FIRST REGULAR NATIONAL REPORT ON THE IMPLEMENTATION OF THE CARTAGENA PROTOCOL ON BIOSAFETY

Origin of report

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Time period covered by this report:	

Please provide summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report:

Obligations for provision of information to the Biosafety Clearing-House

1. Several articles of the Protocol require that information be provided to the Biosafety Clearing-House (see the list below). For your Government, if there are cases where relevant information exists but has not been provided to the Biosafety Clearing-House (BCH), describe any obstacles or impediments encountered regarding provision of that information (note: To answer this question, please check the BCH to determine the current status of your country's information submissions relative to the list of required information below. If you do not have access to the BCH, contact the Secretariat for a summary):

2. Please provide an overview of information that is required to be provided to the Biosafety Clearing-House:

Type of information	*Information exists and is being provided to the Biosafety Clearing-House*	*Information exists but is not yet provided to the Biosafety Clearing-House*	*Information does not exist /not applicable*
a) Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20.3(a))	X- some	X- some under translation	
b) National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11.5);	X- some	X- some under translation	
c) Bilateral, multilateral and regional agreements and arrangements (Articles 14.2, 20.3(b), and 24.1);			X
d) Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19.1 and 19.3), and emergency contacts (Article 17.2 and 17.3(e));	X- complete		
e) In cases of multiple competent national authorities, responsibilities for each (Articles 19.2 and 19.3);		X- some not yet officially mandated by domestic law	
f) Reports submitted by the Parties on the operation of the Protocol (Article 20.3(e));			X- Enter into force on 8 Feb 2006, hasn't been reported

g) Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17.1);			X- none been recorded
Type of information	*Information exists and is being provided to the Biosafety Clearing-House*	*Information exists but is not yet provided to the Biosafety Clearing-House*	*Information does not exist /not applicable*
h) Illegal transboundary movements of LMOs (Article 25.3);		X- under verification	
i) Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Articles 10.3 and 20.3(d));		X- under preparation to English	
j) Information on the application of domestic regulations to specific imports of LMOs (Article 14.4);		X- under verification	
k) Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11.1);		X- under translation	
l) Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11.4) or in accordance with annex III (Article 11.6) (requirement of Article 20.3(d))		X- under translation	
m) Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11.6)			X
n) Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12.1);			X
o) LMOs granted exemption status by each Party (Article 13.1)		X- by Ministry of Public Health under translation	
p) Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13.1);			X
q) Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information			X- not been officially recorded

regarding products thereof (Article 20.3(c)).			

Article 2 – General provisions

3. Has your country introduced the necessary legal, administrative and other measures for implementation of the Protocol? (Article 2.1)	
a) full domestic regulatory framework in place (please give details below)	X
b) some measures introduced (please give details below)	
c) no measures yet taken	
4. Please provide further details about your response to the above question, as well as description of your country's experiences and progress in implementing Article 2, including any obstacles or impediments encountered:	
In order to immediate response to an effiective implementation of the Protocol, Thailand takes responsively to set up the Natonal Sub-committee on Cartegena Protocol of Thailand in February 2006 (the same month as country party member put into force). The Sub-committee is coordinated by Office of Natural Resources and Environmental Policy and Planning, Min. of Natural Resources and Environment which is a national focal point for the Protocol. The Sub-committtee consists of all representatives from competent authorities of different ministries, government agencies, non-government agencies and experts. Its mandate is to support, accelerate and consult the country to implement the Protocol. National Biosafety Frameworks has prepared under the consulatation of the sub-committee. The National Biosafety Frameworks will be complete by December 2007. It include a full domestic regulatory framework including National Biosafety Policy, (draft) Biosafety Act (scheduled to submit to the Cabinet in 2007-2008), Establishment and reorganization of biosafety institutions, Public Participation and Awareness. However, a future step to effectively implement the Protocol is very challenged for all national competent authorities due to infrastructure, personnel and mandated high-level policy to commit its implementation continuously. The public still has not a sufficient information and understanding in order to effectively participate to the Protocol implementation.	

Articles 7 to 10 and 12: The advance informed agreement procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

5. Were you a Party of import during this reporting period?	
a) yes	X- only GM Soybean and corn for food, feed and processing only
b) no	
6. Were you a Party of export during this reporting period?	
a) yes	
b) no	X

7. Is there a legal requirement for the accuracy of information provided by exporters 1/ under the jurisdiction of your country? (Article 8.2)	
a) yes	
b) not yet, but under development	X- draft Biosafety Act requires PIC
c) no	
d) not applicable – not a Party of export	X- potentially be in a near future
8. If you were a Party of export during this reporting period, did you request any Party of import to review a decision it had made under Article 10 on the grounds specified in Article 12.2?	
a) yes (please give details below)	
b) not yet, but under development	
c) no	
d) not applicable – not a Party of export	X
9. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 9.2(c).	
a) yes	
b) no	
c) not applicable – no decisions taken during the reporting period	X
10. If your country has been a Party of export of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	
The country has not produced and commercialized domestically, consequently there is no LMOs for export.	
11. If your country has taken decisions on import of LMOs intended for release into the environment during the reporting period, please describe your experiences and progress in implementing Articles 7 to 10 and 12, including any obstacles or impediments encountered:	
The country has not been taken decisions on import of LMOs intended for release into the environment. Only permit to exceptionally import LMOs for research and study purpose under the consideration and approval of Ministry of Agriculture in advance. During the reporting period, 89 LMOs items are regulated articles and be prohibited to import to release to the environment.	

Article 11 – Procedure for living modified organisms intended for direct use as food or feed, or for processing

See question 1 regarding provision of information to the Biosafety Clearing-House.

1/ The use of terms in the questions follows the meanings accorded to them under Article 3 of the Protocol.

12. Is there a legal requirement for the accuracy of information provided by the applicant with respect to the domestic use of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing? (Article 11.2)	
a) yes	
b) not yet, but under development	X- draft Biosafety Act require a permit to import of LMO-FFPs
c) no	
d) not applicable (please give details below)	
13. Has your country indicated its needs for financial and technical assistance and capacity-building in respect of living modified organisms intended for direct use as food or feed, or for processing? (Article 11.9)	
a) yes (please give details below)	X- cap building for handling LMOs required by the Protocol is needed
b) no	
c) not relevant	
14. Did your country take decisions regarding import under domestic regulatory frameworks as allowed by Article 11.4?	
a) yes	X- Draft Biosafety Act require a permit to import LMO-FFPs
b) no	
c) not applicable – no decisions taken during the reporting period	

15. If your country has been a Party of export of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:
Thailand has not been a Party of export of LMOs intended for direct use for food, feed or for processing during the reporting period.
16. If your country has been a Party of import of LMOs intended for direct use for food or feed, or for processing, during the reporting period, please describe your experiences and progress in implementing Article 11, including any obstacles or impediments encountered:
The country prohibits an import of LMOs intended for direct use for food or feed or processing. However, two important commodities for food consumption and food industry are exempted; including corn (only for feed) and soybean (for food and processing) for industrial and processing purpose. Ministry of Public Health requires a labelling of LMOs food which will be placed into the market. The obstacles regarding to an exemption of LMO-FFPs include a segregation, traceability of original sources, inspection and surveillance of LMO-FFPs distribution and transport in a safe manner. The country need a better mechanism to implement the Protocol.

Article 13 – Simplified procedure

See question 1 regarding provision of information to the Biosafety Clearing-House.

17. Have you applied the simplified procedure during the reporting period?	
a) yes	
b) no	X
18. If your country has used the simplified procedure during the reporting period, or if you have been unable to do so for some reason, please describe your experiences in implementing Article 13, including any obstacles or impediments encountered:	

Article 14 – Bilateral, regional and multilateral agreements and arrangements

See question 1 regarding provision of information to the Biosafety Clearing-House.

19. Has your country entered into any bilateral, regional or multilateral agreements or arrangements?	
a) yes	
b) no	X
20. If your country has entered into bilateral, regional or multilateral agreements or arrangements, or if you have been unable to do so for some reason, describe your experiences in implementing Article 14 during the reporting period, including any obstacles or impediments encountered:	

Articles 15 and 16 – Risk assessment and risk management

21. If you were a Party of import during this reporting period, were risk assessments carried out for all decisions taken under Article 10? (Article 15.2)	
a) yes	
b) no (please clarify below)	X
c) not a Party of import / no decisions taken under Article 10	

22. If yes to question 21, did you require the exporter to carry out the risk assessment?	
a) yes – in all cases	
b) yes – in some cases (please specify the number and give further details below)	
c) no	
d) not a Party of import / no decisions taken under Article 10	
23. If you took a decision under Article 10 during the reporting period, did you require the notifier to bear the cost of the risk assessment? (Article 15.3)	
a) yes – in all cases	X- draft Biosafety Act requires notifier bearing all cost for risk assessment
b) yes – in some cases (please specify the number and give further details below)	
c) no	
d) not a Party of import / no decisions taken under Article 10	
24. Has your country established and maintained appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of the Protocol? (Article 16.1)	
a) yes – fully established	X- draft Biosafety Act requires risk assessment for LMOs release to the envi and placing on the market on case by case basis
b) not yet, but under development or partially established (please give further details below)	
c) no	
25. Has your country adopted appropriate measures to prevent unintentional transboundary movements of living modified organisms? (Article 16.3)	
a) yes – fully adopted	
b) not yet, but under development or partially adopted (please give further details below)	X- Draft Biosafety Act require emergency

	response and actions
c) no	
26. Does your country endeavour to ensure that any living modified organism, whether imported or locally developed, undergoes an appropriate period of observation commensurate with its life-cycle or generation time before it is put to its intended use? (Article 16.4)	
a) yes – in all cases	
b) yes – in some cases (please give further details below)	X- Draft Biosafety Act require measures for confined field trials for a whole period of crop life-cycle under a close monitoring of competent national authority
c) no (please give further details below)	
d) not applicable (please give further details below)	
27. Has your country cooperated with others for the purposes specified in Article 16.5?	
a) yes (please give further details below)	
b) no (please give further details below)	X
28. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Articles 15 and 16, including any obstacles or impediments encountered:	
Protocol development for risk assessment is needed for national competent authorities in the country. The mandated authority require to set up a criteria/condition and procedure for risk assessment process by the applicant in order to obtain a sufficient info for both environmental safety and food safety of LMOs which will be released to the envi or placed on the market. Better knowledge and understandings of technical aspects of food safety assessment and environmental (biodiversity specifically) risk assessment are essential to implement the Protocol. Risk management with regard to monitoring after release, surveillance for environmental and health impacts, farm area management to coexistence etc. still need to be put into place for an effective implementation of Article 15 and 16.	

Article 17 – Unintentional transboundary movements and emergency measures

See question 1 regarding provision of information to the Biosafety Clearing-House.

29. During the reporting period, if there were any occurrences under your jurisdiction that led, or could have led, to an unintentional transboundary movement of a living modified organism that had, or could have had, significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States, did you immediately consult the affected or potentially affected States for the purposes specified in Article 17.4?	
a) yes – all relevant States immediately	
b) yes – partially consulted, or consultations were delayed (please clarify below)	
c) no – did not consult immediately (please clarify below)	
d) not applicable (no such occurrences)	X
30. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 17, including any obstacles or impediments encountered:	

Article 18 – Handling, transport, packaging and identification

31. Has your country taken measures to require that living modified organisms that are subject to transboundary movement within the scope of the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards? (Article 18.1)	
a) yes (please give details below)	
b) not yet, but under development	X- Draft biosafety Act requires permit holder to be responsibility to a safe handling, transport, packaging, storage, disposal and also a traceable documentation for LMOs
c) no	
d) not applicable (please clarify below)	
32. Has your country taken measures to require that documentation accompanying living modified organisms 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 information? (Article 18.2(a))	
a) yes	

b) not yet, but under development	X- under draft Biosafety Act)
c) no	
33. Has your country taken measures to require that documentation accompanying 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? (Article 18.2(b))	
a) yes	
b) not yet, but under development	X- under study and assessment of benefits and cost impacts
c) no	
34. Has your country adopted measures to require that documentation accompanying 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? (Article 18.2(c))	
a) yes	
b) not yet, but under development	X under study and assessment of benefits and cost impacts
c) no	
35. Please provide further details about your responses to the above questions, as well as a description of your country's experiences and progress in implementing Article 18, including any obstacles or impediments encountered:	
The country has been considering how to implement Article 18 appropriate to our national situation. We concern with it subsequent import on commodity trade which some domestic stakeholders share. However, we also consider the practicality of all stakeholders regarding to Article 18. The country outlines a need to implement Article 18 gradually in order to alleviate the potential impacts on international trade and mitigate the potential risks due to domestic use of LMOs commodity. The segregation and documentation requirement are not yet currently resolved for the country.	

Article 19 – Competent national authorities and national focal points

See question 1 regarding provision of information to the Biosafety Clearing-House.

Article 20 – Information-sharing and the Biosafety Clearing-House

See question 1 regarding provision of information to the Biosafety Clearing-House.

36. In addition to the response to question 1, please describe any further details regarding your country's experiences and progress in implementing Article 20, including any obstacles or impediments encountered:
National Biosafety Clearing-House has been officially established since 8 February 2006 which the country gave an accession to the Protocol. However, nBCH is a kind of instrument to accelerate the awareness of the Protocol. there needs to develop and operate nBCH more effectively. The institutions and competent authorities which own and hold biosafety-related information diverse. Consequently, a formulation of national biosafety database for nBCH will take some more years to establish and harmonize to create a biosafety database network for the country. However, nBCH development certainly will be a essential tool to implement the Protocol of all competent authorities and a informative and transparent platform for the public in Thailand.

Article 21 – Confidential information

37. Does your country have procedures to protect confidential information received under the Protocol and that protect the confidentiality of such information in a manner no less favourable than its treatment of confidential information in connection with domestically produced living modified organisms? (Article 21.3)	
a) yes	
b) not yet, but under development	X- Draft Biosafety Act requires to protect confidential info claimed by the applicant
c) no	
38. If you were a Party of import during this reporting period, did you permit any notifier to identify information submitted under the procedures of the Protocol or required by the Party of import as part of the advance informed agreement procedure that was to be treated as confidential? (Article 21.1)	
a) yes	
If yes, please give number of cases	
b) no	X
c) not applicable – not a Party of import / no such requests received	
39. If you answered yes to the previous question, please provide information on your experience including description of any impediments or difficulties encountered:	
40. If you were a Party of export during this reporting period, please describe any impediments or difficulties encountered by you, or by exporters under your jurisdiction if information is available, in the implementation of the requirements of Article 21:	

Article 22 – Capacity-building

41. If a developed country Party, during this reporting period has your country cooperated in the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition?	
a) yes (please give details below)	
b) no	X
c) not applicable – not a developed country Party	
42. If yes to question 41, how has such cooperation taken place:	
43. If a developing country Party, or Party with an economy in transition, during this reporting period has your country contributed to the development and/or strengthening of human resources and institutional capacities in biosafety for the purposes of the effective implementation of the Protocol in another developing country Party or Party with an economy in transition?	
a) yes (please give details below)	
b) no	X
c) not applicable – not a developing country Party	
44. If yes to question 43, how has such cooperation taken place:	
45. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the proper and safe management of biotechnology to the extent that it is required for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	X
46. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training in the use of risk assessment and risk management for biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	X

47. If a developing country Party or a Party with an economy in transition, have you benefited from cooperation for technical and scientific training for enhancement of technological and institutional capacities in biosafety?	
a) yes – capacity-building needs fully met (please give details below)	
b) yes – capacity-building needs partially met (please give details below)	
c) no – capacity-building needs remain unmet (please give details below)	
d) no – we have no unmet capacity-building needs in this area	
e) not applicable – not a developing country Party or a Party with an economy in transition	X
48. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 22, including any obstacles or impediments encountered:	

Article 23 – Public awareness and participation

49. Does your country promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health? (Article 23.1(a))	
a) yes – significant extent	
b) yes – limited extent	X
c) no	
50. If yes, do you cooperate with other States and international bodies?	
a) yes – significant extent	
b) yes – limited extent	
c) no	X
51. Does your country endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with the Protocol that may be imported? (Article 23.1(b))	
a) yes – fully	X
b) yes – limited extent	
c) no	
52. Does your country, in accordance with its respective laws and regulations, consult the public in the decision-making process regarding living modified organisms and make the results of such decisions available to the public? (Article 23.2)	
a) yes – fully	
b) yes – limited extent	X
c) no	
53. Has your country informed its public about the means of public access to the Biosafety Clearing-House? (Article 23.3)	

a) yes – fully	
b) yes – limited extent	X
c) no	
54. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 23, including any obstacles or impediments encountered:	
Public awareness and participation is one of the topmost identified constrain in Biosafety issue in the country. Lack of public awareness brings to confusion of what will be their final decision/choice. Lack of participation gradually create the public concern and controversial.	

Article 24 – Non-Parties

See question 1 regarding provision of information to the Biosafety Clearing-House**.**

55. Have there been any transboundary movements of living modified organisms between your country and a non-Party during the reporting period?	
a) yes	X
b) no	
56. If there have been transboundary movements of living modified organisms between your country and a non-Party, please provide information on your experience, including description of any impediments or difficulties encountered:	
The country has not yet decided to negotiate for bilateral agreement with regard to LMOs import from non-parties. However, the option is still open to implement this article.	

Article 25 – Illegal transboundary movements

See question 1 regarding provision of information to the Biosafety Clearing-House.

57. Has your country adopted appropriate domestic measures to prevent and penalize, as appropriate, transboundary movements of living modified organisms carried out in contravention of its domestic measures? (Article 25.1)	
a) yes	X- draft biosafety Act include a strict penalty; fine, prison and prohibit to use
b) no	
58. Have there been any illegal transboundary movements of living modified organisms into your country during the reporting period?	
a) yes	
b) no	X

59. Please provide further details about your response to the above question, as well as description of your country's experiences in implementing Article 25, including any obstacles or impediments encountered:
Implementation of Plant Quarantine Act is somehow applied to regulate illegal transboundary movements. However, the draft Biosafty Act will include a number of penalty to anyone who violate the regulation strictly according to level of risk characterization and its potential use. Also, the draft biosafety contain a liability and redress causes to ensure damage might occur be liable to responsible person or entity.

Article 26 – Socio-economic considerations

60. If during this reporting period your country has taken a decision on import, did it take into account socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities? (Article 26.1)	
a) yes – significant extent	
b) yes – limited extent	
c) no	X
d) not a Party of import	
61. Has your country cooperated with other Parties on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities? (Article 26.2)	
a) yes – significant extent	
b) yes – limited extent	
c) no	X
62. Please provide further details about your responses to the above questions, as well as description of your country's experiences and progress in implementing Article 26, including any obstacles or impediments encountered:	
Socio-economic considerations are a necessary info for making decision of national competent authorities in the country. Especially, a permit to release into the environment requires a socio-economic impact assessment in addition to risk assessment. The draft biosafety Act incorporate this important aspect to a part of regulation, however, scientific info based on risk assessment is prior to complement with socio-economic info case-by-case.	

Article 28 – Financial mechanism and resources

63. Please indicate if, during the reporting period, your Government made financial resources available to other Parties or received financial resources from other Parties or financial institutions, for the purposes of implementation of the Protocol.	
a) yes – made financial resources available to other Parties	
b) yes – received financial resources from other Parties or financial institutions	X
c) both	
d) neither	

64. Please provide further details about your response to the above question, as well as description of your country's experiences, including any obstacles or impediments encountered:
UNEP-GEF Development of National Biosafety Frameworks has been implemented during 2006-2007. The project activities assist to a great extent, participation of all stakeholders to national Biosafety frameworks. It is a public platform to exercise the Protocol. National Biosafety Frameworks of Thailand is scheduled to complete in December 2007.

Other information

65. Please use this box to provide any other information related to articles of the Protocol, questions in the reporting format, or other issues related to national implementation of the Protocol:

Comments on reporting format

The wording of these questions is based on the Articles of the Protocol. Please provide information on any difficulties that you have encountered in interpreting the wording of these questions:
