

Information sharing - Article 20 of the Cartagena Protocol

Information sharing is a core element of the Cartagena Protocol. It follows from Article 20 of the Protocol that the exchange of information is to take place primarily through the Biosafety Clearing-House. The aim of the establishment of the Biosafety Clearing-House is to facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, LMOs. The Biosafety Clearing-House is also intended to be a key tool in assisting parties to implement the Protocol, especially in the context of decision-making.

The EU welcomes the work that has been done so far in developing the pilot phase of the Biosafety Clearing-House and congratulates the Secretariat on the development of the central portal. The development of the pilot phase has been an ongoing process, building on the recommendations of the meetings of the Intergovernmental Committee for the Cartagena Protocol (ICCP), on advice from the technical experts who had participated in the Liaison Group meetings, and on feedback received from Governments and organizations.

According to Article 20, paragraph 4, of the Protocol, the first meeting of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety shall decide upon the modalities of the operation of the Biosafety Clearing-House. In this regard, the EU has the following views on the transition between the pilot phase and a fully operational and functional Biosafety Clearing-House.

Retrieving information

The EU believes that the central portal in its current status provides for a useful and reliable Internet-based system for efficient information exchange under the Biosafety Protocol. Accordingly, it should serve as the central component of the Biosafety Clearing-House to provide access to information relevant to the Protocol. The EU finds the central portal well designed, enabling the search for information on the basis of specific categories using common formats and controlled vocabulary and reflecting the structure and organization of information provided for in the Protocol. In this respect, the EU finds the toolkit developed by the Secretariat a very useful and informative tool to assist visitors in using the central portal.

As regards usability of the central portal, the EU would like to stress the following points:

- the central portal must be technically designed to facilitate online access for Governments with poor internet connectivity, and should be made fully available in all United Nations languages;
- the site must be easy to navigate and to read, taking into account that the Biosafety Clearing-House is also meant for general public use;
- the search function should enable users to find information across the standard search mechanism (e.g. to identify which countries are requesting the advanced informed agreement (AIA) procedure for transit of LMOs);

- the users must know at every point what is the source of the information they are viewing (directly from the central portal versus from a remote site via interoperability).

The EU also welcomes the recent inclusion of a registry for unique identification of LMOs, which will be linked to the system being developed by the Organisation for Economic Co-operation and Development (OECD). The EU believes that harmonized unique identification systems should be used for all LMOs as a key to retrieving from the information of the Biosafety Clearing-House about LMOs approved for domestic use, including placing on the market.

Although the implementation of the Biosafety Clearing-House must focus primarily on information requested under the Protocol, the EU believes that the Biosafety Clearing-House should as rapidly as possible serve as a means to provide access to more general scientific information about biosafety. Access should be provided to already existing information and databases, taking all the various aspects into account and thus ensuring access to well-balanced information. In this regard, the EU welcomes the recent development in the central portal allowing access to and interoperability with more external databases, including the bibliographic database of the International Centre for Genetic Engineering and Biotechnology (ICGEB). The need to make such information available to countries with poor internet connectivity should be taken into consideration.

Registering information

It is evident that Parties to the Protocol must fulfil their information-sharing obligations under the Protocol. The EU is of the view that all other Governments and organizations should also further contribute information to the Biosafety Clearing-House in order actively to participate in its development and use.

In order to ensure that relevant information is available in due time, the EU believes that the central portal should in the short term be the preferred option for storing data on the Biosafety Clearing-House (use of the Management Centre), especially for Governments which do not maintain a local Biosafety Clearing-House website. This would be in line with the recommendations made by the Liaison Group of Technical Experts, which met in Montreal from 10 and 11 April 2003 (document UNEP/CBD/BCH/LG-MTE/1/2), recommendations that the EU fully supports. The development of an "instant Biosafety Clearing-House database template", as recommended by the Liaison Group, would be an interesting solution to facilitate storage and organization of data at national level and further export of these data to the central portal.

However, in the mid-term, the EU considers the development of local Biosafety Clearing-House websites interoperable with the central portal as a necessary step in making distributed information available (such as regulatory frameworks, decisions, and summaries of risk assessments). In order to establish this interoperability, it is essential that flexible and user-friendly standards be developed, as well as clear guidelines, with support and technical guidance from the Secretariat, including the development of self-standing templates for national Biosafety Clearing-House sites. Establishment of interoperability will have to be done partly on a case-by-case basis in order to accommodate technical solutions that have already been implemented in some national Biosafety Clearing-House.

The development and maintenance of interoperable databases will be greatly facilitated if detailed technical guidance and troubleshooting information are made available to information-technology experts by the Secretariat. The EU also supports the establishment of mechanisms to support continuous flow of information among the Secretariat, experts, national focal points for the Biosafety Clearing-House and partner organizations.

Finally, the EU would like once again to stress the importance of meeting the capacity needs of developing countries with respect to implementation and use of the Biosafety Clearing-House. Capacity-building should focus in the short term on use of the central portal and the management centre and, in the longer term, on development of interoperable national components of the Biosafety Clearing-House.

EU participation

The EU and its Member States, as Parties to the Protocol, will participate actively in the information exchange procedure. Each Member State and the Community will make efforts towards achieving the objective of making their own national Biosafety Clearing-House interoperable with the central portal of the Biosafety Clearing-House.

The EU has recently adopted a Regulation committing itself to share, through the Biosafety Clearing-House, any legislation and guidelines relevant to the implementation of the Protocol, as well as any bilateral, regional and multilateral agreement or arrangements entered into by the Member State or the Community regarding intentional transboundary movements of LMOs. The text of this Regulation (on Transboundary Movements of GMOs) will be sent to the Secretariat after its publication in the Official Journal of the EU.

Summary of risk assessments or environmental reviews of LMOs generated by the Community's regulatory process including, where appropriate, relevant information regarding products thereof, will also be made available through the Biosafety Clearing-House.

The Commission or the Member States, where appropriate, will communicate, through the Biosafety Clearing-House, any final decision regarding the use of LMOs within the Community. This includes decisions on contained use classified in risk class 3 or 4 of LMOs which are likely to be subject to transboundary movements, as well as decisions on import, marketing and experimental use of LMOs. The information will be made available within 15 days of the adoption of the decision, as will any review of such decisions. Decisions on safeguard measures will also be reported through the Biosafety Clearing-House.

Each Member State and the EC will appoint/has appointed contact points for notification of unintentional transboundary movements. Information on cases of unintentional or illegal transboundary movements will be made available through the Biosafety Clearing-House.

Furthermore, reports regarding monitoring of implementation of the Protocol, as well as implementation of the AIA procedure, will also be available through the Biosafety Clearing-House.

Finally, the EC has provided information to the Biosafety Clearing-House, on areas in which Community legislation is applied instead of the procedures under the Protocol for transboundary movements of LMOs within the Community and imports of LMOs into the Community^{1/}.

^{1/} On 11 September 2003, the European Commission submitted, on behalf of the EC, most of the information mentioned in this paragraph, in accordance with Article 20.3 of the Biosafety Protocol.