

CARTAGENA PROTOCOL ON BIOSAFETY
Transit and Contained Use of Living Modified Organisms (LMOs)

There exists extensive international, regional and national guidance and regulations for the handling, storage, containment measures, waste management, transport, packaging and identification of biological organisms under contained use, including LMOs, and the majority of Parties have existing provisions regulating the transit and contained use of LMOs already established in their national legislation. As such, the Global Industry Coalition (GIC)¹ considers any new work on these issues under the Cartagena Protocol for Biosafety (Protocol) as duplicative and unnecessary, and likely to create conflicting requirements for countries with national regulations already in place. The GIC therefore supports the draft decision on this issue for consideration at COP/MOP-9 that reminds Parties of their obligations to share information and existing guidance relating contained use of LMOs on the Biosafety Clearing-house (BCH).

A. Background

Article 6 of the Protocol addresses transit and contained use of LMOs, noting that the provisions of the Protocol with respect to the advance informed agreement procedure do not apply to LMOs in transit (paragraph 1) or destined for contained use (paragraph 2). At their ninth meeting (COP/MOP-9), Parties will consider a report from the Compliance Committee which was asked to assess if information that has been submitted to the BCH under contained use is in accordance with Article 6 of the Protocol. Parties will also consider a compilation of information submitted to the BCH by 28 Parties and other Governments addressing practical guidance on specific measures for contained use that effectively limit the contact of LMOs with, and their impact on, the external environment. What follows are the GIC's views on the proposed elements of a draft decision on contained use at COP/MOP-9.

B. GIC Views on Elements of a Draft Decision on Contained Use (CBD/CP/MOP/9/9)²

- The application of biosafety contained use practices is a well-established discipline in existence for more than 30 years with extensive and robust international, regional and national regulations and guidance for the handling, storage, containment measures, waste management, transport, packaging and identification of biological organisms under contained use, including LMOs³, to ensure the protection of human health and the environment. The leading document, recognized worldwide is the World Health Organization *Laboratory Safety Manual*.⁴
- The analysis of information in Parties' and other Governments' submissions to the BCH supports the extensive experience with contained use regulations, concluding that the vast majority of Parties have provisions regulating the contained use of LMOs already established in their national legislation.

¹ The Global Industry Coalition (GIC) for the Cartagena Protocol on Biosafety receives input and direction from trade associations representing thousands of companies from all over the world. Participants include associations representing and companies engaged in a variety of industrial sectors such as plant science, seeds, agricultural biotechnology, food production, animal agriculture, human and animal health care, and the environment.

² <https://www.cbd.int/doc/c/9042/7138/9e6c7689a0486b76d92ec734/cp-mop-09-09-en.pdf>.

³ The principles of containment that apply to non-transgenic human, animal and plant pathogens which pose similar or greater risks than LMOs are transferable to different types of organisms, including LMOs.

⁴ The World Health Organization 'Laboratory Biosafety Manual' 3rd edition and the CEN Workshop Agreement 15793:2011 'Laboratory biorisk management', which is in the process of being transformed into an ISO standard, 'A Practical Guide to Containment: Greenhouse research with Transgenic Plants and Microbes', are two primary resources.

- Submissions also recognize that contained use is already captured through existing national biosafety regulations in most cases and, therefore, specific practical guidance on contained use had not been developed, nor is it deemed necessary.
- There is also extensive training and capacity building taking place on contained use through other entities, such as the International Federation of Biosafety Associations (IFBA), a not-for-profit non-governmental organization of regional and national Biosafety Associations from all areas of the world, focused on strategies to strengthen sustainable biosafety capacity at the local level, as well as the activities of the individual country and regional biosafety associations.⁵
- Given the facts above, the GIC supports the elements of the draft decision at COP/MOP-9 which simply remind Parties of their obligations to share information on the BCH. However, the GIC recommends the addition of text that reflects acknowledgement of the information submitted by Parties and other Governments on this issue and suggests paragraph 34(a) be revised to state:

Paragraph 34(a): Take note of the Committee's assessment of information in the Biosafety Clearing-House submitted by Parties as decisions under contained use and the existing practical guidance on specific measures for contained use as submitted by Parties and other Governments to the Biosafety Clearing-House.

For more information on this and other Protocol implementation issues, please visit <http://croplife.org/plant-biotechnology/cartagena-protocol-on-biosafety/>.

⁵ <http://www.internationalbiosafety.org>.