

*Annex II***GUIDELINES FOR THE ROSTER OF BIOSAFETY EXPERTS****A. *Mandate of the roster***

1. The mandate of the roster of experts shall be to provide advice and other support, as appropriate and upon request, to developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of LMOs. Moreover, the roster of experts should perform all other functions assigned to it by the Conference of the Parties serving as the meeting of the Parties to the Protocol in future, in particular in the field of capacity-building.

2. The roster of experts is an instrument to build capacities and to aid developing country Parties, in particular the least developed and small island developing States among them, and Parties with economies in transition until adequate capacities have been built.

B. *Administration of the roster*

3. The Secretariat of the Convention/Protocol shall administer the roster. These functions will include:

- (a) Establishing and reviewing, as necessary, the nomination form;
- (b) Maintaining an appropriate electronic database to allow easy access to the roster;
- (c) Maintaining a soft copy of the roster on CD-ROM, updated at least once a year, and distribute it upon request;
- (d) Advising the Conference of the Parties serving as the meeting of the Parties to the Protocol on coverage of all areas of expertise available through the roster, and on regional and gender balances on the roster;
- (e) Assisting Parties, on request, in identifying appropriate experts; and
- (f) Performing such other administrative functions as are set out in these guidelines or as directed by the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol in other decisions;
- (g) Assisting Parties, upon request, in verifying the availability of experts.

C. *Access to the roster*

4. Access to the roster should be maintained through the Biosafety Clearing-House (via the Internet or non-electronic means). Every two years, the Secretariat will produce CD-ROM version of the roster for distribution to Parties, upon request, along with a description of how the different Internet search fields can be used to aid Parties to identify needed expertise. A Party may request an updated version between these publications.

D. *Membership on the roster of experts***1. *Nomination of members***

5. Roster members shall be nominated by Governments in accordance with the criteria and minimum requirements (contained in annex I to decision BS-IV/4). Governments are responsible for ensuring that nominees meet the criteria and minimum requirements and possess the highest professional qualities and expertise in the fields for which they are nominated. Governments are also responsible for validating the accuracy of information provided in the nomination form. Governments should consult with relevant stakeholders and seek interested individuals, including from national and sub-national governments, research and academic institutions, industry, civil society, non-governmental organizations

and intergovernmental organizations (e.g. OECD, CGIAR centres, etc) for the purpose of providing balanced, high-quality nominations.

6. Governments are encouraged to consider active retired experts with accumulated knowledge and experience, and with no current institutional affiliations, as potential nominees.

7. Governments may nominate experts from other countries, including their nationals in the diaspora, who meet the criteria and minimum requirements.

2. Mechanism for nomination

8. The nomination form contained in annex III to decision BS-IV/4 shall be used for all nominations. Electronic submissions of the form are encouraged. Nominating governments should ensure that the information submitted on all nomination forms is complete, accurate and meets the criteria and minimum requirements. The Executive Secretary will undertake periodic review of the nomination form with input from governments, in particular review the specific areas of expertise under the broad categories, and make necessary revisions to the nomination form.

9. In accordance with the quality control mechanism for the roster, governments shall endeavour to keep their nominations to the roster of experts up-to-date and shall undertake a general review and update of the records of their nominees every two years. Experts shall be maintained on the roster for up to four years. After that period, governments may re-nominate their experts in accordance with the criteria and minimum requirements. Two reminders shall be sent to the respective national focal points and if no action is taken, the names of the experts will be automatically removed from the roster.

3. Balanced representation

10. All Governments are encouraged to nominate experts to ensure regional balance in the roster. Governments should utilize regional centres of excellence in developing countries, in particular the least developed and small island developing States among them, and countries with economies in transitions, as sources for the nomination of experts. The Secretariat will ensure that the roster database allows for a regional breakdown of roster members as a primary “filter” in searching the list of members.

11. Governments are encouraged to promote gender balance in their nominations.

12. The Executive Secretary shall prepare a report on the sectoral, regional and gender composition of the roster for consideration by the Conference of the Parties serving as the meeting of the Parties to the Protocol at its regular meetings.

4. Required information on experts

13. Information required for each nominee is defined in the criteria and minimum requirements contained in annex I to decision BS-IV/4 and set out in the nomination form. The Secretariat shall ensure each form is complete prior to listing a nominee on the roster.

5. Institutions

14. Involving experts from existing and independent institutions with relevant expertise in biosafety would allow access to a wide base of multidisciplinary knowledge. Therefore, experts are required to indicate on the nomination form whether they are members of any institution.

E. Scope of expertise required

15. The areas of expertise required for members of the roster are identified in the criteria and minimum requirements contained in the annex I and on the nomination form in annex III to decision BS IV/4.

F. Choice of experts for assignments

1. Choice by requesting Party

16. The choice of experts for any given assignment is to be made by the requesting Party.

2. Assistance by Secretariat

17. When requested by a Party seeking an expert, the Secretariat shall provide assistance to the Party to identify experts listed in the specific area(s) of expertise in the roster. Where feasible, the Secretariat should include a list of potential experts that reflects regional and gender balance.

3. Secretariat facilitating initial contact

18. The Secretariat may facilitate the initial contact of a Party seeking assistance with any expert on the roster, upon request. When a Party contacts an expert directly, the Party shall report the contact and its result to the Secretariat in order to compile and maintain full records on the operations of the roster.

G. Obligations of individuals on the roster

1. Ensuring complete and accurate information on nomination forms

19. Experts are responsible for ensuring that the information on their nomination form is complete and accurate.

2. Agreement to release nomination form information to the public

20. All information on the nomination form should normally be made available to the public, including on the Biosafety Clearing-House, after a nomination is completed. However, a roster member may request the non-disclosure of direct contact information (telephone, address-, fax and e-mail) if she or he chooses.

3. Acceptance or refusal of a request for assistance/advice

21. Members of the roster may accept or reject any proposed assignment.

4. Declining to act if there is a real or perceived conflict of interest

22. Experts should decline any assignment where an assignment may raise a real or perceived conflict of interest. Prior to undertaking any assignment through the roster or being put forward on a secretariat shortlist, each roster member will complete a conflict of interest declaration, indicating if they have any personal, institutional or other professional interests or arrangements that would create a conflict of interest or that a reasonable person might perceive as creating a conflict.

23. If the declaration raises concerns, the Secretariat or Party concerned may seek further information from the expert. If legitimate concerns remain, it is recommended that any judgments as to whether a conflict exists should err on the side of caution, consistent with maintaining the highest level of credibility of the roster process.

5. Acting in a personal capacity

24. Each expert shall act solely in his or her personal capacity, regardless of any other governmental, industry, organizational or academic affiliation.

6. Exhibiting highest professional standards

25. Any expert carrying out an assignment is expected to comply with all applicable professional standards in an objective and neutral way and to exhibit a high degree of professional conduct in undertaking an assignment. These standards should extend to any discussions that assist a Party in choosing an expert. Experts are expected to perform their duties in a timely manner.

7. *Contributing to training of local personnel when possible*

26. Experts may be asked, when appropriate, to contribute to on-the-ground training and capacity-building of local personnel as part of their assignment.

8. *Confidentiality and transparency*

27. Unless otherwise authorized by the requesting Party concerned, experts on the roster undertaking assignments shall not divulge confidential information obtained through or as a result of performing their duties. Confidentiality should be as stipulated in the agreement between the Party and the expert.

28. The final written advice of the expert shall be made available through the Biosafety Clearing-House, respecting confidential information.

9. *Setting clear expectations*

29. It is the responsibility of the Party and the expert to ensure that the expectations and terms of reference of the Party are clear and that these have been understood by the expert.

10. *Submitting a report*

30. Brief reports should be prepared by the expert following completion of the assignment, including overall assessment of the process, the results achieved and constraints encountered, as well as suggestions that might be considered for future assignments.

H. *Payment of roster members*

1. *Pro bono assignments*

31. Any expert may choose to undertake an assignment on a *pro bono* basis. The same principles relating to conflict of interest, acting in a personal capacity, and other obligations under section G would apply to such *pro bono* assignments.

2. *Secondment*

32. Any organization may permit experts affiliated with it to undertake an assignment as a secondment from their usual duties. Transparent and full disclosure of any such arrangements should be made. No government or institution is obligated to cover any or all of the cost of a nominated expert.

3. *Payments fixed by contract with requesting Party*

33. Legal arrangements for fees and/or expenses associated with an assignment should be addressed in contractual agreements between the Party and the expert in question.

I. *Liability*

34. Decisions taken by the requesting Party on the basis of advice provided will be the sole responsibility of the Party.

1. *Liability of nominating Party*

35. Nominating governments shall not be liable for the personal conduct, inputs or results arising from or connected with the work of an expert it has nominated.

2. *Liability of the Secretariat*

36. The Secretariat shall not be liable for, or subject to any legal process arising from or connected with, the use or advice of an expert from the roster.

3. *Liability of experts*

37. Liability of the expert and the applicable law should be addressed in the contract between the Party seeking assistance and the expert.

J. Reports

38. Parties and other Governments using experts from the roster are required to provide the Secretariat with an evaluation of the advice or other support provided by the experts and the results achieved. Such evaluations should be made available through the Biosafety Clearing-House and shall form part of expert's profile.

39. The Secretariat shall prepare, for each regular meeting of Conference of the Parties serving as the meeting of the Parties to the Protocol, a report on the operations of the roster. The reports shall include factual information on the number of experts on the roster as well as regional, gender and discipline breakdowns of the roster. The reports shall also include information on direct contacts initiated by Parties and their results or contacts facilitated by the Secretariat and their results, including the individual experts contracted by each requesting Party, a note on the topic and description of the assignment, results of the work undertaken and the availability of written products. These reports shall be made available through the Biosafety Clearing-House.

K. Periodic review

40. The operation of the roster shall be subject to independent periodic reviews. The periodic reviews shall take place every five years in accordance with Article 35 of the Protocol. These periodic reviews shall be broad-based, looking at appropriate balances in the roster membership, its uses, successes, failures, quality control of roster assignments, the need for additional advisory services in administering the roster, and other possible recommendations for revisions to the mandate or these rules of procedure to respond to the findings.