

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

Bern, 23–27 March 2015

Item 5 (a) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:
pending issues**

09 March 2015

Carriage of live animals; comments on ECE/TRANS/WP.15/AC.1/2015/5

Transmitted by the Government of Spain

Introduction

1. Document ECE/TRANS/WP.15/AC.1/2015/5 includes the draft amendments which were adopted at the autumn session 2014, on the basis of informal documents. Additionally, into 2.2.62.1.1, Note 1 of that document an additional proposal, that was introduced orally during the last Joint Meeting and was sent in written form to the Secretariat after the meeting, has been included.
2. The purpose of this document is to give additional information on the Cartagena Protocol on Biosafety, and justify the inclusion of the additional text into 2.2.62.1.1 Note 1.

Background information

3. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international agreement which aims to ensure the safe handling, transport and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health.
4. It was adopted on 29 January 2000 and entered into force on 11 September 2003. 168 different parties have accessed this protocol, inter alia also all EU countries and the EU itself.
5. In the Protocol a precautionary approach is established to ensure that the human health and the biodiversity is not affected through the transboundary movement of living modified organisms.
6. The Protocol establishes an advance informed agreement (AIA) procedure for ensuring that countries are provided with the information necessary to make informed decisions before agreeing to the import of such living modified organisms into their territory. The Protocol also establishes measures to facilitate the exchange of information on living modified organisms and to assist countries in the implementation of the Protocol.
7. In article 18 of the Cartagena Protocol on Biosafety the aspect of transport of this LMOs is treated (see annex 1). This article was further developed through the decision taken at the Contracting Parties Meeting in march 2006 in Brasil (BS III/8, BS III/9 y BS-

III/10, see annex 2), which further regulate the conditions of handling, transport, packaging and identification of living modified organisms.

8. Finally, as this is an agreement that has to be fulfilled by its contracting parties, it is suggested to include a reference to it into the note in 2.2.62.1.1 to facilitate cross references to the Protocol.

9. Further information on the Protocol can be found at <http://bch.cbd.int/protocol>

Proposal

2.2.62.1.1, Note 1 Amend to read as follows (same text as presented in ECE/TRANS/WP.15/AC.1/2015/5):

*“NOTE 1: Genetically modified microorganisms and organisms, biological products, diagnostic specimens and [intentionally] infected live animals shall be assigned to this Class if they meet the conditions for this class, **taking into account for its carriage the Cartagena Protocol on Biosafety, as appropriate.**”*

The carriage of unintentionally infected animals is subject only to the relevant rules and regulations of the respective countries of origin, transit and destination.”.

Annex 1 : Article 18, Cartagena Protocol on Biosafety

Article 18 Handling, Transport, Packaging and Identification

1. In order to avoid adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, each Party shall take necessary measures to require that living modified organisms that are subject to intentional transboundary movement within the scope of this Protocol are handled, packaged and transported under conditions of safety, taking into consideration relevant international rules and standards.

2. Each Party shall take measures to require that documentation accompanying:

(a) Living modified organisms that are intended for direct use as food or feed, or for processing, clearly identifies that they "may contain" living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for further information. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall take a decision on the detailed requirements for this purpose, including specification of their identity and any unique identification, no later than two years after the date of entry into force of this Protocol;

(b) Living modified organisms that are destined for contained use clearly identifies them as living modified organisms; and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the living modified organisms are consigned; and

(c) Living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter.

3. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall consider the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in consultation with other relevant international bodies.

Annex 2: BS-III 8, 9, 10

BS-III/8 Handling, transport, packaging and identification of living modified organisms: paragraphs 2 (b) and 2 (c) of Article 18

The Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety, Recalling the decision taken at the second meeting to consider the documentation requirements of paragraphs 2 (b) and 2 (c) of Article 18 in the context of the review of implementation of the Protocol as provided for under Article 35 (paragraph 4, decision BS-II/10),

Noting the existence of well established rules and practices for identification, packaging and transport such as the United Nations Model Regulations on the Transport of Dangerous Goods in respect of some classes or types of living modified organisms that meet the criteria of dangerous goods or substances, and which fall under the category of living modified organisms destined for contained use,

Noting the submissions of information made on experience gained with the use of a commercial invoice or other documents required or utilized by existing documentation systems in fulfilling the requirements under paragraphs 2 (b) and 2 (c) of Article 18 concerning the identification of living modified organisms destined for contained use and those intended for intentional introduction into the environment, respectively,

Noting further the limited number of submissions received on experience in the use of existing documentation systems on whether a stand alone document would be appropriate to fulfil the documentation requirements under paragraphs 2 (b) and 2 (c) of Article 18, and recognizing the need for more practical experience in the use of documents referred to in paragraph 1, of decision BS-I/6 B,

Recognizing further the right of Parties to take domestic measures requiring exporters of living modified organisms destined for contained use and those intended for intentional introduction into the environment, to use standard formats, stand-alone documents, templates or other documentation systems that may be required by national authorities,

1. *Requests Parties and invites other Governments and relevant international organizations to submit further to the Executive Secretary, not later than six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, further information on experience gained with the use of a commercial invoice or other documents required or utilized by existing documentation systems, or pursuant to national requirements with a view to future consideration of a stand-alone document;*

2. *Requests the Executive Secretary to compile the information received as per paragraph 1 above and to prepare a synthesis report for consideration in the context of the process of review of the implementation of the Protocol as provided for under Article 35 of the Protocol.*

BS-III/9 Handling, transport, packaging and identification of living modified organisms: paragraph 3 of Article 18

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

Recalling paragraph 3 of Article 18 of the Protocol on the consideration of the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices for transboundary movements of living modified organisms,

Noting paragraph 2 of Article 18 provides for rules and standards regarding identification of living modified organisms,

Recognizing , in light of the complexity of existing rules and standards, and the relevant work of various international bodies, that there is a need for further consultations regarding consideration of the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, with a view to creating synergies and avoiding duplication of efforts,

1. Invites Parties, other Governments and relevant international organizations to submit, no later than six months prior to the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, views and information on: (i) the adequacy of existing rules and standards for identification, handling, packaging and transport of goods and substances to address concerns relating to living modified organisms that are subject to transboundary movement, and (ii) on gaps that may exist that may justify a need to develop new rules and standards, or to call upon relevant international bodies to modify or expand their existing rules and standards, as appropriate;
2. Requests the Executive Secretary to prepare a synthesis of the views and information referred to in paragraph 1 above for consideration at the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;
3. Further requests the Executive Secretary to continue collaborating with relevant international bodies and to gather information on existing rules and standards with a view to making available the information, including on the experiences of relevant international bodies in the establishment and implementation of rules and standards relevant to Article 18, at the fourth and fifth meetings of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

BS-III/10 Handling, transport, packaging and identification of living modified organisms: paragraph 2 (a) of Article 18

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

Recalling the second sentence of paragraph 2 (a) of Article 18, which requires the Conference of the Parties serving as the meeting of the Parties to the Protocol to take a decision on the detailed requirements of those elements specified in the first sentence of the same paragraph, including specification of the identity of the living modified organisms in question and any unique identification, no later than two years after the entry into force of the Protocol,

Also recalling decision BS-I/6 A of the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol,

Recalling that pursuant to Article 2 paragraph 4 of the Protocol, nothing in the Protocol shall be interpreted as restricting the right of a Party to take action that is more protective of the conservation and sustainable use of biological diversity than that called for in the Protocol, provided that such action is consistent with the objective and the provisions of the Protocol and in accordance with that Party's other obligations under international law,

Understanding that Parties may, in the context of Article 14 and Article 24, enter into bilateral, regional and multilateral agreements and arrangements regarding requirements for

the identification of living modified organisms intended for direct use as food or feed, or for processing,

Recalling Article 11 of the Protocol on the procedure for living modified organisms intended for direct use as food or feed, or for processing,

Stressing the need to promote the broadest possible participation in the Protocol, by countries exporting and importing living modified organisms intended for use as food or feed or for processing, in order to ensure the broadest possible implementation of identification requirements,

Convinced that capacity-building in developing countries is essential for the effective implementation of the documentation requirements under Article 18, paragraph 2 (a), of the Protocol,

1. *Requests* Parties to the Protocol and urges other Governments to take measures to ensure the use of a commercial invoice or other document required or utilized by existing documentation systems, or documentation as required by domestic regulatory and/or administrative frameworks, as documentation that should accompany living modified organisms that are intended for direct use as food or feed, or for processing. Such documentation should include the information in paragraph 4 below and allow for easy recognition, transmission and effective integration of the information requirements, with consideration of standard formats;

2. *Requests* Parties to the Protocol and invites other Governments to submit to the Executive Secretary, no later than six months prior to the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, information on experience gained with the use of documentation referred to in paragraph 1 above, with a view to further harmonization of a documentation format to fulfil the identification requirements set out in paragraph 4 below, including consideration of the need for a stand-alone document, and requests the Executive Secretary to compile the information and to prepare a synthesis report for consideration by the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

3. *Further requests* Parties to the Protocol and urges other Governments to take measures ensuring that the documentation accompanying living modified organisms that are intended for direct use as food or feed, or for processing, provides the details of a contact point for further information: the exporter, the importer, and/or any appropriate authority, when designated by a Government as the contact point;

4. *Requests* Parties to the Protocol and urges other Governments to take measures ensuring that documentation accompanying living modified organisms intended for direct use as food or feed, or for processing, in commercial production and authorized in accordance with domestic regulatory frameworks, is in compliance with the requirements of the country of import, and clearly states:

(a) In cases where the identity of the living modified organisms is known through means such as identity preservation systems, that the shipment contains living modified organisms that are intended for direct use as food or feed, or for processing;

(b) In cases where the identity of the living modified organisms is not known through means such as identity preservation systems, that the shipment may contain one or more living modified organisms that are intended for direct use as food or feed, or for processing;

(c) That the living modified organisms are not intended for intentional introduction into the environment;

(d) The common, scientific and, where available, commercial names of the living modified organisms;

(e) The transformation event code of the living modified organisms or, where available, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code;

(f) The Internet address of the Biosafety Clearing-House for further information; and *notes* that in accordance with Article 24 of the Protocol, transboundary movements of living modified organisms between Parties and non-Parties shall be consistent with the objective of the Protocol, and *further notes* that the specific requirements set out in this paragraph do not apply to such movements. In addition, in accordance with paragraph 2 of Article 24, Parties shall encourage non-Parties to adhere to the Protocol;

5. *Invites* Parties to the Protocol and other Governments to make available to the Biosafety Clearing-House the following:

(a) The transformation events that are commercially produced for each planting cycle in the exporting country;

(b) The geographical area within the exporting country where each transformation event was cultivated;

(c) The common, scientific and, where available, commercial names of the living modified organisms;

(d) The transformation event code of the living modified organism or, where available, as a key to accessing information in the Biosafety Clearing-House, its unique identifier code;

6. *Acknowledges* that the expression "may contain" does not require a listing of living modified organisms of species other than those that constitute the shipment;

7. *Decides* to review and assess, at its fifth meeting, experience gained with the implementation of paragraph 4 above, with a view to considering a decision, at its sixth meeting, to ensure that documentation accompanying living modified organisms intended for direct use as food or feed, or for processing covered by paragraph 4 clearly states that the shipment contains living modified organisms that are intended for direct use as food or feed, or for processing, and includes the detailed information in items (c) to (f) of that paragraph;

8. *Decides* that the review referred to in paragraph 7 above shall include an examination of capacity-building efforts in developing countries;

9. *Recalls* the updated Action Plan for Building Capacities for the Effective Implementation of the Protocol adopted at the present meeting (decision BS-III/3, annex) and *requests* the Executive Secretary to mobilize funding from all available sources for the purpose of supporting implementation of Article 18, paragraph 2 (a), of the Protocol;

10. *Encourages* Parties and other Governments to cooperate in exchanging experiences and building capacities in the use and development of easy to use, rapid, reliable and cost-effective sampling and detection techniques for living modified organisms;

11. *Requests* Parties to the Protocol and *invites* other Governments, regional and international organizations and interested stakeholders, to submit to the Executive Secretary, not later than three months prior to its fourth meeting, information on experience gained with the use of sampling and detection techniques and on the need for and modalities of developing criteria for acceptability of, and harmonizing, sampling and detection techniques and *requests* the Executive Secretary to compile the information

received and to prepare a synthesis report for consideration by the fourth meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol;

12. *Requests* Parties to the Protocol and *urges* other Governments and relevant international and regional organizations to take urgent measures to strengthen capacity-building efforts in developing countries, in order to assist them in the implementation of and benefit from documentation and identification requirements for living modified organisms intended for direct use as food or feed, or for processing.
