

GLOBAL INDUSTRY COALITION (GIC)¹ VIEWS: CARTAGENA PROTOCOL ON BIOSAFETY (BSP) RATIFICATION & IMPLEMENTATION

The GIC supports ratification of the BSP following completion of a review of domestic law to identify and develop for adoption as domestic law any amendments or new legislation required for the country to be in compliance with and to implement the BSP upon ratification.

The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international treaty governing the movements of living modified organisms (LMOs) resulting from modern biotechnology among its Parties. It was adopted on 29 January 2000 as a supplementary agreement to the Convention on Biological Diversity and entered into force on 11 September 2003. The **Global Industry Coalition (GIC)¹** actively engaged with the Parties during the completed negotiation and ongoing implementation process of the BSP to ensure that the outcomes considered the practical realities of trade in LMOs and their history of safe use. The GIC views the BSP as a positive tool providing the framework of a workable system for regulation and trade of LMOs that can contribute to the conservation and sustainable use of biodiversity, so long as countries implement its provisions as intended by the BSP text and implementation decisions by the Parties.

Becoming a Party to the BSP presents a number of benefits, including:

- Direct impact in BSP implementation through participation in the decision-making processes of the Conference of the Parties serving as the meeting of the Parties to the Protocol²;
- Enhanced visibility and credibility of national systems for regulating biosafety within the global community;
- Contribution to harmonized rules, procedures and practices in managing the transboundary movement of LMOs;
- Direct engagement with Parties, other Governments, and the international community on efforts to strengthen biosafety;
- Access to a regular exchange of information and expertise in the area of biosafety and biotechnology; and
- Demonstration of our commitment to the conservation and sustainable use of biological diversity.

The GIC supports ratification of the BSP following a step-wise approach that will ensure that countries can comply with their legal obligations as of the date of ratification.

1. Countries should first examine their domestic laws to determine whether domestic rules and procedures already exist that address the provisions of the BSP.
2. If applicable rules exist, they should be carefully analyzed to ensure compliance with all aspects of the BSP.
3. Where rules do not exist, are insufficient or contrary to the BSP, a comprehensive plan for amendment and/or creation of new legal instruments should be developed. This plan should address all aspects of referenced applicable domestic law on both the mandatory and discretionary rules and procedures set forth in the BSP.
4. The GIC recommends that governments look to existing domestic legislation on regulation and trade of LMOs, rather than creating stand-alone laws or regulations.
5. Once a comprehensive plan is in place that will lead to the adoption of the necessary legal instrument(s) to ensure compliance with the BSP, countries also should develop a plan to establish the appropriate capacity and plan to implement such legislation.
6. When the necessary legislation and capacity exists, formal steps toward ratification should be initiated.

Once ratification is complete, the GIC encourages the new Party to be an active and engaged participant in ongoing BSP implementation discussions, seeking the input and views of national stakeholders, including national GIC members, as the Party develops its contributions to the implementation process.

¹The 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.

²This is particularly important in the case of major exporters of agricultural commodities as the implementation discussions need to be accurately informed of the issues impacting exporters.