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s.19(1)  
s.21(1)(a)  
s.21(1)(b)

## MOP-7 Cartagena Protocol on Biosafety (BSP)

**South Korea,** The BSP is a multilateral environmental agreement that under the UN Convention on Biological Diversity contributes to the conservation and sustainable use of biological diversity by ensuring safe transboundary movements of living modified organisms (LMOs). Canada signed the BSP **Sep 29 to Oct 03, 2014**<sup>i</sup> in April 2001 but has not ratified it.  
The Candel at the MOP-7 was led by Angela Bilkhu (AAFC) and Phil Macdonald (CFIA). As observers, the Candel maintained a low profile at the meeting  
In general, the tone of the discussion and results obtained at MOP-7 showed a more balanced approach to addressing the environmental safety and trade of LMOs.

Provision (Art)	Objective	What was accomplished / Candel interventions	To watch / To do
Handling, transport, packaging and identification (HTPI) of living modified organisms (LMOs) (Art 18.2.a & 18.3)	Influence a MOP decision to ensure that (a) future review of the need for a stand-alone document regarding information requirements under article 18.2.a is no longer warranted and (b) existing international standard-setting bodies are adequate to address biosafety considerations pertaining the safe transfer, handling and use of LMOs in the context of Article 18.3	(a) A lively discussion about the need for a standalone document to accompany shipments of LMOs intended for direct use as food, feed or for processing (FFPs) resulted in compromise text; suggested by the EU, stating that <b>further review of the need for a stand-alone document is not required</b> , unless a subsequent MOP decides otherwise in light of the experience gained. Candel intervened as follows: <i>As this is the first time Canada is taking the floor, we would like to thank the Republic of Korea for hosting this meeting and the hospitality they have extended to all delegates. Canada would like to remind delegates that scope of Article 18 is limited to LMOs for direct use as food or feed or for processing and does not include in its scope LMOs for environmental release. In Canada's view, the commercial invoice is an example of a well-known document, familiar to industry and easily recognizable and is an appropriate document to put the information required under Article 18.2(a). I would like to support interventions made by South Africa and Ecuador that additional documentation could hamper trade. Consequently, it is Canada's view that there is no need for a standalone document and discussion in regards to this is no longer warranted.</i>	
Risk assessment and risk management (RA/RM; Arts 15 & 16)	Influence a MOP decision to avoid endorsement of the guidance on RA/RM and request that comments received from international experts are incorporated into the document to improve its quality.	(b) Discussion about HTPI standards was non-controversial. <b>Parties recognized that the BSP is not a standard-setting body</b> and agreed that duplication of work should be avoided. Discussion was extensive and heated.  As a result, <b>the proposal to endorse the guidance was removed from the final text. In addition, a recommendation was made to accept the comments received during the review process to improve the quality of the guidance.</b> Parties also decided to extend the Online Forum and the Ad-Hoc Technical Expert Group (AHTEG), revising its terms of reference and expanding its composition by including one new member from each region with sufficient experience on RA.	N/A

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<p>Socio-economic considerations (SEC; Art 26)</p>	<p>Influence a MOP decision to prevent that the AHTEG on SEC is charged with work on guidance that could result in discriminatory measures not based on science to like products that can contradict obligations under the WTO</p>	<p>Discussion was contentious. Several Parties noted that conceptual clarity was not achieved and consequently, a step-wise approach is required. others, proposed that SEC need to include potential benefits. <b>The AHTEG was extended, subject to the availability of funds, to further develop conceptual clarity on SEC.</b> The Secretariat will convene online work to review certain topics including international obligations that may be relevant to SEC. A study on international agreements that may have relevance to SEC was also commissioned, pending availability of funds. The AHTEG was charged to develop an outline, to be considered at MOP-8, to start work on guidance as soon as consensus is reached regarding conceptual clarity on SEC.</p>	
<p>Unintentional transboundary movements (UTM) and emergency measures (Art 17)</p>	<p>Influence a MOP decision to avoid reference to Low Level Presence (LLP) and to defer further work on detection and identification, as it relates to UTM of LMOs, unless a clear link is made between detection capacity and the ability to comply with obligations under this article</p>	<p><b>LLP was not mentioned</b> during the discussion or at any point during MOP-7. Early on it was made clear the little understanding Parties have about the difference between UTM and illegal movements (IM). Emphasis on detection and identification as well as the need to include proprietary information for notification purposes (Art 8), among other issues, were subject of intense discussion. At its 13<sup>th</sup> meeting, the Compliance Committee will consider a compilation of comments by countries to clarify the difference between UTM and IM. Candel interventions were as follows: <i>(On Day 1) Canada supports Brazil's intervention. As the EU, Canada is, also, of the view that further work on detection and identification of LMOs under Article 17 should be deferred until a clear link is made between detection capacity and the ability to comply with obligations under this article. Finally, Canada believes that priority should be given to improving risk assessment capacity as this is essential to respond to any outcomes of testing. (On Day 2) Canada would like to support interventions made by Brazil and Argentina. Canada is of the view that the current language that does not contain a prescriptive list will provide parties with more flexibility in determining what information is necessary.</i></p>	
<p>Contained use of living modified organisms (Art 6)</p>	<p>Influence a MOP decision to ensure that further work on contained use of LMOs, including the development of tools and guidance, is not considered</p>	<p>Discussion around contained use was mostly non-contentious. Several parties indicated that contained use is out of the scope of the Protocol and others affirmed that this topic was well covered by national standards. <b>There was agreement to share information on how Parties and other countries regulate contained use of LMO.</b> Information will be compiled and presented at MOP-8, including any specific requirement relating to the type and level of containment, to determine if gaps exist.</p>	

**COP-12 CONVENTION ON BIOLOGICAL DIVERSITY (CBD)**

**South Korea,** Synthetic biology (SB) is a range of new genetic engineering techniques, including the relatively new ability to synthesize long pieces of DNA  
**Sep 06 to 17,** from chemicals, as well as improved methods for genetic manipulation and design of genetic pathways to achieve more precise control of  
**2014<sup>ii</sup>** biological systems. Parties at COP-12 discussed the potential impact of SB on biodiversity as well as possible gaps and overlaps with the Convention and the Cartagena Protocol on Biosafety.

Issue	Objective	What was accomplished / Candel interventions	To watch / To do
Synthetic biology (SB)	To seek that a distinction be made between LMO produced by conventional recombinant DNA technology and new products or processes derived through SB, and to oppose a moratorium on the development of such novel organisms, products and processes that use SB	Canada emphasized the need to apply the precautionary approach to address SB and supported establishing an AHTEG on this topic. In its final decision, <u>Parties did not consider a moratorium on SB</u> and agreed that there is currently insufficient information available to decide whether or not this is a new and emerging issue related to biodiversity. Parties also decided to take a precautionary approach and establish, or have in place, effective risk assessment and management procedures and/or regulatory systems to regulate environmental release of any organisms, components or products resulting from SB. Pending funding is available, an AHTEG was formed to continue work on this topic and develop an operational definition of SB including its potential benefits and risks. The AHTEG will also identify the similarities and differences between LMOs as defined in the BSP and SB products to determine if LMOs derived from synthetic biology fall under the scope of the BSP.	

<sup>i</sup> <http://www.cbd.int/mopz/>  
<sup>ii</sup> <http://www.cbd.int/cop12/>