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INFORMATION NOTE

From: General Secretariat of the Council

To: Delegations

Subject: United Nations Biodiversity Conference:

- High-level Segment
- 13th Meeting of the Conference of the Parties (COP 13) to the Convention on Biological Diversity (CBD)
- 8th Meeting of the Conference of the Parties to the CBD serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 8)
- 2nd Meeting of the Conference of the Parties to the CBD serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP-MOP 2)

(Cancun, Mexico, 2-17 December 2016)

= Compilation of statements by the European Union and its Member States

Delegations will find in Annex [for information](#) a compilation of statements delivered on behalf of the European Union and its Member States at the above meetings.

United Nations Biodiversity Conference:

- High-level Segment -

(Cancun, Mexico, 2-3 December 2016)

Closing statement

On behalf of the EU and its Member States, I warmly thank Mexico for organising this successful High-Level Segment. We have had very useful discussions on the importance of mainstreaming biodiversity within agriculture, forestry, fisheries and tourism, and across sectors, and heard commitments from many Parties to strengthen efforts in this direction. I also warmly welcome the Cancun Declaration that we have just adopted, and that highlights where collectively need to make further efforts to make progress between now and 2020.

The evidence is clear: we urgently need to step up implementation if we are to achieve the Aichi Targets set out for 2020, and effective mainstreaming is an essential part of this. This will require the involvement from a wide range of actors, from various sectors. This why I very much welcome that Ministers with a range of responsibilities were present. And let us not forget the crucial role of the private sector – the pledges from the Business & Biodiversity Forum reflect the increasing recognition that incorporating biodiversity into business models makes sense. We now need to translate all these commitments into the necessary actions at home.

There are of course synergies with other processes, and the 2030 Agenda for sustainable development and the Paris Agreement should also contribute to further mainstreaming.

I would also like to warmly thank Braulio Dias for his tremendous efforts as Executive Secretary to the CBD. Thanks to him, we have come a long way in strengthening the implementation of the global strategic framework for biodiversity. And let me use this opportunity to also warmly welcome Cristiana Pasca Palmer in her new appointment. We very much look forward to working with her in her new role.

Dear Mr Chair, we have come to Cancun to make the COP and the COP-MOPs a success. Thanks to you, we are off to a very good start. We now have a solid basis for further discussions in the coming days, and I look forward to the adoption of concrete decisions on mainstreaming, setting a clear path for practical action. This is essential for reaching our 2020 targets and will also help pave the way for discussions on the follow-up to the Strategic Plan. I wish you and all of us every success in conducting the COP and the COP-MOPs.

Convention on Biological Diversity (CBD) meetings:

(Cancun, Mexico, 4-17 December 2016)

Opening statement

On behalf of the EU and its Member States I would like to thank the Secretariat for the intersessional work and preparations that will underpin the COP and COP-MOPs. We also express our sincere appreciation for the leadership of Korea as President of the COP for its activities in the past two years. We warmly greet Mexico as the incoming President and thank you Mr Chair, and the Government of Mexico, for hosting this important meeting.

I would also like to warmly thank Braulio Dias for his tremendous efforts as Executive Secretary to the CBD. Thanks to him, we have come a long way in strengthening the implementation of the global strategic framework for biodiversity. And let me use this opportunity to also warmly welcome Cristiana Pasca Palmer in her new appointment. We very much look forward to working with her in her new role.

The EU and its Member States are strongly committed to the implementation of the CBD and its Protocols, the Strategic Plan for Biodiversity, the Aichi Biodiversity Targets, and the Strategic Plan for the Cartagena Protocol on Biosafety. We still have four years to achieve the targets set for 2020 and the evidence is clear: we urgently need to step up implementation otherwise we will not achieve these targets. We already failed to achieve target 15 on coral reefs by its deadline of 2015. For this reason, the EU and its Member States have come to Cancun to make the COP and COP-MOPs a success with ambitious and well-targeted Decisions.

Mainstreaming biodiversity is essential for achieving EU and global biodiversity objectives. Therefore, the EU and its Member States warmly welcome the Cancun Declaration and the outcomes of the High-Level Segment. These give a clear direction for the draft Decisions on mainstreaming which we have before us.

We also welcome the adoption of the 2030 Agenda for sustainable development and the Sustainable Development Goals. These provide a major opportunity for mainstreaming of biodiversity. Here in Cancun, but also in other fora, we stress the importance of the objectives of the CBD and the implementation of the Strategic Plan for achieving the Sustainable Development Goals.

Similarly, we welcome the Paris Agreement which notes the importance of ensuring the integrity of all ecosystems and the conservation of biodiversity when taking action to address climate change. Indeed, implementation of the Paris Agreement can contribute to achieving the objectives of the CBD, as much as implementing the CBD can contribute to climate change mitigation and adaptation. We welcome the outcomes of the UNFCCC COP in Marrakesh.

The EU and its Member States welcome the concurrent organisation of COP 13, COP-MOP 2 and COP-MOP 8 as a way of enhancing integration and synergies among the CBD and its Protocols, and we call for further improvement of the efficiency of structures and processes under the CBD and its Protocols in order to increase awareness, facilitate implementation and improve cost-effectiveness.

Mr. Chair, there are a number of very important topics we need to decide upon here in Cancun. For the sake of time, I will not highlight all the priorities of the EU and its Member States. In general, we welcome the draft Decisions prepared by SBSTTA and the SBI. In order to contribute to a successful outcome of this meeting and be able to navigate through its heavy agenda, we would be ready not to reopen text agreed in SBSTTA and to focus our discussions on remaining brackets. We agree with your proposal on how to organise our meeting.

This meeting is also the second meeting of the parties to the **Nagoya Protocol**. Two years ago, at the first MOP, we celebrated the entry into force of the Protocol. This was a major achievement, and in a way the completion of our international architecture to conserve and sustainably use biodiversity. The Protocol is still very young. Back in Korea we set ourselves the task to make it grow up to an effective instrument. Today, we can report considerable progress: the EU and 15 Member States have ratified the Protocol. We have adopted internal legislation within the EU and are working hard to implement it. We highly appreciate the implementation efforts made by all Parties to the Protocol, while calling upon CBD Parties that have not yet done so to ratify or accede to the Nagoya Protocol. Our meeting over the next two weeks should accelerate our common efforts to make the Protocol fully operational.

As regards COP-MOP 8 under the **Cartagena Protocol**, the EU and its Member States would like to emphasise the important role of the Protocol in protection of human health and environment from possible adverse effects of the living modified organisms resulting from modern biotechnology, while acknowledging the potential benefits of biotechnology. We reiterate the importance of the precautionary principle, which is embodied in the Cartagena Protocol and in its methodology and principles of risk assessment and management. We look forward to the adoption by COP-MOP of Decisions helping Parties to continue effectively implementing the Protocol, notably by including biosafety in their NBSAPs, relevant Sectoral and Cross-Sectoral Policies, Plans and Programs. Capacity-building activities and the registering of information with the Biosafety Clearing House are also ways that lead to better implementation.

We welcome the recent ratifications of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress and are looking forward to its entry into force in a very near future. We would be happy to share our experience in the development of measures supporting its ratification and implementation.

The EU and its Member States are strongly committed to achieving the Aichi targets by 2020. However, we also need to start looking beyond 2020. Mindful of the Decision at the second UNEA-meeting, we propose to request the Secretariat to undertake a detailed plan for the preparation of the follow-up to the current Strategic Plan, and any further appropriate options for fostering commitment and strengthened implementation, for consideration by SBI 2 in view of deciding on a solid participatory process at COP 14.

Thank you, Chair, for giving me the floor. We wish you and all of us every success in conducting our meetings.

Closing statement

On behalf of the EU and its Member States, we warmly thank Presidency of the COP - Mexico and CBD Secretariat for organizing this successful Conference.

Regarding the COP, we have had very successful discussions on the importance of mainstreaming biodiversity within agriculture, forestry, fisheries and tourism, and across sectors, and on activities and actions, which will help implementation of the Strategic Plan for Biodiversity 2011 – 2020 and its Aichi Biodiversity Targets. We look forward to concrete implementation of the Decision on mainstreaming, and practical action. In this regard, we thank FAO for launching the Platform on Biodiversity and Agricultural Sectors. We also foresee to considering other sectors at COP 14.

We are also very pleased with Decisions adopted in the field of synthetic biology, marine biodiversity, ecosystem restoration, biodiversity and climate change, Article 8j, capacity building and resource mobilization, synergies, IPBES and pollinators, and many other substantial Decisions of this COP. We now have a solid basis for further implementation in the coming months and years up to 2020. EU and its Member States also welcome the Cancun Declaration and various pledges and commitments from Parties, organizations and businesses.

As regards the work of COP-MOP 8 under the Cartagena Protocol, we would like to express our satisfaction that divergences could be overcome. This resulted in important Decisions that will support Parties in their efforts to effectively implement the Protocol. We are glad we could find common ground on a process to continue work on the sensitive area of risk assessment. And we also welcome further work on the issue of Socio-Economic Considerations with the extension of the mandate of the AHTEG.

Also MOP 2 of the Nagoya Protocol has taken important Decisions. These Decisions will further consolidate the functioning of the Protocol itself but also facilitate working in an integrated manner with the Convention and the Cartagena Protocol. Parties also adopted a Decision on the digital sequence information on genetic resources which will help the Protocol to come to grips with this important new area.

Dear Mr. Chair, we have come to Cancun to make the COP and the COP-MOPs a success. Thanks to you and all participants, we think we did a very good job. The holding of concurrent meetings helped foster better integration amongst the COP and its Protocols, and we look forward to even more effective meetings based on the review of this first experience. Overall, the Decisions we adopted in Cancun set us on a good path for undertaking the necessary actions at home, for more effective mainstreaming, and more synergies with other processes, in particular the 2030 Agenda for sustainable development and the Paris Agreement.

To conclude, we would like to thank Mexico for hosting this meeting in such an effective way, in this exceptional venue, including the work of volunteers, who have been guiding participants till late hours. This was clearly instrumental in the success of the COP. We are looking forward to meet you all and continue our work in Egypt in 2018.

- 13th Meeting of the Conference of the Parties (COP 13) to the CBD -

- COP 13 agenda item 8: Report of the Executive Secretary on the administration of the Convention and the budget for the Trust Funds of the Convention**
- COP-MOP 8 agenda item 10: Report of the Executive Secretary on the administration of the Protocol and on budgetary matters**
- COP-MOP 2 agenda item 9: Report of the Executive Secretary on the administration of the Protocol and on budgetary matters**

The EU and its 28 Member States welcome the many documents provided by the Secretariat on the Programme and Budget, although we regret that some only appeared on the website very late. The Programme of work and Budget are areas where the simultaneous discussion of the Convention and its Protocols will help efficiency.

In our negotiations the EU and its Member States will be looking to achieve a streamlined Programme of Work for the Secretariat that concentrates on activities that facilitate work by the Parties to achieve the Aichi Targets and the Biosafety Strategic Plan.

However, the programme must also be based on a budget that is affordable to all.

Affordability has become even more important with the introduction of a new accounting system across the UN, which means arrears in contributions directly affect our resources. We are concerned about the higher number of countries who have not paid their assessed contributions in full and believe that the budget Decisions need to emphasise prompt payment.

We support the integrated approach taken by the Secretariat based on the Functional Review. We agree that all staff members should support the Integrated Programme of Work. By recognising that all staff should be available to work on any aspect of the Programme we will remove the incentive to work in silos and will instead encourage cooperation.

Of course, in using the integrated approach, we will need to ensure that contributions are fairly shared amongst those who are Parties to all the Instruments and those who are not.

We underscore the importance of completing the functional review of the Secretariat in line with the COP Decision XII/32 and the draft recommendation UNEP/CBD/SBI/1/L6. However, we think that the Functional Review should be dealt with in the Budget Decisions and not as a separate matter.

In conclusion, Chairman, we underscore the importance of adopting realistic budgets for the Convention and its Protocols consistent with the agreed strategic priorities, functions and programme of work for the effective implementation of the CBD and its Protocols and we are ready to work with all our partners to achieve that in the coming two weeks.

COP 13 agenda item 9: Interim review of progress towards the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets, and related means of implementation

The EU and its Member States welcome the efforts and achievements already made, but are deeply concerned about the insufficient progress in implementing the Strategic Plan to achieve most of the Aichi Biodiversity Targets. Therefore all CBD Parties and stakeholders should intensify their actions, and the present COP must take concrete Decisions. The present COP is an important milestone in the review of the implementation of the Strategic Plan and an opportunity to raise the level of ambition in its implementation, as well as to define actions supporting the implementation of the 2030 Agenda for Sustainable Development.

We support the draft Decision as it appropriately expresses our concerns and the need for intensifying actions.

The European Union and its Member States would like to congratulate all the countries which contributed to swift ratification of the Nagoya Protocol and achievement of the first part of Aichi Target 16, namely that the Protocol is in force by 2015. Up to now, in addition to the EU, 15 Member States ratified the Nagoya Protocol. Further ratification processes are on-going in many other Member States. Already in 2014, the EU adopted legislation to implement the compliance measures of the Protocol. This legislation is binding in all 28 Member States. Since then, detailed implementing rules for checkpoints and for the two compliance promotion tools have been adopted: these tools are registered collections and best practices. Furthermore, a guidance document assisting users in understanding the main obligations under the EU ABS Regulation has been adopted, and currently additional sector-specific guidance documents are in preparation.

Many EU Member States have set up measures to make the EU ABS Regulation fully operational, notably by designating competent authorities and by creating appropriate penalty systems for breaches of the EU ABS Regulation, and for non-compliance with the ABS laws adopted under the Nagoya Protocol.

The EU and its Member States consider it essential to speed up the ratification process. Most importantly, all Parties must establish relevant institutional structures and adopt legislative, administrative and policy measures (as required by the Protocol), and make them available on the ABS-CH. We acknowledge that capacity building is a key instrument to achieve that objective.

The EU and its Member States would like to thank the Executive Secretary for preparing the updated report on Progress and we support the draft Decision prepared by SBI.

We look forward to discussions with other Parties to make the Protocol fully operational. We would like to underscore the importance of mutually supportive implementation, at all levels, of the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture as well as other international instruments relevant to the Protocol.

Finally, building on the discussion on the follow-up to the current Strategic Plan after 2020 in the joint COP and SBSTTA Bureau meeting earlier this year, and mindful of the Decision at the second UNEA-meeting, the EU and its Member States support proposal made by Switzerland, and supported by Colombia, Norway and Australia, to request the Secretariat to undertake a detailed planning for the preparation of that follow-up, in conjunction with the Bureau and for consideration by SBI. In our view, this should include the planning of consultations with the other Rio-Conventions, the other biodiversity-related MEAs and other stakeholders from all relevant sectors, and any further appropriate options for fostering commitment and strengthened implementation. Of course, due account must be taken of the evidence that will be provided by GBO 5, IPBES and other relevant assessments. In addition, when starting these preparations, as also proposed by Switzerland, it would be useful to have a gap analysis that identifies to what extent the current Aichi Targets are covered by the SDGs. As explained by the Secretariat this would build on work already done but further detailed analysis is needed.

We support two new paragraphs 22 and 23 as suggested by Switzerland, in the draft Decision to reflect these issues and we would be very pleased to discuss with other Parties. We would emphasise, however, that the preparations of the follow-up to the Strategic Plan should not undermine the current implementation and we remain strongly committed to achieving the Aichi Targets.

We will provide you with our suggestions in writing.

COP 13 agenda item 10: Strategic actions to enhance the implementation of the Strategic Plan for Biodiversity 2011-2020 and the achievement of the Aichi Biodiversity Targets, including with respect to mainstreaming and the integration of biodiversity within and across sectors

Sub-items:

- **Biodiversity and Climate change**
- **Protected areas**
- **Ecosystem restoration**
- **Forest biodiversity**
- **Biodiversity and human health**

We would like to thank Mexico for choosing this theme for CBD COP 13, given the importance of biodiversity mainstreaming for achieving Aichi targets and for the 2030 sustainable development agenda.

We would also like to highlight the importance of mainstreaming biodiversity for the achievement of the Strategic Plan 2011-2020 and the Aichi Biodiversity Targets within and across all sectors and policies, into urban and regional planning, including maritime and coastal planning, and into the health sector as cross-sector activities.

We recognise that agriculture, fisheries and aquaculture, forestry and tourism are key sectors with significant impacts on biodiversity, and we acknowledge that other sectors, including extractive industries such as oil and gas and mining, energy, infrastructure, manufacturing, and commercial and residential construction, also impact on biodiversity and on the ecosystem services it provides, and therefore also need to be addressed.

We would like to stress the importance of promoting more integrated policies, adequate incentives and practical approaches such as sustainable and ecological intensification and diversification of agriculture, agro-ecology and organic farming, so as to effectively contribute to protecting and enhancing biodiversity, sustainable food production and food security, and limit pressure on vulnerable ecosystems.

We would also like to stress the importance of implementing the relevant international multilateral agreements, including the International Treaty on Plant Genetic Resources for Food and Agriculture, and welcome the recommendations from the IPBES assessment on pollinators, pollination and food production.

We also stress the need for businesses to improve their understanding of the benefits for their operations of the conservation and sustainable use of biodiversity; we need to recognise the importance of legal instruments, good governance, including gender equality, and voluntary approaches for the mainstreaming of biodiversity into relevant sectors in order to ensure accountability and transparency in progress.

We call on the business sector to increase its involvement in and contribution to achieving the Aichi Biodiversity Targets and the biodiversity-related SDGs. Businesses should analyse and invest in improvements and report on their impacts, actions and investments related to biodiversity and the ecosystem services it provides, sharing experiences and best practices, for example in the framework of Business and Biodiversity Platforms as well as other initiatives, such as the Natural Capital Protocol.

We recognise NBSAPs and relevant funding mechanisms from all sources as key instruments for the mainstreaming of biodiversity into and across all relevant sectors.

We stress the importance of the broadest range of relevant sources of information and knowledge, including assessments by IPBES, traditional knowledge, citizen science and knowledge-based tools, such as the mapping and assessment of ecosystem services and natural capital accounting, in the mainstreaming of biodiversity in sectors and in decision-making.

We highlight the importance of incentives and other funding mechanisms and decision processes for mainstreaming, in line with CBD Decision XII/3 on resource mobilisation, the Paris Declaration on Aid Effectiveness and Financing for Development, the Addis Ababa Action Agenda, and the Quito Declaration on Habitat III.

We welcome the adoption of the Paris Agreement, and stress that its implementation can also contribute to achieving the objectives of the CBD and vice versa

We recall the relevance to achieve Aichi Target 3 on phasing out incentives, including subsidies, harmful to biodiversity and developing positive incentives for the conservation and sustainable use of biodiversity by 2020 in all relevant sectoral policies.

We underline that mainstreaming biodiversity into key economic and development sectors can help mobilise resources to conserve biodiversity whilst also tackling drivers of biodiversity loss and therefore decreasing resource needs in the longer term; that cooperation among biodiversity-related MEAs can enhance coherence and efficiency for implementation of the Strategic Plan, and we recall the importance of resource efficiency and the circular economy in reducing biodiversity loss and fostering progress towards biodiversity targets.

We underline the important role of sub-national and local governments and of regional and sub-regional instruments and initiatives, in promoting sustainable development and mainstreaming of biodiversity; and we welcome their activities as good practice in terms of mainstreaming biodiversity across various sectors and policies, while enhancing international and cross-border cooperation in their respective regions and increasing the involvement of a broad range of stakeholders.

We express support for the draft Decision coming out of SBSTTA and SBI, including on the paragraphs in brackets. We will submit some small amendments in writing regarding these paragraphs. Regarding the rest of the text, we will not open paragraphs already agreed in preparatory meetings if other Parties agree to do the same. If this is not the case, we do have some additional amendments which we will communicate later, including a new paragraph on illegal logging.

Finally, we stress that we need a solid process for preparing the follow-up to the Strategic Plan for Biodiversity 2011-2020, and propose to request the Secretariat to undertake a detailed planning for the preparation of that follow-up for consideration by SBI, including the planning of consultations with the other Rio-Conventions, the other biodiversity-related MEAs and other stakeholders, from all relevant sectors, and any further appropriate options for fostering commitment and strengthened implementation. The evidence that will be provided by GBO5, IPBES and other relevant assessments should also be taken into account. This is why we have proposed new paragraphs along these lines under item 9. The follow-up to the Strategic Plan should not undermine the current implementation and, should be consistent with SDGs. Madam Chair, the EU and its Member States remain strongly committed to achieving the Aichi Targets.

The European Union and its Member States welcome the documents as prepared by the Secretariat: In general we support the draft Decisions on Biodiversity and Climate change; Protected areas; Ecosystem restoration; Forest biodiversity and Biodiversity and human health.

We therefore hope that these Decisions can be adopted without any changes.

However, if particular paragraphs of the draft Decisions on Biodiversity and Climate change; Protected areas; Ecosystem restoration and Biodiversity and human health are being re-opened by other Parties, the European Union and its Member States suggest a few amendments indicated below.

COP 13 agenda item 11: Resource mobilization and financial mechanism

Two years ago in PyeongChang, we adopted a Decision on resource mobilization that was good and balanced; it is crucial that we make progress on all elements of this Decision, including on domestic resource mobilization. Let us recall also that achieving the global resource mobilization targets will require a collective effort.

In this context, the EU and its Member States welcome progress made by Parties towards a number of these targets, in particular the increase of Parties having submitted their resource mobilization reports. We encourage more Parties to report, including on domestic resources. On our part, we reaffirm our commitment to provide robust information in this process.

We note that the assessment of progress cannot be comprehensive and complete given that it is based on a total of 63 reports from Parties. However, the preliminary assessment of progress towards the international target is encouraging. In this regard, we recall that the EU and its Member States contribute to delivering, together, on their international commitment. This should be considered when assessing progress.

We also note that further progress on aligning approaches, methodologies and baselines is required to allow progress to be adequately measured. We suggest that this is reflected in the updated analysis of financial reports.

We suggest a small amendment to the new elements of the draft Decision to reflect these aspects.

Furthermore, we welcome the proposals to look at ways to strengthen the implementation of the different elements of Decision XII/3, including domestic resource mobilization and more generally enabling conditions for mobilizing resources for a variety of sources. We also look forward to the development of additional guidance to make progress on these issues, especially regarding the contribution of the private sector and we welcome the further development of a typology;

We note the positive contribution of Biofin in this process, and encourage further engagement with Parties, including through the regional nodes.

We would like to stress that further implementation of the voluntary guidelines on safeguards is needed to avoid potential negative effects of biodiversity financing mechanisms on biodiversity and on indigenous peoples and local communities and welcome SBI recommendation in this direction.

Let us also recall the link with the main theme of COP 13: mainstreaming biodiversity into key economic and development sectors can help scale up biodiversity related resources, whilst also tackling drivers of biodiversity loss and therefore decreasing in the longer term resource needs.

We agree on the need to develop synergies with other relevant processes such as the 2030 Agenda for sustainable development and the Addis Ababa process; We should consider how CBD can most effectively and usefully contribute to the global monitoring and reporting on the SDG implementation, including means of implementation, in particular to the UN High Level Political Forum on sustainable development.

We are willing to engage in constructive and positive discussions, regarding how to build on existing initiatives, enhance the engagement of parties in reporting, and share positive experiences to identify ways forward to make progress on all the elements of the resource mobilization Decision.

COP 13 agenda item 11: Resource mobilization and financial mechanism
COP-MOP 8 agenda item 8: Matters related to the financial mechanism and resources
COP-MOP 2 agenda item 7: Financial mechanism and resources (Article 25)

We welcome with appreciation the Report of the Council of the Global Environment Facility.

In this regard we would like to thank the CBD Secretariat and the GEF Council for the extensive documentation under these agenda items including the Secretariat's work on consolidating previous guidance.

We take note of the advice that came from other the biodiversity-related conventions as possible elements of guidance to the Financial Mechanism, but seeks clarification whether the right procedure, in accordance with decision XII/30, has been followed.

With respect to the relationship between agenda items under COP 13, NP COP-MOP 2 and CP COP-MOP 8, EU and its Member States welcome the Four-year framework of programme priorities for the seventh replenishment period of the Global Environment Facility Trust Fund, which should allow funding for implementation of all of the Aichi Targets, both those where good progress has already been made and those where more remains to be done. Funding should also be directed at strengthening the policy and institutional frameworks that underpin the implementation of the targets.

We take note of the Terms of Reference for the fifth review of the effectiveness of the financial mechanism and of the requirement that the report on the fifth review will be available for consideration by the second meeting of the SBI.

The EU and its Member States support adoption of the consolidate Guidance to the Financial Mechanism, especially with regard to input into the process for the 7th replenishment of the GEF with the few minor amendments.

With respect to support for the implementation of the Cartagena Protocol on Biosafety, EU and its Member States invite the GEF to put additional efforts to continue to assist eligible Parties, and particularly to those Parties that have not yet done so to put in place and further develop operational National Biosafety Frameworks and request the secretariat to work with the GEF in this regard.

We urge GEF to continue funding projects and/or biosafety capacity-building activities and necessary also for further implementation of the Protocol.

With regard to the Nagoya Protocol, the EU and its Member States recall that GEF funding is available for establishing legal and regulatory frameworks and administrative procedures that enable access to genetic resources and benefit sharing in accordance with the provisions of the Nagoya Protocol.

With regard to the Nagoya Protocol, we consider that support from the GEF to help countries to better understand the process for issuing internationally recognised certificates of compliance would be helpful. We would therefore like to add to the *Elements for inclusion in the four-year outcome-oriented Framework* an element on the number of countries with procedures in place to issue IRCCs.

We would also like to invite the GEF to provide support to eligible countries for the interim reports under the Nagoya Protocol due by CMP 3.

The EU and its Member States will submit more detailed comments in writing on the proposed draft Decisions.

COP 13 agenda item 12: Other means of implementation: enhancement of capacity-building, technical and scientific cooperation and other initiatives to assist implementation

Capacity building

The EU and its Member States fully recognise the importance of capacity building and we remain committed to supporting targeted capacity building activities.

We thank the Secretariat for preparing the short-term action plan. In our view, this action plan should be guidance not only for the Secretariat to *facilitate* the capacity building actions concerned, but also for Parties, other governments and other relevant organisations to implement and contribute to the actions.

Capacity-building should be based on established needs from Parties. They should be carefully targeted on where capacity enhancement can deliver most benefit, focusing on critical gaps, building on the work being done by others; We should also ensure cost effectiveness. There is not 'one size that fits all', but a mix of instruments.

We think, priorities should be in line with past COP Decisions and with Decisions to be adopted at this COP.

We invite all Parties and partners to post best practices reports and outcomes such as guidelines and tools on the Clearing House Mechanism.

We also stress the need for promoting synergies when facilitating and implementing the Action Plan, both between the COP and the COP-MOPs, as well as between the CBD, other Conventions and further organisations. In this context, we see very important opportunities for synergies with capacity building activities under the UNFCCC workplan of the Paris Committee on Capacity-building for the period 2016–2020, agreed in Marrakech two weeks ago.

EU and its Member States are looking forward to work with the secretariat and the parties on better clarifying roles and responsibilities, and further streamlining and prioritizing the short term action plan in the coming days.

We support the continuation of the work of the Informal Advisory Committee of the clearing-house mechanism (CHM-IAC) and we welcome the Bio-Bridge Initiative as a match-making facility for the CBD.

In the Web strategy it is mentioned that there will be one or two publishing authorities for the Central CHM, the EU and its Member States understands that for national based information this will be the CBD national focal points seconded by the CHM national focal points or others, who will be nominated by each Party. The Secretariat should update the web strategy with priority activities based on COP 13, COP MOP 2 as well as COP MOP 8 Decision especially with regards to activities that are mentioned in the Capacity building short term action plan.

Similar as for capacity building activities, synergies should be promoted also when regarding management of information and knowledge, national reporting, monitoring and indicators between CBD, other Conventions and further organisations. We welcome the Secretariats work with the EEA on the Bioland tool.

Communication Strategy

The EU and its Member States support/welcome the Communication Strategy. Similar as for capacity building activities, synergies should be promoted also when facilitating and implementing communication activities.

We will submit our suggested amendments in writing.

COP 13 agenda item 13: Cooperation with other conventions and international organizations

The EU and its Member States have consistently underlined the importance of cooperation among biodiversity-related MEAs, the Rio Conventions, UNEP and other UN bodies; and in order to enhance the implementation of the Strategic Plan, it is important that COP 13 continues work on synergies, building on the options developed by UNEP-WCMC and on the momentum and enthusiasm generated by the workshop in Geneva earlier this year. We all need to engage in this work, both at the national level as well as the global level.

We have a wealth of options and suggestions in the documents on the table. We want this COP to give the focused guidance to Parties. We will submit detailed comments in writing. In particular, as regards the roadmap for work on synergies at the global level, we propose to provide for clearer prioritisation by adding a table with the relevant options, highlighting the priorities by a background colour, somewhat similar as is proposed for the Decision on capacity building. We look forward to a constructive discussion.

The EU and its Member States note the number and scale of global health crises over the past 2 years, including Ebola and Zika. We therefore welcome that the World Health Organisation has been able to consider the relationship between public health and the Nagoya Protocol, including as regards sharing pathogens, and containing some options for enhanced cooperation between the Protocol and WHO. We look forward to discussing this issue further at the 3rd Meeting of the Parties to the Nagoya Protocol.

COP 13 agenda item 14: Article 8(j) and related provisions: guidelines for the repatriation of traditional knowledge; guidelines for the development of legislation or other mechanisms; and recommendations from the United Nations Permanent Forum on Indigenous Issues

Sub-item 1: Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the [free,] prior informed consent [or approval and involvement] of indigenous peoples and local communities for accessing their knowledge, innovations and practices, the fair and equitable sharing of benefits arising from the use and application of such knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity and for reporting and preventing unlawful appropriation of traditional knowledge

Sub-item 2: Task 15 of the multi-year programme of work on the implementation of Article 8(j) and related provisions: best-practice guidelines for the repatriation of indigenous and traditional knowledge

Sub-item 3: A glossary of relevant key terms and concepts to be used within the context of Article 8(j) and related provisions

Sub-item 4: Recommendations from the United Nations Permanent Forum on Indigenous Issues to the Convention on Biological Diversity

Sub-item 5: In-depth dialogue on thematic areas and other cross-cutting issues

The EU and its Member States believe that the full and effective participation by indigenous peoples and local communities that are holders of traditional knowledge is crucial for the implementation of the Convention. Their participation provides a fundamental basis for achieving sustainable development at all levels, including in decision-making, planning, implementation and monitoring of policies and programmes.

We underline the importance of the development of mechanisms, legislation or other appropriate initiatives to ensure the free, prior and informed consent of indigenous peoples and local communities for accessing their knowledge, and hence, welcome the opportunity to finalise the voluntary guidelines on this subject with a view for adoption.

We support the draft Decision on guidelines for repatriation of indigenous and traditional knowledge and believe that they provide a solid base for the continued progress on this issue. We would also like to stress that the repatriation of information related to indigenous and traditional knowledge should facilitate the exchange of such information, rather than limit or restrict it.

Sub-item 1

The EU and its Member States underline the importance of the development of mechanisms, legislation or other appropriate initiatives to ensure the free, prior and informed consent of indigenous peoples and local communities for accessing their knowledge and to obtain a fair and equitable share of benefits arising from the use of such traditional knowledge. Therefore, we welcome the opportunity to finalise the voluntary guidelines on this subject with a view for adoption.

We support that the voluntary guidelines, applied in accordance with domestic law, use the terminology "Free, prior and informed consent" for the involvement of indigenous peoples and local communities in decision-making procedures and we reject the bracketed "or approval and involvement".

We also underline that these guidelines should be applied in a manner that seeks consistency and does not run counter to the Nagoya Protocol.

Sub-item 3

The EU and its Member States welcome the glossary of key terms and concepts to be used as non-binding working definitions within the context of Article 8(j) and related provisions. The glossary is considered as a comprehensive glossary of key terms and concepts in order to protect, preserve and promote the traditional knowledge, innovations and practices of indigenous and local communities.

We recognize the relevance of the glossary and support its consideration of the Conference of the Parties at its thirteenth meeting. The draft glossary complements previously adopted terms and concepts under the Convention and the Nagoya Protocol. It also includes terms and concepts adopted in the Akwé: Kon Guidelines and terms used in other agreements and by other international organisations, where applicable.

We support that the glossary is a resource to be considered and used, as appropriate. It is not intended to provide formal definitions and the use is on a voluntary basis. We would suggest adding a new paragraph to the Decision to make this clear.

We suggest adding the word "Free" before "Prior informed consent" in both parts of line 21 to remove the inconsistency in the glossary and to ensure that the glossary is consistent.

COP 13 agenda item 15: Marine and coastal biodiversity: ecologically or biologically significant marine areas; specific work plan on biodiversity and acidification in cold-water areas; addressing impacts of marine debris and anthropogenic underwater noise on marine and coastal biodiversity; and marine spatial planning and training initiatives.

Sub-item 1: Marine and coastal biodiversity: ecologically or biologically significant marine areas (EBSAs)

The European Union and its Member States would like to express their continued support for the scientific and technical EBSA process, both within and beyond national jurisdiction. We view this process as a useful tool to contribute to the achievement of the Aichi Targets, as well as the provision of scientific and technical input to other relevant regional and global efforts to improve the protection of marine and coastal biodiversity.

Considering the large amount of experience gathered so far and the need to make the EBSA process “future-proof”, its scientific methodologies and approaches should be enhanced in line with the practical options for improving the process which are contained in annex 1 to the draft Decision, as recommended by SBSTTA.

We look forward to fruitful discussions regarding appendix so as to find a solution that will enable the lifting of the brackets around paragraphs 7 and 8. We believe it is crucial for annex 1 and its appendix to be clear, logical, functional, firm and of high-quality.

We thank the Secretariat – as well as all those who contributed to the peer review after SBSTTA – for the hard work already put in the appendix and certainly consider it a useful starting point for our work at this meeting. We believe there is room for making it somewhat simpler and more coherent, and we wish to use the coming days for achieving this.

The European Union and its Member States also suggest that one of the preambular paragraphs in the draft Decision is revised, so that the reference to the United Nations Conventions on the Law of the Sea is coherent with text used in the General Assembly’s annual “Omnibus resolution” on Oceans and the Law of the Sea.

In accordance with Decision XII/22, it is important that the areas that were described in response to paragraph 7 as meeting the criteria for EBSAs, are included in the repository.

Please allow me, Ms./Mr. Chair to stress again the EU and its Member States’ eagerness to cooperate with all delegations on a positive decision on the EBSA process at COP 13.

Closing statement on EBSAs

We thank all the delegations that have contributed to discussions on this matter. The EU and its Member States are supportive of the EBSA process and believe that this decision is an important step forward. Although we deeply regret that it was not possible to include agreed language on UNCLOS as the overarching legal framework within which all activities on the oceans and seas must be carried out, we welcome reaffirming Decision XII/22 including its second preambular paragraph.

We would like to have the following statement in the report

- With respect to the preamble of Decision on Marine and Coastal Biodiversity: Ecologically or biologically significant areas, the European Union and its Member States reiterate that the agreed language in the Omnibus resolution on oceans and the law of the sea is and should remain the authoritative source of any reference to UNCLOS, namely: *“Emphasizing the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21”*

As regards the Decision on Marine and Coastal Biodiversity: Ecologically or biologically significant areas, the European Union and its Member States reiterate that by establishing the legal framework within which all activities in the oceans and seas must be carried out, the UNCLOS promotes *stability of the law* as well as maintenance of *international peace and security*. The *universal character* of the UNCLOS is not only evidenced in its universal language and purpose and the commitment to settle all law of the sea issues on the basis that they are interrelated and need to be considered as a whole, but primarily in its *almost universal participation* - to date *168 Parties, including the European Union*, are bound by its provisions. In addition, international jurisprudence has long accepted that its provisions either embody or *reflect customary international law*.

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Sub-item 2: Voluntary specific workplan on biodiversity in cold water areas within the jurisdictional scope of the Convention

We support the Decision as proposed. We recognise the importance of cold water areas as a place of diverse, ecologically important habitats. They play an invaluable role in the ecology and biology of many organisms.

We believe that further work is needed – as foreseen in the Workplan – to understand the habitats in cold-water areas and their condition and to understand the impacts of human activities on them in order to provide for better protection and conservation of these unique habitats.

We recognise the ongoing work in other international fora like OSPAR and the Arctic Council on this issue.

We would also like to stress the need for complementarity between the work undertaken on acidification by the CBD and by regional organizations such as regional seas conventions.

We therefore strongly support adoption of the Voluntary specific workplan on biodiversity in cold-water areas within the jurisdictional scope of the Convention.

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Sub-item 3: Addressing impacts of marine debris and anthropogenic underwater noise on marine and coastal biodiversity

We support the Decision as proposed. We are fully aware of the threats posed by increasing abundance of marine litter. However, there is still a need for further information on the sources, distribution and quantity of marine debris items, and their impacts on marine and coastal biodiversity and habitats.

We would like to stress the need for further information to improve the knowledge, but, at the same time we believe there are many practical options presently available for monitoring, prevention and mitigation the significant adverse impacts of marine debris.

We would also like to emphasize the need for urgent actions to achieve a sustained reduction in the consumption of single-use plastic bags.

We propose to ensure that the full product cycle is taken into account when dealing with these matters and that priority is given to waste prevention (especially from land-based sources), in accordance with the waste hierarchy.

We suggest adding a reference to the UNEA-3 resolution on marine plastic litter and microplastics, which was adopted after the SBSTTA meeting, to the more generic reference to ongoing work under UNEA which is already contained in paragraph 3 of the draft Decision.

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Sub-item 4: Marine spatial planning and training initiatives

We support the Decision as proposed. In particular, we welcome the report of the Expert Workshop to Provide Consolidated Practical Guidance and a Toolkit for Marine Spatial Planning.

We strongly support the dissemination of information and best practices on the experience and use of maritime spatial planning and the results achieved and the further development of the ecosystem approach in Marine Spatial Planning.

COP 13 agenda item 16: Invasive Alien Species: addressing risks associated with trade; experiences in the use of biological control agents; and decision support tools

The EU and its 28 Member States very much support the amendment proposed by Australia. We thank Australia for engaging in a constructive dialogue with a view to solving the remaining brackets. We hope that these amendments can indeed allow us to lift the remaining brackets in the draft Decision.

We also welcome the Honolulu Challenge on Invasive Alien Species and, therefore, we support New Zealand.

COP 13 agenda item 17: Other scientific and technical issues, including synthetic biology, implications of the assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on pollinators, and sustainable wildlife management

The EU and its Member States welcome the documents as prepared by the Secretariat.

On the issue of the implications of the assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on pollinators, the EU and its Member States are deeply concerned about the current and future state of pollination and pollinators, in particular wild pollinators, which are fundamental for the conservation of biological diversity and the maintenance of natural terrestrial ecosystems and key ecosystem services, such as food production. We therefore welcome the recommendations derived from the IPBES thematic assessment on pollinators, pollination and food production and urge all CBD Parties, relevant organisations and stakeholders at all levels to take action to protect pollinators and their habitats in order to mitigate and stop their decline, including in order to avoid related financial losses and including through strategies to avoid or reduce the use of pesticides harmful to pollinators.

As regards the remaining text in brackets in the draft Decision, the EU and its Member States are ready to remove the bracket in paragraph 6m. In case of the paragraph 6q the EU and its Member States would like to lift the first bracket and delete the text in the in the second bracket, i.e. we support consistent with international obligations.

We will provide you with our suggestions in writing.

On the issue of synthetic biology, we now need to resolve the outstanding issues from SBSTTA 20. Here again, the EU and its Member States would agree to only addressing text that is remaining in brackets. One of the outstanding issues concerns paragraph 3c of the draft Decision on an operational definition as proposed by the Ad Hoc Technical Expert Group on synthetic biology. This operational definition was the result of an intense reflection and debate among experts from across the world. We call for the use of this operational definition as a non-binding starting point to facilitate further work in the context of the CBD. It should for example allow the experts to continue identifying potential gaps in existing guidance and develop further guidance if gaps in existing guidance are identified. Therefore, the EU and its Member States are ready to work on finding a solution with other Parties on this as well as the other outstanding issues on synthetic biology. Finally, the EU and its Member States support the continuation of the AHTEG with new terms of reference based on the relevant SBSTTA recommendation.

COP 13 agenda item 19: Guidelines for the sixth national reports, modalities for future editions of the *Global Biodiversity Outlook* and indicators

The EU and its Member States welcome the documents as prepared by the Secretariat.

We support the draft Decisions on Guidelines for the sixth national reports, modalities for future editions of the *Global Biodiversity Outlook* and indicators which were adopted by SBSTTA and SBI. We therefore hope that this Decision can be adopted without any changes. If however, these documents are being re-opened by other Parties, the EU and its Member States reserve our rights to also suggest a few amendments.

However, the Guidelines for the sixth National reports were circulated for peer review after the SBI, and we would like to make a few small amendments in line with the Submission by the EU and its Member States on the peer-review of the draft guidelines. These amendments are intended to introduce some further flexibility and practicality into the draft proposal and avoid an excessive reporting burden to Parties.

We call for a balanced harmonisation of reporting processes and consistency of indicators among the biodiversity-related conventions, international organisations and processes and the biodiversity-related targets of the 2030 Agenda for Sustainable Development and support the gradual integration of the reporting facilities available in the central Clearing-House Mechanism.

In this regard we welcome Resolution 2/17 adopted by the second meeting of the United Nations Environmental Assembly in 2016.

We will provide the Secretariat with the amendments to the Guidelines for the sixth National reports in writing.

- 8th Meeting of the Conference of the Parties to the CBD serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 8) -

COP-MOP 8 agenda item 4: Report of the Compliance Committee

Chair, we would like to thank the Compliance Committee for its diligent work during the intersessional period and additional efforts in liaising with Parties that have had difficulties in submitting their national reports.

We would also like to thank the Compliance Committee for its recommendations as contained in the document before us.

There is a lower rate of submission of the third national reports in comparison to the previous reporting cycle, which we regret. This makes it harder to assess the state of compliance, but from the reports submitted, it is clear that 13 years from entry into force of the Protocol, a significant number of Parties are still not in full compliance with many obligations under the Protocol.

About one half of the Parties have not yet adopted a national biosafety framework, as a key prerequisite for implementation of the Protocol.

A large number of Parties do not have their own means to build their biosafety capacities and to strengthen their human resources and institutions.

There are mechanisms in place to assist Parties to comply with the Protocol and it seems that not all of these mechanisms are being used to their greatest extent.

In this regard we would like to stress the importance of continuous, stable and predictable financial support to eligible parties by the Global Environment Facility.

We would like to see a Decision on Compliance that encourages Parties that are struggling to comply, to take full use of the instruments at their disposal.

COP-MOP 8 agenda item 5: Report of the Subsidiary Body on Implementation

5.2. Integration among the Convention and its Protocols

We can support the criteria for reviewing experience with concurrent meetings in the draft Decisions for the three meetings, as proposed by SBI. We are glad to see the element ' cost effectiveness' amongst them, as it is important to reduce costs.

In this context we note that having concurrent meetings can mean that Parties need to have experts on all the issues on the agendas of the three meetings present for the duration of all three meetings. This can increase costs for Parties.

We therefore suggest adding cost-effectiveness for Parties to the criteria in the draft Decision for COP-MOP 8.

We will submit our suggestion in writing.

COP-MOP 8 agenda item 6: Capacity-building and the roster of biosafety experts:

6.1: Report on the status of biosafety capacity-building activities and review of the Framework and Action Plan for Capacity-Building

We would like to thank the Secretariat for its report on the status of implementation of the Framework and Action Plan for Capacity Building.

On one hand this report shows that progress have been made under most of the seven focal areas of the Framework and a Action Plan, On the other hand it recognizes that more work still needs to be done to achieve the expected outcomes of the Framework and Action Plan.

We are committed to capacity building which we consider a necessary tool to ensure the effective implementation of the Cartagena Protocol. To this end we are in favour of maintaining the Framework and Action Plan for Capacity-Building as adopted at COP-MOP 6.

However we are very much aware of the short amount of time remaining until 2020 and the global lack of financial resources and difficult economic situation. This means that activities should be undertaken in an effective and efficient manner and synergies should be sought for and developed, especially in relation to capacity building carried out under the CBD.

In this regard we support that priority capacity building activities relevant for Biosafety are included in the short term action plan, in line with the recommendations of the SBI. We hope this will enhance and support capacity-building for the implementation of the Convention and its Protocols over the period 2017-2020. For clarity, we suggest to annex the list of activities relevant to biosafety to the COP-MOP Decision on capacity building.

Madame Chair, we would be willing to consider further prioritising the elements, as has been suggested by some Parties, in particular if more synergies could be found, although of course this would require further discussion. But at first impression I must say the rather extensive changes and deletions as suggested by Brazil and Argentina, earlier in this session, would cause us significant concern. So at this stage we would call for caution in making changes in this section.

We will hand over to the Secretariat, written proposals to the draft Decision reflecting these comments, as well as additional minor editorial amendments.

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6.2: Report on the use of the roster of biosafety experts

We would like to thank the Secretariat for its report on the status and operations of the roster of experts on biosafety, and the Informal Advisory Committee on the Biosafety Clearing-House for its recommendations on ways to maximize the use of the roster of experts, expressed at its 10th meeting.

We support the use of the roster of experts and recognize that it can be a very useful tool for capacity building.

We can largely support the draft Decision, in particular as regards the inclusion of AHTEG experts in the roster.

However we do this in the clear understanding that the word “networks” in paragraph d refers only to activities launched directly under the Protocol.

In paragraph b, we would like for COP-MOP to INVITE contributions or provision of funds, in coherence with previous Decisions to addressing the voluntary fund for the Roster.

We will hand over, to the Secretariat, written proposals to the draft Decision reflecting these comments, as well as additional minor editorial amendments.

COP-MOP 8 agenda item 7: Operation and activities of the Biosafety Clearing-House

The Biosafety Clearing House (BCH) is essential for the implementation of the Protocol, and the progress made, as highlighted in the documents before us, is much appreciated. We thank the Secretariat for its work and will continue supporting the BCH.

The BCH has stepped-up its co-operation with other databases and clearing houses and should continue to do so, not least, to avoid duplication of effort.

The capacity-building initiatives of the BCH, in particular its Network of Laboratories, are very important. Coordinating them with those of the Parties to the Protocol - as we have done with regard to LMO monitoring - is a cost-effective way of maximizing the efficiency of our efforts.

In broad lines we can support the suggested elements for a draft Decision. However, we would like to make some suggestions:

- Paragraph (c) of this draft Decision seems to duplicate proposed text on the status and operations of the roster of experts. We believe it could be deleted.
- We would like to introduce a paragraph welcoming the Web strategy that is expected to be adopted by COP at this meeting. We believe this strategy should be implemented in a way that ensures a smooth and user-friendly migration to a new shared platform which integrates the three Clearing Houses of the Convention and its Protocols.
- We would like to add text recalling paragraph 1(a) of Decision BS-V/2, which urged Parties to pay particular attention to field trials when register their final Decisions and the corresponding risk assessment summaries in the BCH, regardless of whether the LMOs will be subject to future transboundary movements or commercialization.
- In line with discussions under agenda item 12, we believe we should include a call on the Parties to submit through the BCH relevant information in case of release of an LMO which leads or may lead to an unintentional transboundary movement that is likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health;
- We believe that further improvements should focus on the fine-tuning of existing tools and functions and that new services in the Biosafety Clearing-House should be implemented taking due account of the needs of its user community. We will suggest text along these lines.

- Finally, we would like to introduce a paragraph on creating a section in the Biosafety Clearing-House where submitted information on tools, practical experience and guidance related to the contained use of LMOs could be easily retrieved and updated.

We will hand over these proposals in writing to the Secretariat.

COP-MOP 8 agenda tem 9: Cooperation with other organizations, conventions and initiatives

We would like to thank the Secretariat for its note updating Parties on the cooperation with other organizations, conventions and initiatives. We express our appreciation to the Executive Secretary for the continuous efforts in that area.

We are pleased with the activities described in the note and believe that the current scope and level of cooperation activities will enable us to meet the operational objective 5.2 of the Strategic Plan regarding outreach and cooperation.

Any Decision on cooperation should take into account the availability of funds.

COP-MOP 8 agenda item 11: Risk Assessment and risk Management (Articles 15 and 16)

We of course join others in thanking the AHTEG and all others that have been involved in the intersessional work on Risk Assessment and Risk management that has been ongoing for many years.

The guidance before us, of which we have seen draft versions at previous occasions, is a result of this work and we thank them for that.

We note that the document itself states that it is intended to be a living document that may be updated and improved as appropriate and when mandated by COP-MOP.

We furthermore note that it is not a legally binding document, and does not oblige Parties to change existing procedures and instruments which fulfil the requirements of the Cartagena Protocol.

Chair, it is in this understanding that the EU and its Member States support the endorsement of the Guidance,

In spite of the qualifiers just mentioned, we do think the guidance can serve as a useful tool when conducting Risk Assessments, particularly where no guidance has been established at national or regional level and where there is limited experience in Risk Assessment.

We also support inviting Parties and other Governments to use the Guidance when conducting actual risk assessments, and share their experiences through their national reports and the BCH.

We believe capacity building activities in the field of Risk Assessment and Risk Management can be useful to support Parties that struggle with Risk Assessment, and the guidance can serve as an important tool in this. The GEF could be requested to take the guidance into account in capacity building projects.

Chair, the AHTEG, on the basis of input by Parties, has identified a number of issues which might require specific attention in the future. In particular we note the issues of Risk Assessment of living modified fish, and LMOs developed through synthetic biology.

In our view, it is important to keep under review whether existing guidance on risk assessment adequately covers such topics, or whether gaps exist.

We therefore support extending the AHTEG, and suggest to task it with establishing a process for further identification of any gaps in existing guidance on the issues just mentioned and on additional topics based on their focus and relevance to risk assessment. Where gaps are identified, further guidance should be developed to address them.

We will gladly convey to you in writing the changes that we suggest to make to the draft Decision before us, in line with the statement I have just made.

COP-MOP 8 agenda item 12: Unintentional Transboundary Movements and emergency measures (Article 17)

We welcome the operational definitions of the terms “*unintentional transboundary movement*” and “*illegal transboundary movement*”, and the explanatory note, as proposed by the Compliance Committee at its last meeting. We encourage their use in facilitating implementation of Article 17 of the protocol.

We acknowledge the importance of the implementation of Article 17, as well as proper sampling, detection and identification. We therefore welcome the recommendations of the draft Decision in these areas.

We recommend adjusting the language of paragraph b of the draft Decision to speak about “emergency measures in case of release of an LMO which leads or may lead to an unintentional transboundary movement that is likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health”. This language is derived from Article 17 and it should help to avoid any misunderstandings or doubt in the interpretation of Article 17 and UTM.

We also recommend further alignment of the language used in other contexts besides the BCH with the text of the Protocol, for instance in national reports.

We believe that we should focus on further cooperation in building capacity, transferring the technology and exchange of information in support of the implementation of Articles 17 and 25 of the Protocol, in particular through the Network of Laboratories. However, at this stage we do not see a need for commissioning a study, as suggested in the draft Decision, for analysing possible gaps in existing standards and assessing the need for the elaboration of standards on emergency measures in case of UTM.

For clarity reasons, we suggest including the operational definitions and the explanatory note as an annex to the draft Decision.

Madam Chair, we believe that with the development of the operational definitions, the objectives under point 1.8 of the Strategic Plan for the Cartagena Protocol for the period 2011-2020 have been fulfilled.

We will hand over written proposals to the draft Decision in line with this intervention to the Secretariat.

COP-MOP 8 agenda item 13: Transit and contained use of Living Modified Organisms

We would like to thank the Executive Secretary for its note updating Parties on the status of status of implementation of the provisions of the Protocol related to transit and contained use of living modified organisms.

We implement those provisions by, *inter alia*, sharing relevant information and experience through the BCH. We can support asking the Compliance Committee to provide guidance on submission of information and experiences on contained use to the Biosafety clearing house.

We can also support the other suggested elements for a Decision, which we believe will lead to sufficient guidance on this issue, in the context of operational objective 1.8 of the strategic plan.

COP-MOP 8 agenda item 14: Review of implementation and effectiveness of the Protocol

14.1: Monitoring and Reporting (Article 33)

We are concerned about the lower rate of submissions of national reports, considering that the reports make it possible to track progress in implementation.

We support further streamlining and improving the methodological soundness of the reporting process. Reporting may benefit from further clarity and elimination of redundancy in the format.

We hope this will be kept in mind when developing the revised format for the fourth national reports.

We also support developing proposals for alignment of national reporting under the Convention and its Protocols.

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14.2: Third assessment and review of the effectiveness of the Cartagena Protocol and mid-term evaluation of the Strategic Plan

We consider that an effective implementation of the Protocol is very important. Also, we are of the view that progress towards the realisation of its Strategic Plan is needed.

Parties should continue and strengthen the work to enhance synergies, coherence and effective cooperation at all levels.

In that respect, the EU and its Member States call upon Parties to consider prioritizing the operational objectives relating to the development of

- biosafety legislation,
- risk assessment,
- detection and identification of LMOs, and
- public awareness, education and training.

Madame Chair, the EU and its Member States can support the elements for draft Decision as suggested by SBI, and in paragraph 11 of those recommendations we prefer to use the terminology “initiatives for climate change mitigation and adaptation”. In other words, we join others such as the African union the brackets around the words ' mitigation and' in that paragraph to be removed.

As for the issue of subsidiary bodies, we would like to restate our position which we have shared at previous occasions.

We prefer to continue working as we have in the past, by establishing AHTEGs and online fora on the basis of needs identified by the COP-MOP.

Of course there's always room for improvement, and in this context we welcome the recommendation from the Executive Secretary on the convening of open-ended online expert fora, prior to any face-to-face meetings of future AHTEGs.

The Liaison Group for Capacity-building as well as the Compliance Committee also provide important recommendations for COP-MOP and should keep doing this.

Given the valuable input of all these groups, we do not see the need for an open-ended subsidiary body under the Cartagena Protocol for preparing Decisions for COP-MOP.

If needed and where appropriate, use can be made of existing subsidiary bodies under the CBD such as SBI.

We can therefore support the draft Decision on this issue.

COP-MOP 8 agenda item 15: Socio-economic considerations (Article 26)

We would like to thank to the Secretariat for their work during the intersessional period on this issue.

We welcome the progress made in the development of conceptual clarity by the AHTEG on Socio-economic considerations and we support the revised Framework for Conceptual Clarity.

We welcome the statement by the AHTEG that those aspects related to environmental and/or human health that are already assessed in the risk assessment process, should not be part of the assessment of socio-economic considerations, so as to prevent overlapping between the two processes. Indeed, we consider that any outcome of future work on SEC should remain within the scope of Article 26.1 of the Protocol, which is of a voluntary nature, and should respect the clear and fundamental distinction between risk assessment and SEC.

We support that the COP-MOP would urge Parties to provide the necessary funds for a face-to-face meeting of the AHTEG to enable it to fulfil the mandate entrusted to it by the COP-MOP. We also support ensuring the consistency of the work of the AHTEG by replacing members who have resigned by new experts, following the rules of procedure.

All in all we support the elements for a draft Decision as prepared by the Executive Secretary.

Finally, we would like to take this opportunity to inform the Parties of recent work of the European Socio-Economic Bureau (ESEB). This organisation has proposed a framework for carrying out analysis of the socio-economic implications of cultivation and use of GMOs in the EU. The indicators and methodologies developed by ESEB could be taken into consideration when developing the guidance document foreseen under operational objective 1.7 of the strategic plan.

COP-MOP 8 agenda item 17: Public awareness, education and participation (Article 23)

We would like to thank the Secretariat and all the experts from Parties, non-Parties and relevant organizations who have actively contributed to the various inter-sessional activities on public awareness, education and participation.

We emphasize that better implementation of Article 23 of the Protocol, of the Programme of Work on public awareness, education and participation and of the relevant components of the Strategic plan can strengthen both the protection of biodiversity and the mainstreaming of Biosafety issues.

In this regard we welcome the integration of the training, public awareness, education and participation issues into NBSAPs, relevant sectorial policies, plans and programs as well as into national initiatives for communication, education and public awareness.

Cooperation is also very important, both at the international level, with organisations such as the Aarhus Convention, and at the regional level, integrating regional stakeholders and enhancing capacity for public awareness, education and participation.

In this context we welcome the results and recommendations of the recently held Second Global Round table on public awareness, access to information and public participation regarding LMOs. Similar activities could be very useful in the future.

We support the extension of the Programme of Work relating to Article 23 of the Protocol until 2020, as long as it reflects priority areas and implementation needs, as identified by the Parties.

We believe the framework for a Communications strategy for the Convention and its Protocols, which was discussed earlier in this session, also provides good opportunities to improve public awareness for Biosafety related issues.

As for the Decision under the COP-MOP, we support the elements for a draft Decision prepared by the Executive Secretary, with one small amendment. In paragraph (g) we would like to delete the word “dedicated” as we believe this would entail too detailed guidance to the GEF.

We will hand over this proposal in writing.

- 2nd Meeting of the Conference of the Parties to the CBD serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP-MOP 2) -

COP-MOP 2 agenda item 6: The Access and Benefit-sharing Clearing-House and information-sharing (Article 14)

The EU and its Member States welcome the progress made by the Executive Secretary in the implementation of the Access and Benefit-sharing Clearing-House and capacity-building activities for the ABS Clearing House.

Overall, we support the indicative goals and priorities for future implementation and administration of the ABS Clearing-House for the next biennium and we would like to request the Executive Secretary to work towards achievement of these goals. We would like to stress particularly the importance of the first goal, namely the populating and increased use of the ABS Clearing House, where efforts are of course needed also from the Parties' side.

We therefore urge Parties that have not yet done so to publish all mandatory information available at the national level on the ABS Clearing-House, in accordance with the Nagoya Protocol and using the common format, as soon as possible, with a view to having all relevant information available in the ABS Clearing-House by our third meeting in two years' time.

We encourage non-Parties, international organizations, indigenous and local communities, and relevant stakeholders to provide relevant information to the ABS Clearing-House, as soon as possible.

It is also important that the Executive Secretary in his efforts to make the ABS Clearing House fully operational facilitates interoperability and the exchange of information with national databases and systems, and we are happy to see efforts made to achieve this objective.

We very much appreciate the technical guidance provided by the informal advisory committee and recommend that the committee continues to provide support to the Executive Secretary both by means of online discussions and at least one meeting in the inter-sessional period.

Furthermore, the EU and its Member States would like to welcome the issuing of the first set of internationally recognized certificates of compliance, which constitutes an important step towards creating legal certainty for users (and making the Protocol fully operational), and we look forward to the issuing of many more such certificates as a routine part of granting access to genetic resources.

The EU and its Member States request the Executive Secretary to further refine the modalities of operation of the ABS Clearing-House taking into account progress made, the advice given by the informal advisory committee, and feedback received from the Parties on its implementation and operation.

In this context we would like to support the development by the Executive Secretary of joint modalities of operation for the clearing-houses of the Convention and the Protocols with a view to enhancing coherence in the implementation and operation of the common elements of all components of the clearing houses under the three instruments, being mindful of the web strategy (as expected to be adopted by COP 13).

The EU and its Member States would like to stress that when joint modalities of operation for the clearing-houses of the Convention, the Biosafety Clearing-House and the ABS Clearing-House are developed, due regard should be paid to the preservation of the specific functionalities of the ABS Clearing-House.

We wish to also recommend review of the implementation and operation of the ABS Clearing-House as part of the assessment and review process to evaluate the effectiveness of the Protocol established by Article 31 of the Protocol (in line with the draft elements for the Decision on point 13).

As for the draft Decision, we would like to suggest some redrafting: namely, to urge Parties to increase the use of the internationally recognized certificates of compliance; to take account of the web strategy and to make sure that specific functionalities of the ABS Clearing House are preserved. We will of course provide the suggestions in writing.

COP-MOP 2 agenda item 10: Measures to assist in capacity-building and capacity development (Article 22)

The European Union and its Member States would like to stress the importance of providing capacity building to developing countries to ensure the implementation of the Nagoya Protocol and to achieve its objective. Such capacity building should be needs based and Party driven. The EU and its Member States will continue to offer support in this regard.

We appreciate and support the work carried out by the ABS Capacity Development Initiative as well as other organisations.

The European Union and its Member States support the draft Decision proposed by the Executive Secretary in general. However, we would like to suggest some amendments. Firstly, we think it is important to stress that capacity-building is a common activity under the Convention and its protocols. We would therefore like to welcome the relevant activities for the implementation of the Nagoya Protocol included in the short-term action plan for capacity building, once it is adopted by COP 13. With regards to enhancing communication and coordination of existing capacity building initiatives we don't believe there is a need to create new mechanisms for this purpose; existing tools can be used, most importantly the ABS Clearing House. We want to recall that the ABS-CH provides an opportunity to outline needs and share experiences.

We will submit our suggested amendments in writing.

COP-MOP 2 agenda item 11: Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 21)

The European Union and its Member States would like to stress the importance of the awareness-raising strategy for the Convention and its Protocols. We continue to believe that awareness raising is crucial for the achievement of the objectives set up under the Convention and its Protocols. We would like to inform you that the EU and its Member States have engaged in numerous activities to raise awareness about the Nagoya Protocol and EU ABS Regulation among various groups of stakeholders. We stand ready to further contribute to this important aspect of the Nagoya Protocol's implementation.

In this context, the EU and its Member States want to stress the role of the CBD and its Protocols' Clearing Houses for the distribution of information and documentation, as well as the need to utilise existing awareness raising tools, structures and materials posted on them.

The European Union and its Member States would like to thank the Executive Secretary for the Report on progress in the implementation of the awareness-raising strategy for the Nagoya Protocol and support the draft Decision in general. We would like however to propose some amendments, namely we believe it is important to make a reference to the expected Decision of COP 13 on the framework for a global communication strategy and invite Parties, non-Parties and other relevant actors to take the framework into consideration when implementing their awareness raising activities.

COP-MOP 2 agenda item 12: The need for and modalities of a global multilateral benefit-sharing mechanism (Article 10)

Let me start, Chair, by recalling that EU and its Member States have been and continue to be committed to respond to the undertaking of Article 10 to consider the need for and modalities of a Global Multilateral Benefit Sharing Mechanism. This consideration must however not lead to a reopening of discussions on the temporal and geographic scope of the Nagoya Protocol.

We also would like to underline that the bilateral approach is the key mechanism for implementation of the Nagoya Protocol.

The EU and its Member States continue to feel strongly that we need to gain more experience in the implementation of the Nagoya Protocol, to allow a realistic assessment of the need for an additional tool to complement the bilateral system. Only with sufficient practical experience of the implementation of the Nagoya Protocol by Parties can we understand the issues that would benefit from further consideration. And as stressed many times by the EU and its Member States, this reflection of the needs should precede any discussions about potential modalities. At this moment, the experience on which we need to base our assessment is insufficient to determine whether there is a need for such additional tool.

This is also clear from the study commissioned in line with Decision COP-MOP 1/10. This study looked at the experiences gained with the development and implementation of the Nagoya Protocol and other multilateral mechanisms; and at the potential relevance of ongoing work undertaken by other processes, including case studies in relation to ex situ and in situ genetic resources, traditional knowledge associated with genetic resources, and transboundary situations.

We would like to express our sincere appreciation for the work done by the expert group. Many areas marked earlier as unclear and demanding further reflection, have been clarified. The EU and its Member States endorse the finding of the expert group meeting that the bilateral approach to ABS should be followed wherever possible.

There were many areas of common understanding found by the experts. The EU and its Member States would like to draw particular attention to the finding of the expert group concerning capacity building. We agree with the conclusion that many obstacles to granting or obtaining prior informed consent may and should be addressed through capacity-building for Parties and indigenous and local communities. In this context, we would like to highlight the availability of continued support in line with the Strategic Framework for Capacity-Building and Development.

Finally, while we welcome the report prepared by the expert group, we would like to propose some amendments to the elements for the draft Decision:

In para a) we suggest deletion of last part saying “*and any potential global multilateral benefit-sharing mechanism would have a narrow application*” as this is already implied in the preceding part of the sentence.

With regard to the process to facilitate further discussion under Article 10, as proposed by the expert group in para h, we would like Parties to consider a different option based on an inclusive and bottom up approach based on experience that should help to identify various cases where it has not been possible to grant or obtain PIC.

We would like to invite Parties to share experiences and practices about situations where it has not been possible to grant or obtain PIC in relation to in-situ and ex-situ genetic resources. Therefore, we suggest that the para h) reads as follows:

“Call on parties to submit information on their practices and experiences related to ABS with situations where it has not been possible to grant or obtain PIC in relation to in situ or ex situ genetic resources.”

Furthermore, we would also like to simplify the wording of the para i). We will of course provide our suggestions in writing.

COP-MOP 2 agenda item 13: Assessment and review of the effectiveness of the Protocol (Article 31)

The EU and its Member States welcome the note prepared by the Executive Secretary for this agenda item, which provides a very useful summary of relevant legal obligations and policy Decisions.

We support the suggested elements of the Decision on assessment and review of the Protocol to be taken by this meeting. As we see it, the Decision should indeed contain the list of elements to be included in the first assessment and review and sources of information, as contained in Table 1 in the Secretariat's note. The list should be annexed to the Decision, subject to some modifications and additions which we would suggest, as follows:

Most importantly, some of the elements listed in the table would benefit from greater detail, so as to make sure that all relevant aspects of the Protocol are covered.

In most cases this can be achieved by drawing on additional questions from the format agreed at COP-MOP 1 for interim national reports. For example, in the second row of the table, with regard to the "Establishment of a baseline to measure effectiveness", all relevant measures should be covered, including the compliance measures which are addressed by Question 24 in the reporting format.

In some other cases, it would in our view be useful to spell out more explicitly what kind of information should be taken from the ABS Clearing House for the first assessment.

Finally, in our view, we should not talk about a "baseline" to be established through the first assessment, but rather of a "reference point". The real baseline – against which the effectiveness of the Protocol should logically be assessed – is the status quo ante, without the Protocol in place. By shifting the “baseline” to 2016, we would risk discounting the progress made in the meantime.

We will of course also submit these suggestions to the Secretariat in writing.

We also support the request to the Executive Secretary to prepare an analysis and synthesis of relevant information as the basis for the first assessment and review. The interim national reports and the Clearing House should indeed be the key sources of such information. In addition, we would suggest that the Secretariat be enabled to identify and use additional sources of information, if necessary. For example, a targeted survey of ABS focal points or users could be useful to fill any particular gaps in the emerging picture. The aim should be to make the first assessment as meaningful as possible, despite the relatively short time that will have passed since the Protocol's entry into force.

We are content with the other steps in the process towards the first assessment, as they are laid out in the draft elements for the Decision.
