a last resort, be taken by a two-thirds majority of the members present and voting or by eight members, whichever is the greater. Where consensus is not possible, the report shall reflect the views of all members of the Committee.

2. For the purposes of these rules, the phrase “members present and voting” means members present at the session at which voting takes place and casting an affirmative or negative vote. Members abstaining from voting shall be considered as not voting.]

XII. LANGUAGE

Rule 19

The working language of the Committee shall be English or any other official United Nations language agreed by the Committee.

Rule 20

The submissions from the Party concerned, the response and the information, as referred to in section IV of the Compliance Procedures, shall be made in one of the six official languages of the United Nations. The Secretariat shall make arrangements to translate them into English if they are submitted in one of the languages of the United Nations other than English.

XIII. AMENDMENTS TO RULES OF PROCEDURE

Rule 21

Any amendment to these rules of procedure shall be adopted by consensus by the Committee and submitted to the Conference of the Parties serving as the meeting of the Parties to the Protocol for consideration and approval.

IV. OVERRIDING AUTHORITY OF THE PROTOCOL AND DECISION BS-I/7

Rule 22

In the event of a conflict between any provision in these rules and any provision in the Protocol or decision BS-I/7, the provisions of the Protocol or decision BS-I/7 shall prevail.

5. PROCEDURES AND MECHANISMS FOR FACILITATING DECISION-MAKING BY PARTIES OF IMPORT (ARTICLE 10, PARAGRAPH 7) (DECISION BS-I/2)

A. GUIDELINES

1. The procedures and mechanisms, hereby defined pursuant to Article 10, paragraph 7, of the Protocol, are designed to facilitate decision-making by Parties of import, especially those encountering difficulties in the decision-making process under Article 10 of the Protocol.

2. In facilitating the decision-making under Article 10 of the Protocol, priority shall be given, within the framework of Article 22 of the Protocol, to capacity-building of developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, and also taking into account centres of origin and centres of genetic diversity.

3. Parties shall cooperate with a view to ensuring that Parties of import, especially developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, have access to the Biosafety Clearing House or to the information it houses for the purpose of facilitating decision-making. The decision on the modalities of the operation of the Biosafety Clearing House pursuant to paragraph 4 of Article 20 should take into account the needs of Parties of import in decision-making as a matter of priority.

4. The procedures and mechanisms to facilitate decision-making shall be demand-driven by Parties of import.

5. While other mechanisms should be kept under consideration, the roster of experts and the Biosafety Clearing-House are among the main mechanisms to provide, upon request, the necessary support to Parties of import to facilitate decision-making by them under Article 10 of the Protocol. The modalities for use of the roster of experts for the purpose of facilitating decision-making by Parties of import shall follow the rules of procedure or guidelines to be adopted by the Conference of the Parties serving as the meeting of the Parties with regard to how the roster of experts should be used by Parties, including issues relating to selection of experts, covering the costs of the expert time and services and the establishment of duties to be undertaken by the experts.

B. PROCEDURES

6. A Party of import, especially developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition may, at any time after having received notification from the Party of export or the notifier under Article 8 of the Protocol, seek, through the Secretariat, any relevant assistance from, among other mechanisms, the roster of experts to deal with the notification it received and to be able to make a decision.

7. In the case where no acknowledgement of receipt of notification or decisions are communicated by a Party of import that is a developing country Party or a Party with an economy in transition, under the time frame established under Articles 9 and 10 of the Protocol, and after the Party of export has sought clarification from the Party of import on the reason for lack of response or decision, the Party of export may remind the Party of import of the need for an acknowledgement and, as appropriate, help it financially to obtain expert or other assistance, including through the use of the roster of experts, in order to enable the Party of import to reach a decision.

8. These procedures and mechanisms to facilitate decision-making by Parties of import shall be separate from, and without prejudice to the procedures and mechanisms established under Article 34 of the Protocol on compliance and the dispute-settlement procedures under Article 27 of the Convention.

6. CONSOLIDATED MODUS OPERANDI OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE OF THE CONVENTION ON BIOLOGICAL DIVERSITY (DECISION VIII/10 ANNEX III)

A. FUNCTIONS

1. The functions of the Subsidiary Body on Scientific, Technical and Technological Advice are those contained in Article 25 of the Convention and the decisions of the Conference of the Parties (see appendix A for a list of functions of the Subsidiary Body). Accordingly, the Subsidiary Body on Scientific, Technical and Technological Advice will fulfil its mandate under the authority of, and in accordance with, guidance laid down by the Conference of the Parties, and upon its request.

2. Pursuant to Article 25, paragraph 3, of the Convention, the functions, terms of reference, organization and operation of the Subsidiary Body on Scientific, Technical and Technological Advice may be further elaborated, for approval by the Conference of the Parties.

B. OPERATING PRINCIPLES

3. The Subsidiary Body on Scientific, Technical and Technological Advice, in carrying out its functions, shall support the implementation of the multi-year programme of work of the Conference of the Parties and the Strategic Plan of the Convention, in a manner consistent with other internationally agreed goals relevant to the objectives of the Convention.

4. The Subsidiary Body on Scientific, Technical and Technological Advice shall endeavor to constantly improve the quality of its scientific, technical and technological advice by improving scientific, technical and technological input into, debate at, and work of, meetings of the Subsidiary Body. Strategic ways and means of improving the advice of the Subsidiary Body are included in Appendix B.

C. RULES OF PROCEDURE

5. The rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity shall apply, *mutatis mutandis*, in accordance with rule 26, paragraph 5, to the proceedings of the Subsidiary Body on Scientific, Technical and Technological Advice. However, rule 18, on credentials, will not apply.

6. In accordance with rule 52, the official and working languages of the Subsidiary Body on Scientific, Technical and Technological Advice will be those of the United Nations Organization. The proceedings of the Subsidiary Body on Scientific, Technical and Technological Advice will be carried out in the working languages of the Conference of the Parties.

7. The Subsidiary Body on Scientific, Technical and Technological Advice, within the available budgetary resources for matters related to its mandate, may make requests to the Executive Secretary and utilize the clearing-house mechanism, and other appropriate means, to assist in the preparation of its meetings.

8. The Subsidiary Body on Scientific, Technical and Technological Advice may make recommendations that include options or alternatives.

9. In order to facilitate continuity in the work of the Subsidiary Body on Scientific, Technical and Technological Advice and taking into account the technical and scientific character of the input of the Subsidiary Body, the terms of office of members of its Bureau will be two meetings. At each meeting of the Subsidiary Body on Scientific, Technical and Technological Advice one of the two regional representatives shall be elected in order to achieve staggered terms of office. The members of the Bureau of the Subsidiary Body will take office at the end of the meeting at which they are elected.

10. The Chairperson of the Subsidiary Body on Scientific, Technical and Technological Advice, elected at an ordinary meeting of the Conference of the Parties, shall take office from the end of the next ordinary meeting of the Subsidiary Body on Scientific, Technical and Technological Advice and remain in office until his/her successor takes office. As a general rule the chairmanship of the Subsidiary Body shall rotate among United Nations regional groups. Candidates for the Chair of the Subsidiary Body should be recognized experts, qualified in the field of biological diversity and experienced in the process of the Convention and the Subsidiary Body on Scientific, Technical and Technological Advice.

D. FREQUENCY AND TIMING OF MEETINGS OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

11. The meetings of the Subsidiary Body on Scientific, Technical and Technological Advice should take place as necessary and sufficiently in advance of each regular meeting of the Conference of the Parties, for a duration to be determined by the Conference of the Parties which should not normally exceed five days. The number and length of the meetings and activities of the Subsidiary Body on Scientific, Technical and Technological Advice and its organs should be reflected in the budget adopted by the Conference of the Parties or other sources of extra budgetary funding.

E. DOCUMENTATION

12. The documentation prepared for meetings will be distributed three months before the meeting in the working languages of the Subsidiary Body on Scientific, Technical and Technological Advice, will be concrete, focused draft technical reports and will include proposed conclusions and recommendations for consideration of the Subsidiary Body on Scientific, Technical and Technological Advice.

13. To assist with the peer review of documentation, the Executive Secretary may establish, in consultation with the Chairperson and the other members of the Bureau of the Subsidiary Body, a liaison group comprising a balanced range of experts qualified in fields relating to the conservation and sustainable use of biodiversity and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, and including scientific institutions and societies, as appropriate. Such liaison groups, and the way in which they interact, will depend on the resources available.

14. In preparing documentation for meetings, the Executive Secretary will establish work plans, timetables, resource requirements, and collaborators and contributors, and follow a transparent process for contributions, comments and feedback at various stages of document preparation. Technical reports prepared for the Subsidiary Body on Scientific, Technical and Technological Advice will be peer-reviewed as appropriate.

F. ORGANIZATION OF WORK DURING THE MEETINGS

15. Each meeting of the Subsidiary Body on Scientific, Technical and Technological Advice will propose to the Conference of the Parties, in light of the programme of work for the Conference of the Parties and the Subsidiary Body, a particular theme as the focus of work for the following meeting of the Subsidiary Body.

16. Two open-ended sessional working groups of the Subsidiary Body on Scientific, Technical and Technological Advice could be established and operate simultaneously during meetings of the Subsidiary Body. They shall be established on the basis of well-defined terms of reference, and will be open to all Parties and observers. The financial implications of these arrangements should be reflected in the budget of the Convention.

G. SCIENTIFIC AND TECHNICAL ASSESSMENTS

17. Scientific and technical assessments initiated by the Subsidiary Body on Scientific, Technical and Technological Advice shall be regionally balanced, carried out in an objective and authoritative manner, according to the terms of reference that clearly establish the mandate, duration of operation and expected outcomes, and undertaken according to the process outlined in appendix C below.

H. AD HOC TECHNICAL EXPERT GROUP MEETINGS

18. A limited number of ad hoc technical expert groups on specific priority issues on the programme of work of the Conference of the Parties may be established under the guidance of the Conference of the Parties, as required, for a limited duration, to provide scientific and technical advice and assessments. The establishment of such ad hoc technical expert groups would be guided by the following elements:

(a) The ad hoc technical expert groups should draw on the existing knowledge and competence available within, and liaise with as appropriate, international, regional and national organizations, including non-governmental organizations and the scientific community, as well as indigenous and local community organizations and the private sector, in fields relevant to this Convention;

(b) The Executive Secretary, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice, will select scientific and technical experts from the nominations submitted by Parties for each ad hoc technical expert group. The ad hoc technical expert groups shall be composed of no more than fifteen experts nominated by Parties competent in the relevant field of expertise, with due regard to geographical representation, gender balance and to the special conditions of developing countries, in particular the least-developed and small island developing States, and countries with economies in transition, as well as a limited number of experts from relevant organizations, depending on the subject matter. The number of experts from organizations shall not exceed the number of experts nominated by Parties;

(c) The number of ad hoc technical expert groups active each year will be limited to the minimum necessary. In the establishment of such groups, Parties shall take into consideration the availability of extra-budgetary resources as determined by the Conference of the Parties;

(d) Ad hoc technical expert groups will be encouraged to use innovative means of communication and to minimize the need for face-to-face meetings;

(e) Reports produced by the ad hoc technical expert groups should, as a general rule, be submitted for peer review;

(f) All efforts will be made to provide adequate voluntary financial assistance for the participation of experts, in the ad hoc technical expert groups, from developing countries and countries with economies in transition Parties.

I. CONTRIBUTION OF NON-GOVERNMENTAL ORGANIZATIONS

19. The scientific and technical contribution of non-governmental organizations to the fulfilment of the mandate of the Subsidiary Body will be strongly encouraged in accordance with the relevant provisions of the Convention and the rules of procedure for meetings of the Conference of the Parties.

J. COOPERATION WITH OTHER RELEVANT BODIES

20. The Subsidiary Body on Scientific, Technical and Technological Advice shall cooperate with other relevant international, regional and national organizations, under the guidance of the Conference of the Parties, thus building upon the vast experience and knowledge available. To facilitate such cooperation, the Bureau of the Subsidiary Body may hold meetings with equivalent bodies of other relevant biodiversity-related conventions, institutions and processes. In addition, the Chair of the Subsidiary Body, or other member of the Bureau authorized by the Chair, may represent the Subsidiary Body at meetings of the scientific bodies of such groups.

K. REGIONAL AND SUBREGIONAL PREPARATORY MEETINGS

21. Regional and subregional meetings for the preparation of regular meetings of the Subsidiary Body on Scientific, Technical and Technological Advice may be organized, as appropriate, for specific items. The possibility of combining such meetings with other scientific regional meetings, in order to make maximum use of available resources, should be considered. The convening of such regional and subregional meetings will be subject to the availability of voluntary financial contributions.

22. The Subsidiary Body on Scientific, Technical and Technological Advice should, in the fulfilment of its mandate, draw upon the contributions of the existing regional and subregional intergovernmental organizations or initiatives.

L. FOCAL POINTS

23. A list of focal points and focal persons to the Subsidiary Body on Scientific, Technical and Technological Advice shall be established and regularly updated by the Executive Secretary, on the basis of information provided by Parties and other relevant regional, subregional and intergovernmental organizations.

24. Although the specific responsibilities of focal points to the Subsidiary Body on Scientific, Technical and Technological Advice will be determined by Parties, such focal points act as liaisons with the Secretariat on behalf of their Parties with regard to scientific, technical and technological matters related to the Convention and, in doing so, they may undertake the following tasks:

(a) Developing linkages, and facilitating information exchange, between the Subsidiary Body on Scientific, Technical and Technological Advice and relevant regional and national agencies and experts;

(b) Responding to requests for input from the Conference of the Parties and the Secretariat related to scientific, technical and technological issues;

(c) Communicating and collaborating with focal points for the Subsidiary Body on Scientific, Technical and Technological Advice in other countries to improve the effectiveness of the Subsidiary Body and to facilitate implementation of the Convention;

(d) Collaborating with other national-level focal points for the Convention on Biological Diversity and focal points from other biodiversity-related conventions to facilitate implementation of the Convention at the national level.

APPENDIX A

FUNCTIONS OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

The Subsidiary Body on Scientific, Technical and Technological Advice was established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of the Convention. Its specific functions are to:

- (a) Provide scientific and technical assessments of the status of biological diversity;
- (b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;
- (c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;
- (d) Identify new and emerging issues relating to the conservation and sustainable use of biodiversity;
- (e) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity;
- (f) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

APPENDIX B

STRATEGIC WAYS AND MEANS OF IMPROVING THE QUALITY OF SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

1. Improving the scientific, technical and technological inputs into SBSTTA meetings by, inter alia:
 - (a) Strengthening relationships with the scientific and technical community through:
 - (i) Providing material about the work of the Subsidiary Body in a format that is accessible and relevant to the scientific and technical community;
 - (ii) Actively disseminating the results of the work of the Subsidiary Body through scientific literature, both as reporting items and scientific papers, as reviewed and approved by the Conference of the Parties;
 - (iii) Participating in, and contributing to, the scientific and technical components of other biodiversity-related processes;
 - (iv) Using other bodies as a bridge between the Subsidiary Body and the scientific and technical community in relation to work programmes;
 - (v) Engaging the scientific community in scientific assessments.

2. Improving the scientific, technical and technological debate during SBSTTA meetings by, inter alia:

(a) Raising delegates' awareness about, and encouraging informal debate on, key issues through the provision of scientific and technical publications, keynote speakers, poster sessions, round-table debates and other side events during meetings of the Subsidiary Body;

(b) Identifying other opportunities to prepare delegates, particularly those with limited experience, for the discussions on scientific and technical matters;

(c) Dedicating sufficient time to the consideration of results of scientific and technical assessments.

APPENDIX C

PROCESS FOR THE CONDUCT OF SCIENTIFIC AND TECHNICAL ASSESSMENTS INITIATED BY THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

Assessment steps	Modalities/activities
Recognition of assessment need/mandate	<ol style="list-style-type: none"> 1. Mandate given by the Conference of the Parties; 2. Needs identified: <ul style="list-style-type: none"> • Through the review of programmes of work, e.g., for forest biodiversity, and biodiversity and climate change; • After an initial assessment, e.g., for invasive alien species; or • During implementation of programmes of work, e.g., for rapid assessment methods.
Preparation of background document or note by the Executive Secretary	<p>Provide notice of intention to undertake assessment:</p> <ol style="list-style-type: none"> 1. Invitation given to scientific community to submit evidence <p>Background documents or detailed outlines drafted by the Executive Secretary with or without assistance from:</p> <ol style="list-style-type: none"> 2. Consultant/collaborating organization; and/or 3. Expert meeting.
Consideration by an AHTEG / established by the Conference of the Parties¹	<ol style="list-style-type: none"> 1. Review of background document or Note by the Executive Secretary; 2. Identification of gaps; and 3. Revision of background document taking into account additional published information. <p>Peer-review, if applicable, by:</p> <ol style="list-style-type: none"> 1. Selected reviewers; 2. A wider audience including Parties, other Governments, SBSTTA focal points, experts nominated by Parties, organizations and indigenous and local communities and/or other conventions

¹The cost of a meeting of experts (including 12 experts from developing countries and countries with economies in transition) varies between US\$ 40,000 and US\$ 60,000 depending on the venue and participation of the Secretariat of the Convention on Biological Diversity when meetings are held outside of Montreal.

Assessment steps	Modalities/activities
Consideration by SBSTTA	<ol style="list-style-type: none"> 1. Development of conclusions on assessment; 2. Recommendation to the Conference of the Parties.
Use and application of results (including consideration by the Conference of the Parties) and identification of gaps to be addressed in future	<ol style="list-style-type: none"> 1. Utilization of the revised document to develop elements and activities for the relevant programmes of work, and follow-up activities and submission of draft decision for consideration by the Conference of the Parties; 2. Decision by the Conference of the Parties; 3. Publication of assessment reports in the CBD Technical Series; 4. Use in other publications, e.g., Millennium Ecosystem Assessment report; 5. Active dissemination of results to scientific community. 6. Use by Governments and others; 7. Identification of additional information needs, including the need for new assessments.

